



**South Gippsland**  
*Shire Council*  
*Come for the beauty, Stay for the lifestyle*

# COUNCIL MINUTES

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**ORDINARY MEETING NO. 378  
WEDNESDAY 19 MARCH 2014  
COUNCIL CHAMBERS, LEONGATHA  
COMMENCED AT 2PM**

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**PRESENT:**

**Mayor:** Cr James Fawcett  
**Deputy Mayor:** Cr Jeanette Harding  
**Councillors:** Mohya Davies, Robert Newton, Lorraine Brunt, Nigel Hutchinson-Brooks and Don Hill.

**APOLOGIES:** Councillor Andrew McEwen and Councillor Kieran Kennedy.

**OFFICERS:**

<b>Tim Tamlin</b>	<b>Chief Executive Officer</b>
<b>Anthony Seabrook</b>	<b>Director Engineering Services</b>
<b>Jan Martin</b>	<b>Director Community Services</b>
<b>Phil Stone</b>	<b>Director Development Services</b>
<b>June Ernst</b>	<b>Director Corporate Services</b>
<b>David Roche</b>	<b>Governance Coordinator</b>
<b>Natasha Berry</b>	<b>Governance Officer</b>
<b>Bryan Sword</b>	<b>Manager Planning and Environmental Health</b>
<b>John Moylan</b>	<b>Manager Engineering and Projects</b>

## **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**

## **ORDINARY MEETING NO. 378 WEDNESDAY 19 MARCH 2014 COUNCIL CHAMBERS, LEONGATHA COMMENCED AT 2PM**

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



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## A.6 REQUESTS FOR LEAVE OF ABSENCE

**A Motion relating to requests for leave of absence were dealt with in item A.4 - Apologies.**

## 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.

**Councillor Fawcett declared an indirect conflict of interest in Council Reports Item E.9 - ADOPTION OF PLANNING SCHEME AMENDMENT C91 - REZONING OF SOUTH GIPPSLAND WATER OFFICE IN FOSTER as he has a conflicting duty in that he is a Director of South Gippsland Water owner of the land subject to rezoning.**

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.

**A Staff member involved in the preparation of Closed Session Item 1 Confidential Report – Contractual Matter has an indirect conflict of interest by way of close association to a listed sub-contractor for one of the tenderers. This disclosure was made to the Chief Executive Officer before evaluation of the tenders.**

**Noted.**

## 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.

**Nil**

## A.10 Councillor Reports

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**Cr Newton addressed Council by reporting on the Kongwak Pioneer Reserve and commented on the foresight of our forefathers in keeping and preserving land for future generations to benefit and enjoy. Cr Newton noted that the Kongwak Powlett Landcare group have undertaken works in conjunction with Council, these works are appreciated. Cr Newton reported that it was an honour to be part of this project as one of the main walking tracks is to be named after his Uncle Sam Miles. The opening will take place on Sunday 30 March, 2pm at Kongwak Pioneer Reserve.**

**Cr Newton noted that there Meeniyah Fire Brigade is opening at the same time and apologised for his inability to attend.**

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**Cr Fawcett left Meeting 2.11pm and returned 2.12pm.**

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**Cr Hill addressed Council regarding his attendance Mirboo North Idol an annual event conducted at the Mirboo North Pool, it was a successful event.**

**Cr Hill addressed Council regarding his attendance at the Mossvale Park Advisory Committee Meeting and submitted the minutes of this meeting.**

### Mossvale Park Advisory Group Meeting

**Held Thursday 23rd January, 2014  
at the shelter in Mossvale Park at 10.00 am.**

#### Minutes

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**Welcome:** Chair Suzanne opened the meeting at 10.15am

**Attendees:** Phil Piper, Coral Hughes, Don Hill, Dick Lester, Jeremy Curtis, Steve Missen, Suzanne Wightman, Jill Vella

**Apologies:** Rodney Emmerson, Jean Carnell, Dana Hughes. (Les and John Smallman were noted as absent and discussion about making sure they were sent notice of meetings and minutes occurred)

Sign Update: Jill, who tabled a 50% mock up of the sign to date. The history is basically finished with a few alterations suggested by the meeting. More prominence to the role of William Gould should be made. Dick will send Jill his info for reference and the proposed web site. An explanation of the dynamic ecosystem- the riparian flood plain could be included.

Sign writer report: Suzanne reported about our ability to have the signs printed as big stickers, which could be mounted under Perspex and updated fairly regularly as they are low cost. (~\$200.00)



Weed Day Reports: on the 3/11/2013 Suzanne and Phil reported that the Mardan MN Landcare group working bee pulled up hemlock (a risk assessment was prepared!) On 10/11/2013 Dick reported a working bee focussed on hemlock and ragwort, and cleaned up the area near the lone pine and the bunya and the plantation near the river.

The bank is hard to manage. Steve is having a contractor spray the bank with Grazon etc (next week) for blackberry and ragwort.

Report on trees planted: Rodney left a report.

Steve noted that the variegated tulip and 10 other plants were planted by Dave Trottman and crew including 3 on the hill, the sequoia, Manchurian pear near the lake, the swamp cypress and the Magnolia near the pony club site.

Steve has been on leave so is not up to date, but the invoice has been authorised for the trees.

Pony Club site: Rotary not interested at this time in helping with a shelter shed.

**General Business:**

Overtaking lane on Hwy could be accommodated on existing bitumen with the lines repainted.

Mossvale signs could be cleaned.

Sign on the 'from Mirboo North' direction is more visible now the trees have been cut back.

There could be signs with kms to Mossvale Park on them to facilitate the large amount of concert traffic at various times of the year. As this is an election year we could lobby the local candidate (currently Peter Ryan) for help with this matter.

Steve is waiting on a price for a shelter shed kit. - Lions are keen.

Concerts - Summer of Soul and Raw Vibes early this year.

Who should approach Lions? Steve will wait for capital works round. Graham Tuckett is the liason.

Jean Moir's plaque

Trees are being watered – one new one (maple) dead.

Seat up on hill – Steve says yes.

Tree down on Mossvale park road was cleared by Jeremy who noticed a blackberry which will be sprayed.

**Meeting closed: 11.15am**

Next meeting 10/4/2014 10.00am

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**Cr Hutchinson-Brooks addressed Council regarding his attendance at 40<sup>th</sup> Anniversary of Coal Creek Celebrations. The event was well attended, many who had been there at the beginning of Coal Creek in 1974 when it was a bare site with a few relocated buildings. There were many historical documents on display. Cr Hutchinson-Brooks highlighted that Coal Creek is an amazing environment and congratulations need to be extended to those who were involved in that day and anyone else who has been involved in its evolution.**

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**Cr Harding addressed Council regarding attendance at:**

- **40<sup>th</sup> Anniversary of Coal Creek celebrations and commented on the Friday evening event; an excellent theatrical performance depicting the history of Jumbunna, Korumburra and Outtrim. Cr Harding commented on what a polished performance it was and that it was a lovely way to learn about our local history, congratulations were extended to the musicians, actors and volunteers.**
- **South East Australian Transport Strategy (SEATS) in Paynesville and noted that attendance was beneficial.**

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**Cr Fawcett addressed Council regarding an incident that occurred at the last Council Meeting (26 February 2014) involving Cr Kennedy and Cr Brunt, there has been some press comment and a response in the Mayors Message. Cr Fawcett noted that he has been in discussion with Cr Kennedy and he has offered the following apology to Council, staff and community of South Gippsland:**

*“I, Cr Kennedy wish to unreservedly and sincerely apologise for my offensive behaviour towards Cr Brunt at a Meeting of Council on 26 February 2014. My behaviour was unacceptable and I intend, with the approval of Council, to take extended leave so that I may work on those issues and ensure such behaviour will not occur again.”*

**Cr Fawcett reiterated what was written in the Mayors message, that this behaviour is not acceptable; however there is a need to recognise that we do work in a stressful environment and at times some things are said that shouldn't be said. On behalf of Council Cr Fawcett accepted the apology.**

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

**Nil**

**SECTION C - COMMITTEE REPORTS**

**Nil**

## **SECTION D – PROCEDURAL REPORTS**

### **D.1 REPORT ON ASSEMBLY OF COUNCILLORS - FEBRUARY 2014**

Corporate Services Directorate

#### **EXECUTIVE SUMMARY**

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

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

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

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

Nil

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

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

#### **COUNCIL PLAN**

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

**REPORT**

<b>Meeting Title</b>	<b>Councillors Attending and Disclosures of Conflict of Interest</b>	<b>Topics Discussed</b>
<b>Wednesday 5 February 2014</b>		
<b>New Policy – Constructing Unmade Roads And Vehicle Crossovers</b>	<p><b>Councillors Attending:</b> Crs Davies, Hutchinson-Brooks, Harding, McEwen, Brunt and Kennedy.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• New policy - Constructing Unmade Roads And Vehicle Crossovers</li> </ul>
<b>Great Southern Rail Trail Black Spur – Engineering Report and Funding</b>	<p><b>Councillors Attending:</b> Crs Davies, Hutchinson-Brooks, Harding, Fawcett, McEwen, Brunt and Kennedy.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Options for the development of the Black Spur Section of the Great Southern Rail Trail</li> </ul>
<b>Rezoning Of 951 Yannathan Road And The Wallis Watson Land (30 Glovers Road And 379 Lang-Lang Poowong Road, Nyora) From Farm Zone To General Residential Zone</b>	<p><b>Councillors Attending:</b> Crs Davies, Hutchinson-Brooks, Harding, Fawcett, McEwen, Brunt and Kennedy.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Councillors were provided information on the proposed rezoning from Farm to General Residential Zone</li> </ul>
<b>Planning Scheme Amendment C92 – Volunteer Heritage Overlay</b>	<p><b>Councillors Attending:</b> Crs Davies, Harding, Fawcett, McEwen, Brunt and Kennedy.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Background information for 17 properties to be considered for Planning Scheme Amendment C92 Heritage Overlay</li> </ul>
<b>Council Plan Actions and Council Timetable for Feb / March 2014</b>	<p><b>Councillors Attending:</b> Crs Davies, Harding, Fawcett, McEwen, Brunt and Kennedy.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Council Plan Actions and Council Timetable for Feb / March 2014</li> </ul>

<b>Meeting Title</b>	<b>Councillors Attending and Disclosures of Conflict of Interest</b>	<b>Topics Discussed</b>
<b>Wednesday 5 February 2014</b>		
<b>Rating Strategy Steering Committee - Update</b>	<p><b>Councillors Attending:</b> Crs Davies, Harding, Hill, Fawcett, Newton, McEwen, Brunt and Kennedy.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Councillors updated on the progress of the committee and informed of the forthcoming presentation of Rating Strategy Discussion paper at Special Meeting of Council on 13 February 2014</li> </ul>
<b>Strategic Land Review Assessment Matrix</b>	<p><b>Councillors Attending:</b> Crs Davies, Hill, Harding, Fawcett, Newton, McEwen, Brunt and Kennedy.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Proposed Strategic Land Evaluation and Engagement Matrix</li> </ul>
<b>Councillor / CEO session</b>	<p><b>Councillors Attending:</b> Crs Davies, Hutchinson-Brooks, Harding, Fawcett, McEwen, Brunt and Kennedy.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Priority Projects 2014</li> <li>• Councillors /CEO session scheduling</li> <li>• Councillor basic tool kit</li> </ul>
<b>Executive Updates</b>	<p><b>Councillors Attending:</b> Crs Davies, Hill, Hutchinson-Brooks, Harding, Fawcett, Newton, McEwen, Brunt and Kennedy.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Update – Destination Gippsland</li> <li>• Update – Leongatha Railway Land</li> <li>• Social Media Conference</li> <li>• Nyora Development Presentation</li> <li>• Social Community Infrastructure Project</li> <li>• Update – Childcare Services Gippsland</li> </ul>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
<b>Wednesday 12 February 2014</b>		
<b>Economic Development and Tourism Steering Committee</b>	<p><b>Councillors Attending:</b> Crs Hutchinson-Brooks, Davies, Kennedy and Harding.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Revisions to the Economic Development and Tourism Strategy</li> <li>• Action Plan development</li> <li>• Community consultation process</li> </ul>
<b>Community Engagement and Evolving Vision Steering Committee</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Davies, Newton, Kennedy, Hutchinson-Brooks, Harding and Brunt.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Revised draft Community Engagement Policy, Plan and Matrix following internal feedback.</li> <li>• Community Workshop results</li> <li>• Market Research</li> <li>• Roads Campaign results</li> </ul>
<b>Review of Caravan Parks Steering Committee</b>	<p><b>Councillors Attending:</b> Crs Davies, Cr Harding, Cr Kennedy, Cr Fawcett, Cr Hutchinson-Brooks.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Emergency Management Plan</li> <li>• Risk Assessments</li> <li>• Occupational Health &amp; Safety</li> <li>• Department of Environment and Primary Industries</li> </ul>
<b>Financial Sustainability Steering Committee</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Davies, Harding, Newton, Kennedy, Hutchinson-Brooks, Brunt and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Asset renewal – base starting point</li> <li>• Environmental Waste levy</li> <li>• Council Budget and service reviews</li> </ul>
<b>Social Community Infrastructure Committee</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Davies, Brunt and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Consultant brief and future works schedule</li> <li>• Infrastructure Audit surveys – update on progress</li> <li>• Population information for seasonal and weekend particularly coastal areas</li> </ul>
<b>Thursday 13 February 2014</b>		
<b>Toora Community Celebration Planning</b>	<p><b>Councillors Attending:</b> Cr Harding</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Proposed celebration</li> <li>• Avenue of Honour</li> <li>• Toora Community Plan</li> </ul>



Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
<b>Wednesday 19 February 2014</b>		
<b>Section 86 – Corner Inlet Seawalls</b>	<p><b>Councillors Attending:</b> Crs Davies, Hutchinson-Brooks, Harding, Fawcett, Newton, Brunt and McEwen.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Update on outcome of a Ministerial response to the Environment and Natural Resources Committee (ENRC) Inquiry into Rural Drainage</li> <li>• Responsibility of management of drainage areas</li> </ul>
<b>Review of Swimming Pool Management in the Shire</b>	<p><b>Councillors Attending:</b> Crs Davies, Hutchinson-Brooks, Harding, Fawcett, Newton, Brunt, McEwen and Kennedy.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Future management of Pools in the South Gippsland Shire</li> </ul>
<b>Roadside Weed Management</b>	<p><b>Councillors Attending:</b> Crs Davies, Hutchinson-Brooks, Harding, Fawcett, Newton, Brunt, McEwen and Kennedy.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Weed control funding</li> <li>• Roadside weed survey</li> <li>• Roadside weed management plan</li> <li>• Weed control works</li> </ul>
<b>S223 Hearing of Submissions – Local Law 1 and 2</b>	<p><b>Councillors Attending:</b> Crs Davies, Hill, Hutchinson-Brooks, Harding, Fawcett, Newton, Brunt and McEwen.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b> A submission was made to Council by Ms Durance and Mr Stephens.</p>
<b>OPEN SESSION</b>		
<b>Executive Update</b>	<p><b>Councillors Attending:</b> Crs Davies, Hill, Hutchinson-Brooks, Harding, Fawcett, Newton and Brunt.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• National General Assembly – call for motions</li> <li>• Rail Freight Development Presentation</li> <li>• Councillors basic tool kit</li> <li>• Local Law submissions</li> <li>• Corner Inlet Tourism Development Tour with RDA</li> <li>• Correspondence regarding MAV Draft position paper</li> </ul>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
<b>Wednesday 19 February 2014</b>		
<p><b>Gippy Ride Share – Update</b></p> <p><b>OPEN SESSION</b></p>	<p><b>Councillors Attending:</b> Crs Davies, Hill, Hutchinson-Brooks, Harding, Fawcett, Newton, Brunt and McEwen.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Update Gippy Ride Share Trial project.</li> <li>• Encouragement of community to consider using ride share instead of single occupant travel.</li> </ul>
<p><b>Public Presentations</b></p> <p><b>OPEN SESSION</b></p>	<p><b>Councillors Attending:</b> Crs Davies, Hill, Hutchinson-Brooks, Harding, Fawcett, Newton, Brunt, Kennedy and McEwen.</p> <p><b>Conflict of Interest:</b> Cr Newton indicated that he may have a conflict of interest in the Recreational Vehicle Strategy item.</p>	
<p><b>Presentations were made to Council by the following community members:</b></p>		
<p><b>Mr Noel Gregg, president and Mr Clint Newcomb, representing Recreation Reserve Committee of Management</b> regarding the Poowong Recreation Reserve Master Plan.</p>		
<p><b>Mr Ken Cecil, president and Ms Judith Nicholl, treasurer representing Korumburra Bowls Club</b> presented the Korumburra Bowls Club Development Plan.</p>		
<p><b>Ms Rachael Brown, representing Toora Tourist Park</b> regarding Council's draft Recreational Vehicle Strategy.</p>		
<p><b>Ms Elizabeth White, Chief Executive Officer Victorian Caravan Parks Association</b> regarding Council's draft Recreational Vehicle Strategy.</p>		
<p><b>Mr Keith Moxham, Director / State Rep of Campervan and Motorhome Club of Australia (CMCA)</b> regarding Council's draft Recreational Vehicle Strategy.</p>		
<p><b>Mr Overmess</b> regarding the amenity of some properties in Leongatha.</p>		
<p><b>Mr Paul Norton</b> regarding Planning permit Holcim, National Broadband Network (NBN), car park leasing in Apex Park and South Gippsland Water permit. A question relating to car park lease was taken on notice and a response has been provided below.</p>		
<p><i>“21-23 Bair Street, Leongatha is part of Crown Land, vested in Vic Track. Any future development of this area would take into account the requirement and appropriate location for access and egress into the Railway site by pedestrians. Council can control the use during any redevelopment process, and therefore a Section 173 Agreement would not be required.”</i></p>		

<b>Meeting Title</b>	<b>Councillors Attending and Disclosures of Conflict of Interest</b>	<b>Topics Discussed</b>
<b>Wednesday 19 February 2014</b>		
<b>Councillor/ CEO session</b>	<p><b>Councillors Attending:</b> Crs Davies, Hill, Hutchinson-Brooks, Harding, Fawcett, Newton, Brunt and McEwen.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Organisational structure review</li> </ul>
<b>Executive Update</b>	<p><b>Councillors Attending:</b> Crs Davies, Hill, Hutchinson-Brooks, Harding, Fawcett, Newton, Brunt and McEwen.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Relief Centre Support for La Trobe City Council</li> <li>• Dog Attacks Incidents – trend update</li> <li>• Site visit</li> <li>• Planning Application</li> <li>• Enforcement – vegetation removal</li> </ul>
<b>Thursday 20 February 2014</b>		
<b>Municipal Emergency Management Planning Committee</b>	<p><b>Councillors Attending:</b> Cr Hutchinson-Brooks</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• ESSO Consultation</li> <li>• Training Exercise</li> <li>• Single Incident Notifications</li> <li>• Spontaneous Volunteers – management of process</li> <li>• Adoption of Animal Welfare Emergency Plan</li> <li>• Review of Heatwave Plan – Working Group</li> <li>• CFA – Fires in the Current Situation</li> <li>• MEMEG Relief &amp; Recovery Project Update</li> <li>• Agency Reports</li> </ul>
<b>Municipal Fire Management Planning Committee</b>	<p><b>Councillors Attending:</b> Cr Hutchinson-Brooks</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• FARSS project – Bena Tank</li> <li>• Roadside Slashing – VicRoads</li> <li>• Local Laws Amendment – Open air burning</li> <li>• Committee participation and direction of the MFMPC</li> </ul>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
<b>Wednesday 26 February 2014</b>		
<b>Council Agenda Topics 26 February 2013</b>	<b>Councillors Attending:</b> Crs Hutchinson-Brooks, Harding, Fawcett, Newton, Brunt, McEwen and Kennedy.  <b>Conflict of Interest:</b>  Nil disclosed.	<b>Topics Discussed:</b> <ul style="list-style-type: none"><li>• Council Agenda Topics 26 February 2014</li></ul>
<b>Public Presentation Session</b>	<b>Councillors Attending:</b> Crs Hutchinson-Brooks, Harding, Fawcett, Brunt, McEwen and Kennedy.	
<b>OPEN DAY SESSION</b>	<b>Conflict of Interest:</b>  Cr Fawcett left the room with a declared indirect conflict of interest in that he has a conflicting duty as he is a director of South Gippsland Water.	
<b>Presentations were made to Council by the following community members:</b>		
<b>Mr Bernard Collins, from Beveridge Williams representing Wallis Watson</b> regarding Council Agenda Item E.7 PLANNING SCHEME AMENDMENT C97 - REZONING AND DEVELOPMENT PLAN OVERLAY AT 951 YANNATHAN ROAD, 30 GLOVERS ROAD AND 379 LANG-LANG POOWONG ROAD, NYORA.		
<b>Mr David Amor</b> regarding Council Agenda Item E.9 PLANNING SCHEME AMENDMENT C93 - KORUMBURRA TOWN CENTRE FRAMEWORK PLAN, Shire Boundaries, Fire Hazard Properties in Korumburra, cleaning up of Korumburra Saleyards and other associated land in Korumburra and leaking dams in Korumburra. A number of questions were taken on notice.		
<b>Mr Gary Wallis</b> regarding Council Agenda Item Council Agenda item E.11 PLANNING SCHEME AMENDMENT C80 'SAFE, HEALTHY AND ACTIVE COMMUNITIES' ADOPTION.		
<b>Mr Paul Norton</b> regarding rail land car park lease and locating road materials (dump).		

<b>Meeting Title</b>	<b>Councillors Attending and Disclosures of Conflict of Interest</b>	<b>Topics Discussed</b>
<b>Wednesday 26 February 2014</b>		
<b>Executive Updates</b>	<p><b>Councillors Attending:</b> Crs McEwen, Newton, Fawcett, Harding, Hutchinson-Brooks and Davies.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Planning matter</li> <li>• Waste and Resource Recovery Governance Reform</li> <li>• Fires Latrobe Valley</li> <li>• Valuations at South Gippsland Shire</li> </ul>
<b>Council Agenda Topics 26 February 2013</b>	<p><b>Councillors Attending:</b> Crs Davies, Hill, Hutchinson-Brooks, Harding, Fawcett, Newton, Brunt, McEwen and Kennedy.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Council Agenda Topics 26 February 2014</li> </ul>
<b>Thursday 27 February 2014</b>		
<b>Financial Sustainability Steering Committee and Executive Update</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Davies, Hill, Hutchinson-Brooks, Harding, Newton, Kennedy, McEwen and Brunt.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Service Level Reviews</li> <li>• Uniting Care Children's Service Update</li> </ul>
<b>Rating Strategy Steering Committee</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Hill and Brunt.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Development of draft rating strategy principles and land categories to inform the draft Rating Strategy</li> <li>• Consideration given to new models arising from previous discussions on the principles</li> </ul>
<b>Korumburra Round Table</b>	<p><b>Councillors Attending:</b> Crs McEwen, Brunt and Newton.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Terms of Reference</li> <li>• Role of Korumburra Round Table</li> <li>• Communication method and strategy</li> <li>• Guest Speaker – Council's Social Planning Officer</li> </ul>

**RECOMMENDATION**

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

**STAFF DISCLOSURE OF INTEREST**

**Nil**

**MOVED: Cr Newton**

**SECONDED: Cr Davies**

**THAT THE RECOMMENDATIONS IN ITEMS D.1, D.2 AND D.3 BE  
ADOPTED.**

**CARRIED UNANIMOUSLY**

## **D.2 COUNCILLOR DISCRETIONARY FUND ALLOCATION REPORT**

Corporate Services Directorate

### **EXECUTIVE SUMMARY**

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

This report details Councillors allocations for the period between 30 January 2014 and 26 February 2014.

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

Councillor Discretionary Fund Policy 2009

### **COUNCIL PLAN**

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

### **REPORT**

The following applications have been allocated funding from the Councillor's 2013 / 2014 Discretionary Fund for the period between 30 January 2014 and 26 February 2014:

- Foster and District Historical Society: To assist with costs of replacing and upgrading three community information signs located within Pearl Park.  
  
Cr Mohya Davies - \$300  
  
Cr Jeanette Harding - \$200
- Mount Best Community Hall: Purchase of new Dyson Vacuum Cleaner for the hall.  
  
Cr Mohya Davies - \$100  
  
Cr Jeanette Harding - \$200  
  
Cr Nigel Hutchinson-Brooks - \$100

- Foster Primary School: Sponsorship for the Foster Primary School Fete "Why I Love Where I Live" exhibition.

Cr Mohya Davies - \$300

Cr Jeanette Harding - \$100

- Foster Football Club: To assist with costs of watering the oval at the Foster Showgrounds.

Cr Mohya Davies - \$100

Cr Jeanette Harding - \$150

Cr Kieran Kennedy - \$80

Cr James Fawcett - \$200

Cr Don Hill - \$200

Cr Nigel Hutchinson-Brooks - \$200

- Foster Senior Citizens: To assist with costs of the 40th birthday of the Foster Senior Citizens to be celebrated on 3 October 2014.

Cr Mohya Davies - \$300

Cr Jeanette Harding - \$100

Cr James Fawcett - \$100

Cr Nigel Hutchinson-Brooks - \$100

Mayoral (Cr Fawcett) - \$100

- Tour De Tarwin Inc.: To assist with costs of hiring an electric generator for the Tour De Tarwin 2014.

Cr Kieran Kennedy - \$420

- Pound Creek Fire Brigade: Sponsorship towards the annual Australia Day Celebrations.

Cr Lorraine Brunt - \$100

Cr Robert Newton - \$100

Cr Andrew McEwen - \$100

- Meeniyan Art Gallery: To assist with the costs of replacing a Laptop computer and to purchase a printer to assist with administration duties for the Gallery.



Cr Lorraine Brunt - \$333

Cr Robert Newton - \$333

Cr Andrew McEwen - \$334

- Korumburra & District Agricultural & Pastoral Society Inc.: Sponsorship for prizes and promotion of the cattle section of the Korumburra Show 2014.

Cr Robert Newton - \$300

- Mirboo North Golf Club: Sponsorship towards the South Gippsland Shire Australia Day Open (Golf event).

Cr James Fawcett - \$100

Cr Don Hill - \$200

Cr Nigel Hutchinson-Brooks - \$100

- Fish Creek Kindergarten: To assist with costs of purchasing IT equipment and software for an outdoor interactive classroom site.

Cr James Fawcett - \$300

Cr Don Hill - \$200

Cr Nigel Hutchinson-Brooks - \$200

- The Varli Blake Family Appeal: To assist with the costs of hiring the Leongatha Memorial Hall for fundraising auction evening for the Varli Blake Family Appeal on Saturday 15 March.

Cr James Fawcett - \$100

Cr Don Hill - \$100

Cr Nigel Hutchinson-Brooks - \$100

Cr Robert Newton - \$100

Mayoral (Cr Fawcett) - \$100

- Leongatha Art and Craft Society Inc. To assist with costs associated with purchasing a sign to promote disability access.

Cr James Fawcett - \$215

Cr Don Hill - \$100

Cr Nigel Hutchinson-Brooks - \$300

- Mirboo North Swimming Pool Committee: Sponsorship for prizes in the Primary and Secondary Open Section of the Mirboo North Idol.

Cr Don Hill - \$1,000

### **FINANCIAL CONSIDERATIONS**

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

### **CONCLUSION**

The remaining balances of Councillor Discretionary Funds for the 2013/14 Financial Year as at the 26 February 2014 is as follows:

- Cr Mohya Davies - Nil
- Cr Jeanette Harding - \$500
- Cr Kieran Kennedy - \$500
- Cr Lorraine Brunt - \$2,417
- Cr Robert Newton - \$1,457
- Cr Andrew McEwen - \$2,316
- Cr James Fawcett - \$1,479
- Cr Don Hill - \$1,019
- Cr Hutchinson-Brooks - \$1,719
- Mayoral Fund - Nil

### **RECOMMENDATION**

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

### **STAFF DISCLOSURE OF INTEREST**

Nil

**NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 19.**

### **D.3 DOCUMENTS SEALED AND CONTRACTS AWARDED UNDER CHIEF EXECUTIVE OFFICER DELEGATION - FEBRUARY 2014**

Corporate Services Directorate

#### **EXECUTIVE SUMMARY**

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

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

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

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

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

#### **COUNCIL PLAN**

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

## **REPORT**

### **Documents Sealed**

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

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

In accordance with the Local Law, the following are presented to Council as documents sealed in the month of February 2014.

1. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 590 Old Leongatha Road Kardella relating to a subdivision with no further subdivision to be allowed - Seal Applied 11 February 2014.
2. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 16 Constance Crescent Venus Bay relating to a single dwelling and vegetation removal - Seal Applied 11 February 2014.
3. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 13 Satellite Crescent Venus Bay relating to development of a single dwelling under the Bushfire Management Overlay - Seal Applied 12 February 2014.
4. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 28 Townsend Street Port Welshpool relating to construction of a new building (dwelling) and carry out works, including native vegetation removal, under Environmental Significance Overlay – Schedule 3 – Coastal Areas - Seal Applied 21 February 2014.
5. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 10 Pluto Drive Venus Bay relating to a single dwelling and shed - Seal Applied 21 February 2014.
6. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 36-38 McIndoe Avenue Venus Bay relating to development of the land for a single dwelling - Seal Applied 25 February 2014.
7. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 27 Centre

Road Venus Bay relating to development of the land for a dwelling and removal of native vegetation - Seal Applied 25 February 2014.

8. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 185 Simons Lane Leongatha South relating to a 17 lot subdivision - Seal Applied 25 February 2014.

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

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

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

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

No contracts have been awarded under the Chief Executive Officer's delegation for the month of February 2014.

### **RECOMMENDATION**

**That Council note this report.**

### **STAFF DISCLOSURE OF INTEREST**

Nil

**NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 19.**

## **SECTION E - COUNCIL REPORTS**

### **E.1 REVIEW OF SWIMMING POOL MANAGEMENT**

Community Services Directorate

#### **EXECUTIVE SUMMARY**

Council currently contributes over \$780,000 per annum to the operations of six aquatic facilities in the Shire under a range of different contract arrangements. The various contracts for the operation of pools expire on 30 June 2014.

This report considers the management options for aquatic facilities and recommends combining all pools under a single management contract (excluding Toora) as the preferred future management option.

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

- **Confidential Appendix 1** - Review of Swimming Pool Management

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

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

Strategic Direction for Aquatic Facilities in South Gippsland February 2012

#### **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:	3.1.6	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**

Detailed investigation of aquatic facility operations at the other five Gippsland local municipalities has been undertaken. This has included site visits to facilities in Baw Baw, Latrobe City, Wellington and East Gippsland.

- All Councils that have taken aquatic facility management in house have experienced a range of extra expense in the set up phases of internal management. In the case of East Gippsland the local government took on management of the service due to insolvency of the contractor and inadequate number of external providers willing to provide the service.

- Consultation has been undertaken with Council's Finance and Human Resources departments to get accurate costing on staffing of this service if taken on by Council. Modelling has been developed to 2018/19.
- Council was provided with a briefing in February 2014 on the options for management of Council owned aquatic facilities.

## **REPORT**

### **Background**

Council provides six swimming pools for public use in South Gippsland, five outdoor seasonal pools and one full year indoor aquatic centre. All five outdoor pools were established by local communities during the 1950's and 1960's, and all have had a high level of direct community engagement in provision of the swimming pool services since inception. There are currently Section 86 Committees in place at Toora, Foster, Korumburra and Mirboo North. Due to contract arrangements, Korumburra is the only committee that plays a role in the management of the centre.

This gradual move away from full local autonomy to Council supervision of pools has led to Council now holding five separate contracts for the delivery of aquatic services.

This complex management arrangement has led to inconsistency in levels of service across the Shire, and requires significant time to manage. This system also impacts on the work of the Council's Property Department, in managing maintenance and infrastructure repairs impacted by the range of separate contracts and contractors to deal with.

### **Discussion**

Contracts for the operation of pools expire on 30 June 2014. Some of the existing contracts contain the option to extend contracts for additional three year periods.

The aligned expiry point of all these contracts provides the opportunity to review the existing management arrangements and determine the most appropriate cost effective and efficient future model.

### **Options**

Five models for future management of the pools have been costed and evaluated. Details of each model are contained in this report.

All models assume management at Toora by the current contractors Carol and Ernie Bennett. Contract performance reviews, regular customer feedback and a recent pool user satisfaction survey indicate the current contractors have a strong working knowledge of this facility, achieve a high level of customer satisfaction and consistently deliver good outcomes for Council and

the community. Changing the management model for Toora pool at this stage is not recommended.

The existing contract for Toora pool contains a three year extension option. Based on contract performance, community feedback and considering value for money, utilising this contract extension option is recommended.

Five management options have been investigated and are discussed below.

Options 1, 3 and 5 assume current service levels. Option 2 and 4 are based on a reduction in current service levels through increasing the opening temperature to 26 degrees. This would not apply to program / school bookings or operating of events such as swimming carnivals which are provided at full cost recovery.

Future management options:

1. Council operated at existing service levels.
2. Council operated at reduced service levels (by increasing the minimum operating temperature and consequently reducing opening days).
3. Contractor operated under new consolidated single contract at current service levels.
4. Contractor operated under new consolidated single contract at reduced service levels (by increasing the minimum operating temperature and consequently reducing opening days).
5. Continuation of current arrangements at current service levels.

Under any of options 1 to 4 the delegations of the Section 86 Special Committees will need to alter as the duties of these committees will need to align with those undertaken by the contractors or Council directly. Under Option 5 there would only be a need for such a committee at Korumburra.

Some members of the community may not agree to changes to Section 86 Special Committees of Management for Pools.

### **Proposal**

Following the evaluation of the financial implications and attributes of each option, contracting the management and operation of the pools is the recommended model for Council.

Consolidating the management and operation of all pools, excluding Toora, to a single contract is the most cost effective and efficient method to provide the service. Advantages of bringing five pools into one contract include the potential for a contractor to gain savings by consolidating management and administration costs, make savings in purchase of materials and equipment through bulk purchasing.



A consolidated contract also creates the opportunity for the contractor to develop a larger and more experienced workforce focused on South Gippsland aquatic facilities, and develop career opportunities for staff locally.

Ongoing increases to energy, water, staffing, insurance and management costs will impact on the cost of the new contract. To deliver the same service level it is anticipated that the new contract cost could increase by up to 10%. However reducing the existing service level would reduce these costs.

Under the existing service levels the outdoor pools are open based on the forecast temperature of between 21 degrees (Mirboo North) and 23 degrees (Poowong, Foster and Korumburra). This arrangement has seen the pools open approximately 90 days over a 100 day season.

Increasing the minimum opening temperature to 26 degrees would reduce the pool opening to approximately 70 days per season. Daily attendance figures from 2012/13 and corresponding temperature data indicate significantly lower attendance to the outdoor pools on days of less than 26 degrees. The proposed change is unlikely to reduce income significantly, but will result in considerable staff cost savings.

Under the existing contracts and historical arrangements there are differences in the service provided at each venue. In particular the variations relate to opening hours, opening temperature triggers and the number of free community events. Combining the operation of the majority of the pools under one contract and establishing a consistent service level across all venues will ensure equity in the provision of aquatic facilities across the municipality.

## **FINANCIAL CONSIDERATIONS**

The cost to implement the management options contained within this report range from \$778,000 to \$882,000. The long term financial plan contains provision for the management of Councils aquatic assets.

There are also considerable investments required annually in aquatic facility maintenance and equipment replacement. There are allowances for these works contained in the long term financial plan, but the overall cost to Council for providing the aquatic services is substantial. Opportunities to deliver an acceptable service but at a reduced cost need to be explored, and the recommendation provides an opportunity to make some reduction in cost to Council for this service.

## **RISK FACTORS**

There are risks associated with any of the options considered within this report. The primary risks associated with a single contract for all venues, excluding Toora, and mitigation measures are detailed in the table below.

Risk	Mitigation Measures
Contract lacks the flexibility to allow Council to alter service if desired.	Contract specification will be written to allow flexibility for Council to alter service level. The specifications will allow for a change in the number of outdoor pool sites, length of season and change in opening hours.
Negative impact on Councils image due to the actions of contractor.	Contract specification to clearly identify performance standards required.
Changes to Section 86 Committee delegations not supported by community / committee.	Engage with local community regarding opportunities for volunteers to support their local pool.
Attracting suitable contractor	Having majority of pools under single contract provides the best opportunity to attract interest in the tender.

## CONCLUSION

Consolidating operations of Council pools other than Toora into a single contract provide an opportunity for Council to provide more efficient and equitable aquatic services. The savings that will be realised through a Council-operated model compared to a contracted out service are not significant.

If the overall cost of pool operations is to be reduced then it will need to be achieved through a reduction in service levels. One immediate opportunity to change service levels without major impact on pool users is for the opening temperature to be raised from 23 degrees to 26 degrees at the Foster, Korumburra, Poowong and Mirboo North Pools

## NEXT STEPS

Develop and implement a Communication Plan to explain the proposed changes to aquatic facility management, and the opportunities for community volunteers;

Develop and advertise contract for provision of aquatic services;

Provide a report to Council on preferred contractor;

Provide a report to Council on changes to the Instruments of Delegation for Mirboo North, Foster, Korumburra and Toora swimming pool committees.

## **RECOMMENDATION**

That Council:

1. Invite tenders for the operation of all Council aquatic facilities excluding Toora;
2. Increase the opening temperature for outdoor facilities other than Toora to a minimum 26 degrees , with nominal season remaining 1 December to Labour Day;
3. Offer E and C Bennett a one three year extension to operate the Toora Pool as per provisions of the current contract, SGC12/02 Management and Operation of the Toora Outdoor Swimming Pool, subject to a revised three year pricing being satisfactory to Council;
4. Communicate directly with the respective pool committees and key user groups about the proposed changes to aquatic facility management; and
5. Request a future report on proposed changes required to the Instruments of Delegation to the Section 86 Special committees established for Mirboo North, Foster, Toora and Korumburra Swimming pools.

## **STAFF DISCLOSURE OF INTEREST**

Nil

**MOVED: Cr Hutchinson-Brooks**

**SECONDED: Cr Fawcett**

**THAT COUNCIL:**

- 1. INVITE TENDERS FOR THE OPERATION OF ALL COUNCIL AQUATIC FACILITIES EXCLUDING TOORA;**
- 2. INCREASE THE OPENING TEMPERATURE FOR OUTDOOR FACILITIES OTHER THAN TOORA TO A MINIMUM 26 DEGREES , WITH NOMINAL SEASON REMAINING 1 DECEMBER TO LABOUR DAY;**
- 3. OFFER E AND C BENNETT A ONE THREE YEAR EXTENSION TO OPERATE THE TOORA POOL AS PER PROVISIONS OF THE CURRENT CONTRACT, SGC12/02 MANAGEMENT AND OPERATION OF THE TOORA OUTDOOR SWIMMING POOL, SUBJECT TO A REVISED THREE YEAR PRICING BEING SATISFACTORY TO COUNCIL;**
- 4. COMMUNICATE DIRECTLY WITH THE RESPECTIVE POOL COMMITTEES AND KEY USER GROUPS ABOUT THE PROPOSED CHANGES TO AQUATIC FACILITY MANAGEMENT; AND**
- 5. REQUEST A FUTURE REPORT ON PROPOSED CHANGES REQUIRED TO THE INSTRUMENTS OF DELEGATION TO THE SECTION 86 SPECIAL COMMITTEES ESTABLISHED FOR MIRBOO NORTH, FOSTER, TOORA AND KORUMBURRA SWIMMING POOLS.**

**CARRIED**

**For: Crs Brunt, Davies, Fawcett, Harding and Hutchinson-Brooks.**

**Against: Crs Hill and Newton.**

**E.2 APPLICATIONS TO THE PUTTING LOCALS FIRST PROGRAM - GREAT SOUTHERN RAIL TRAIL - BLACK SPUR SECTION (STAGE ONE AND TWO) DEVELOPMENT**

Corporate Services Directorate

**EXECUTIVE SUMMARY**

This report is to seek Council endorsement and an allocation of funding to support two applications to the Regional Development Victoria (RDV) Putting Locals First Program (PLFP) - Improved Local Infrastructure for the development of stage one and two of the Great Southern Rail Trail (GSRT) Black Spur Section.

The total cost for stage one is \$1.04m. The total cost of stage two is \$750,000. The breakdown for funding required to meet the project costs is as follows:

<b>Funding</b>	<b>Stage 1</b>	<b>Stage 2</b>
Advancing Country Towns (ACT)	\$290,000	Nil
Putting Locals First Program (PLFP)	\$500,000	\$500,000
Council contribution	\$250,000	\$250,000
<b>Total</b>	<b>\$1,040,000</b>	<b>\$750,000</b>

**INTERNAL POLICIES / STRATEGIES / DOCUMENTS**

- Priority Projects for Support 2013
- Great Southern Rail Trail - Rail Trail and Bridge Infrastructure Report 2011
- Corner Inlet Tourism Development Project - Economic Impact Study Report 2012
- Level 2 Inspection - Timber Rail Bridges Koonwarra 2013
- Black Spur Railway Bridges - Structural Report 2014

**COUNCIL PLAN**

Outcome: 1.0 A Prosperous Shire  
 Objective: 1.2 Raise the awareness of local and regional issues with State and Federal decision makers  
 Strategy: 1.2.2 We will advocate for priority projects that assist in stimulating economic growth, agricultural development, tourism infrastructure and community facilities.

## **CONSULTATION**

A Briefing was presented to Council on 5 February 2014 outlining the investigation results into the integrity of the three existing rail trestle bridges along the Black Spur section. The aim of this investigation was to assess the suitability of these old structures for use as part of the GSRT. The briefing presented to Council the realistic options for the development of the Black Spur Section of the GSRT with the recommendation of partially remediating the existing bridges for the Black Spur section. This option will also provide the optimum community outcome in terms of preserving and enhancing a significant heritage asset in the area.

This project has been developed in consultation with GSRT Committee of Management, ACT Steering Committee and the Department of Environment and Primary Industries (DEPI).

Preliminary discussions have also taken place with RDV in relation to funding opportunities.

## **REPORT**

### **Background**

The Black Spur section (stage one and two) will be the last remaining element of the GSRT to be constructed once the current section from Toora to Welshpool is completed later in 2014. This is the 2.6 km missing link between Koonwarra and Minns Road near Meeniyah, which would ultimately create a seamless 69 km trail from Leongatha to Port Welshpool.

Community consultation over many years has identified the break at the Black Spur and the resultant need to eliminate the hazardous route along the South Gippsland Highway for walkers and riders by the construction of this link.

This is one of the projects included in Council's 'Priority Projects for Support' June 2013 document. Currently \$340,000 has been allocated to this project under the Advancing Country Towns (ACT) program, with \$50,000 of this allocated to the design and planning requirements in preparation for an application. The balance of \$290,000 will be used to support the grant application for stage one. The ACT funding must be expended by May 2015.

The ACT Lower Tarwin District Project has endorsed a project initiative to build the Black Spur section of the GSRT and by doing so, capture the economic and social benefits outlined in a report commissioned by Council in 2011 by consultants SGS Economics and Planning. The estimated annual benefit of this project is \$1,965,079 giving a payback period of 1.2 years for an asset life of 20 years based on the original estimate of \$2.38m.

Source of Stimulus	Initial
<b>Construction Phase</b>	
Total Economic Stimulus from Construction (3 Year Period)	
Output	\$ 2,906,000
<b>Operating Phase</b>	
Annual Economic Stimulus from Increased Visitor Expenditure	
Output (Tourism)	\$ 3,107,177
<b>Construction Phase - Missing Section</b>	
Additional Economic Stimulus from Construction (4 Year Period)	
Output	\$ 2,381,860
<b>Operating Phase - Missing Section</b>	
Annual Economic Stimulus from Increased Visitor Expenditure	
Output (Tourism)	\$ 1,965,079

### Putting Locals First Fund

The Putting Locals First Program (PLFP) component of the Regional Growth Fund (RGF) is a \$100 million initiative designed to enable regional communities to devise and deliver service and infrastructure responses which reflect local priorities.

The PLFP supports stronger and more sustainable regional communities by building their capacity to drive development in their region. The program is administered by Regional Development Victoria (RDV) regional offices to achieve the following primary outcomes:

- Improved infrastructure, facilities and services;
- Increased business and employment opportunities;
- Improved community connections; and
- Communities taking action on their own behalf.

### Discussion

Endorsement is being sought from Council to allocate funding of \$250,000 (stage one) and \$250,000 (stage two) in 2014/2015 to support two applications to the PLFP for development of the GSRT Black Spur section. The total cost is estimated at \$1.79m (Stage One \$1.04m and Stage Two \$750,000).

The diagram below illustrates the proposed works. Stage one is for the development from the Koonwarra end of the missing link to the end of bridge two. It will facilitate access to a picnic area destination beside the middle trestle bridge where trail users could see this historic bridge from a better viewing perspective. Stage Two will be for the construction of the final link of the Black Spur Section of the GSRT.



\$2.9m of works are currently being undertaken to extend the GSRT from Foster to Welshpool. Completion of both stages of the Black Spur section will create a seamless 69km trail from Leongatha to Port Welshpool.



## Proposal

It is recommended, that Council endorses the applications to the PLFP and allocate \$250,000 for stage one and \$250,000 for stage two from the Council budget 2014/2015 to cover Council's contribution and provide the resources to deliver the project if the grant is successful.



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## FINANCIAL CONSIDERATIONS

PLFP funding is a maximum 2:1 contribution for requests over \$300,000. The maximum funding available through the PLFP is \$500,000. The breakdown of the projects is as follows:

Funding	Stage 1	Stage 2
Advancing Country Towns (ACT)	\$290,000	Nil
Putting Locals First Program (PLFP)	\$500,000	\$500,000
Council contribution	\$250,000 (2014/2015)	\$250,000 (2014/2015)
Total	\$1.04m	\$750,000

ACT funding is already committed for the stage one application. Council's Capital Works Program will be reviewed to ensure that adequate funds are available for Council's contribution for both stages of the GSRT Black Spur Section Development project.

The estimated total cost of the optimistic project is between \$1.7m and \$2.1m. Should the project costs exceed this; additional funds have been identified in the forward capital works budget.

Projects identified from the Capital Works Program to fund the project are:

- 9586 – Mirboo North Pool Design - Project deferred to 2015/16 whilst the outcome of the Master Plans is determined.
- 9590 – Poowong Pool Liner - Project removed as remedial works have eliminated the need of the liner.
- 8555 – Mirboo North Transfer Station Retaining Wall - Project deferred to 2019/20 as there has been no further deterioration of the wall.

## RISKS

There is a risk that the two stages will not be approved by RDV and therefore the development will not be achieved. That risk has been minimised through the development of the required technical and strategic documents supporting an application and guaranteeing that both projects (stage one and two) are 'shovel ready'. Consultation has also taken place with RDV staff to ensure that the projects meet the objectives of the funding program.

By not submitting the applications, there is a risk that the ACT funding of \$340,000 which needs to be spent by May 2015 will be reallocated to an alternate project that will be completed within the required timeframes of the project.

## **RECOMMENDATION**

That Council:

1. Endorse the Great Southern Rail Trail Black Spur Section (Stage One) Development and seek funding of \$500,000 for the project from Regional Development Victoria's Putting Locals First Program;
2. Make an allocation of \$250,000 towards the Great Southern Rail Trail Black Spur Section (Stage One) Development from the 2014/2015 Financial Budget as Councils contribution towards the project if the application is approved by Regional Development Victoria;
3. Endorse the Great Southern Rail Trail Black Spur Section (Stage Two) Development and seek funding of \$500,000 for the project from Regional Development Victoria's Putting Locals First Program; and
4. Make an allocation of \$250,000 towards the Great Southern Rail Trail Black Spur Section (Stage Two) Development from the 2014/2015 Financial Budget as Council's contribution towards the project if the application is approved by Regional Development Victoria.

## **STAFF DISCLOSURE OF INTEREST**

Nil

**MOVED: Cr Davies**

**SECONDED: Cr Harding**

**THAT COUNCIL:**

- 1. ENDORSE THE GREAT SOUTHERN RAIL TRAIL BLACK SPUR SECTION (STAGE ONE) DEVELOPMENT AND SEEK FUNDING OF \$500,000 FOR THE PROJECT FROM REGIONAL DEVELOPMENT VICTORIA'S PUTTING LOCALS FIRST PROGRAM;**
- 2. MAKE AN ALLOCATION OF \$250,000 TOWARDS THE GREAT SOUTHERN RAIL TRAIL BLACK SPUR SECTION (STAGE ONE) DEVELOPMENT FROM THE 2014/2015 FINANCIAL BUDGET AS COUNCILS CONTRIBUTION TOWARDS THE PROJECT IF THE APPLICATION IS APPROVED BY REGIONAL DEVELOPMENT VICTORIA;**
- 3. ENDORSE THE GREAT SOUTHERN RAIL TRAIL BLACK SPUR SECTION (STAGE TWO) DEVELOPMENT AND SEEK FUNDING OF \$500,000 FOR THE PROJECT FROM REGIONAL DEVELOPMENT VICTORIA'S PUTTING LOCALS FIRST PROGRAM; AND**
- 4. MAKE AN ALLOCATION OF \$250,000 TOWARDS THE GREAT SOUTHERN RAIL TRAIL BLACK SPUR SECTION (STAGE TWO) DEVELOPMENT FROM THE 2014/2015 FINANCIAL BUDGET AS COUNCIL'S CONTRIBUTION TOWARDS THE PROJECT IF THE APPLICATION IS APPROVED BY REGIONAL DEVELOPMENT VICTORIA.**

**Cr Hill left the Meeting at 2.46pm.**

**Cr Hill returned to the Meeting at 2.47pm.**

**CARRIED UNANIMOUSLY**

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### **E.3 APPLICATION TO THE PUTTING LOCALS FIRST PROGRAM - YANAKIE RECREATION RESERVE DEVELOPMENT PROJECT**

Corporate Services Directorate

#### **EXECUTIVE SUMMARY**

The Yanakie Recreation Reserve and Hall Committee is seeking Council endorsement and an allocation of Council funding to support an application to the Regional Development Victoria (RDV) Putting Locals First Program (PLFP) - Improved Local Infrastructure for the Yanakie Recreation Reserve Development Project.

The total project cost is \$400,000. The breakdown for funding required to meet the project cost is as follows:

<b>Project</b>	<b>Total Project Cost</b>	<b>Grant Sought</b>	<b>Community Contribution</b>	<b>Council Contribution</b>
Yanakie Recreation Reserve Development Project	\$400,000	\$300,000	\$10,000	\$90,000

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

Yanakie Hall and Recreation Reserve Master Plan April 2011

#### **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 No: 3.1.1 We will deliver Council and community projects and leverage project funds to attract investment from external sources.

#### **CONSULTATION**

In December 2012, the Yanakie Recreation Reserve and Hall Committee presented to Council their Master Plan and requested support to investigate opportunities to seek external funding for the identified priorities. The Master Plan was funded and facilitated by Council in conjunction with the Committee.

This project has been developed in consultation with the Yanakie Recreation Reserve and Hall Committee. Preliminary discussions have also taken place with Regional Development Victoria in relation to funding opportunities.

Council and the Executive Leadership Team have been kept informed of the progress of the overall project.

## **REPORT**

### **Background**

The Putting Locals First Program (PLFP) component of the Regional Growth Fund (RGF) is a \$100 million initiative designed to enable regional communities to devise and deliver service and infrastructure responses which reflect local priorities.

The PLFP supports stronger and more sustainable regional communities by building their capacity to drive development in their region. The program is administered by Regional Development Victoria (RDV) regional offices to achieve the following primary outcomes:

1. Improved infrastructure, facilities and services;
2. Increased business and employment opportunities;
3. Improved community connections; and
4. Communities taking action on their own behalf.

The Yanakie Recreation Reserve Development Project is aligned to the first outcome of the PLFP for improved infrastructure, facilities and services. The program invests in priority infrastructure that meets local needs and strengthens the regional community and economy during both its construction and operation. Quality local facilities are important in providing services, encouraging tourism and private investment and improving the quality of life and sustainability of many towns.

In November 2012 a Project Proposal was submitted to the Putting Locals First Program (PLFP) to gauge eligibility for the project. On 31 January 2014, Council was invited to formally apply for funding under the PLFP for the Yanakie Recreation Reserve Development Project.

### **Discussion**

The Yanakie Recreation Reserve and Hall Committee are seeking Council endorsement and an allocation of Council funding to support a grant to enhance the reserve and hall. The total project budget of \$400,000 has been costed by Council's Engineering Department and includes:

1. Toilet replacement;
2. Playground replacement;
3. Rotunda replacement;
4. Park Furniture;

5. Tree Removal (Cyprus);
6. General Landscaping;
7. Signage;
8. Road Works to support the upgrade;
9. Connective pathways within the reserve; and
10. Hall Upgrades (install heating / cooling system, hot water system and replace exit doors).

A funding opportunity is possible through the PLFP. The Yanakie Recreation Reserve and Hall Committee are able to commit \$10,000 towards the project. Council would be required to allocate \$90,000 to support the application, if successful. Through committing \$90,000, Council will potentially leverage grant funding of \$300,000 through the PLFP, providing a significant injection of funds for this project.

Funding is available through the Budget as 'Recreation – Future Unplanned Works (SRV)' \$40,000, the Playground Replacement Program \$45,000 and \$5,000 from a Tourism Victoria grant for improved signage and tourism information in Yanakie within the Tourism Budget, to cover Council's contribution.

As Council would be the applicant, Council resources will be required to deliver the project if successful.

The reserve is located on crown land (DEPI) and managed by the Yanakie Recreation Reserve and Hall Committee of Management. Council provides weekly resources in maintaining the reserve and the cleaning of the toilets.

### **Options**

Council has two options:

1. Endorse an application to be submitted to the Grant Program for the Yanakie Recreation Reserve Development Project and allocate the required funds and resources to deliver the project if the application is successful.
2. Not endorse the Yanakie Recreation Reserve Development Project.

### **Proposal**

Option 1 is recommended, that Council endorses the application to the PLFP and allocate a total of \$90,000 from the Council budget for 'Recreation - Future Unplanned Works (SRV), Playground Replacement Program and Tourism Budget to cover Council's contribution and provide the resources to deliver the project if the grant is successful.

Option 2 is not recommended as the project is viewed as an important priority for the Yanakie community and worthy of Council support. The enhancement of the Yanakie Reserve and Hall will also provide a platform for promoting other destinations across the shire.

### **FINANCIAL CONSIDERATIONS**

Funding has been forecast through Council's current budget and Long Term Financial Plan as follows:

- \$45,000 - 2014/2015 Playground Replacement Program budget;
- \$5,000 – Tourism budget (external funding received from Tourism Victoria towards the Tourist Information Signage);
- \$40,000 – 2013/2014 Recreation\* – Future Unplanned Works budget.

\*The total budget for the 2013 / 2014 Recreation – Future Unplanned Works Budget is \$150,000. Council has already committed \$17,000 from this budget to the Korumburra Recreation Reserve Turf and Synthetic Wicket development project and \$55,000 to the MDU Football Netball Club Court Redevelopment Project. This leaves \$78,000 currently unallocated, from which the \$40,000 for this project can be allocated.

If this application is supported by Council and successful, the remaining balance in the Recreational - Future Unplanned Works budget will be \$38,000.

As Council will be the applicant, Council will be required to provide staff resources, funded within the total project cost, to fully deliver the project as a capital works project, if successful.

### **RISK FACTORS**

To mitigate the risk of project cost overruns to Council, it is recommended that the Yanakie Recreation Reserve and Hall Committee be advised through this resolution, that any project cost overruns are the responsibility of the committee to fund, in accordance with Council's Community Project Management Policy. This policy states that if no funds are available within the overall project budget, the applicant will be required to provide the additional funding.

## **RECOMMENDATION**

That Council:

1. Endorse the Yanakie Recreation Reserve Development Project and seek funding of \$300,000 for the project from Regional Development Victoria's Putting Locals First Program;
2. Make an allocation of \$40,000 from the 2013/2014 Financial Budget for Recreation Future Unplanned Works (SRV) as part contribution towards the project if the application is approved by Regional Development Victoria;
3. Make an allocation of \$5,000 from the 2013/2014 Financial Budget - Tourism Budget as part contribution towards the project if the application is approved by Regional Development Victoria;
4. Make an allocation of \$45,000 from the 2014/2015 Financial Budget for Playground Replacement Budget as final part contribution towards the project if the application is approved by Regional Development Victoria;
5. Provide staff resources, with funding allocated in the total project costs, for management of the projects if approved by Regional Development Victoria; and
6. Advise the Yanakie Recreation Reserve and Hall Committee that any project overruns are the responsibility of the committee to fund, in accordance with Council's Community Project Management Policy.

## **STAFF DISCLOSURE OF INTEREST**

Nil



**MOVED: Cr Davies**

**SECONDED: Cr Harding**

**THAT COUNCIL:**

- 1. ENDORSE THE YANAKIE RECREATION RESERVE DEVELOPMENT PROJECT AND SEEK FUNDING OF \$300,000 FOR THE PROJECT FROM REGIONAL DEVELOPMENT VICTORIA'S PUTTING LOCALS FIRST PROGRAM;**
- 2. MAKE AN ALLOCATION OF \$40,000 FROM THE 2013/2014 FINANCIAL BUDGET FOR RECREATION FUTURE UNPLANNED WORKS (SRV) AS PART CONTRIBUTION TOWARDS THE PROJECT IF THE APPLICATION IS APPROVED BY REGIONAL DEVELOPMENT VICTORIA;**
- 3. MAKE AN ALLOCATION OF \$5,000 FROM THE 2013/2014 FINANCIAL BUDGET - TOURISM BUDGET AS PART CONTRIBUTION TOWARDS THE PROJECT IF THE APPLICATION IS APPROVED BY REGIONAL DEVELOPMENT VICTORIA;**
- 4. MAKE AN ALLOCATION OF \$45,000 FROM THE 2014/2015 FINANCIAL BUDGET FOR PLAYGROUND REPLACEMENT BUDGET AS FINAL PART CONTRIBUTION TOWARDS THE PROJECT IF THE APPLICATION IS APPROVED BY REGIONAL DEVELOPMENT VICTORIA;**
- 5. PROVIDE STAFF RESOURCES, WITH FUNDING ALLOCATED IN THE TOTAL PROJECT COSTS, FOR MANAGEMENT OF THE PROJECTS IF APPROVED BY REGIONAL DEVELOPMENT VICTORIA; AND**
- 6. ADVISE THE YANAKIE RECREATION RESERVE AND HALL COMMITTEE THAT ANY PROJECT OVERRUNS ARE THE RESPONSIBILITY OF THE COMMITTEE TO FUND, IN ACCORDANCE WITH COUNCIL'S COMMUNITY PROJECT MANAGEMENT POLICY.**

**CARRIED UNANIMOUSLY**

#### **E.4 PLANNING APPLICATION 2013/301 - PROPOSED TWO (2) LOT SUBDIVISION, LOT 47, TARWIN RIDGE BOULEVARD LEONGATHA**

Development Services Directorate

##### **EXECUTIVE SUMMARY**

This report is to consider a planning permit application for a proposed two (2) lot subdivision of Lot 47, Tarwin Ridge Boulevard, Leongatha. The subject land is located within the Low Density Residential Zone (LDRZ). Amendment to the State Planning Policy on 15 July 2013 changed the minimum lot size for subdivision allowed under a planning permit within the LDRZ from 0.4 hectares to 0.2 hectares where reticulated sewer is provided.

This application has been referred to Council for determination because there have been nine (9) objections to the proposal. Common objections to the planning permit application included;

1. The value of existing lots will be diminished by the presence of smaller lots in an otherwise homogeneous subdivision;
2. A reduction of the lot size will result in dwellings being closer together than originally envisioned;
3. There is an ample supply of smaller lots in Leongatha;
4. The semi-rural nature of the subdivision will be somewhat compromised, and the availability of habitat for native flora and fauna will be reduced;
5. There will be an increase in traffic;
6. There may be additional stormwater run-off from the land.

Notice of the application was provided to adjoining and nearby landowners in accordance with the Planning and Environment Act 1987 ("the Act").

Following the assessment of this application against the Act and the South Gippsland Planning Scheme ("the Scheme") the proposal is recommended for approval subject to appropriate conditions.

##### **Document/s pertaining to this report**

- **Attachment 1** - Planning Property Report
- **Attachment 2** - Aerial photography of the land
- **Attachment 3** - Copy of Proposed Plan of Subdivision
- **Confidential Appendix 1** - Copies of Objections (7)

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

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

- Planning and Environment Act 1987
- Subdivision Act 1988
- Aboriginal Heritage Regulations 2007
- South Gippsland Planning Scheme

## **COUNCIL PLAN**

Outcome:	1.0	A prosperous Shire
Strategy:	1.1.1	We will actively plan for growth and economic development.
Strategy:	1.1.2	We will protect and retain the unique identity of towns, villages and farming districts.

## **CONSULTATION**

The application was advertised in accordance with the Act. Notification was provided by way of on-site signage and postal notice was given to adjoining and nearby property owners. Council received nine (9) written submissions objecting to the proposal. The nature of the objections are discussed later in the report.

## **REPORT**

### **Background**

The subject land, lot 47 on PS603115W, was created as part of a larger 14 lot subdivision in 2009. The lot is contiguous with 13 other lots of similar dimension on the eastern side of Tarwin Ridge Boulevard, north of Boags Road. Dwellings have been constructed on 8 of the lots, 2 lots contain dwellings under construction, and the remaining 4 lots are yet to be developed.

The existing lot has an area of 4223 square metres. At the date that the permit was granted the minimum lot size for subdivision allowed under the Planning Scheme within the LDRZ was 4000 square metres (0.4 hectares).

On 15 July 2013 the Victorian Government amended the State Planning Policy provisions of the Planning Scheme for land in a LDRZ by reducing the minimum lot size required to 2000 square metres (0.2 hectares), provided that reticulated sewerage is available to service the land. Reticulated sewerage is available.

Refer to **Attachment 1** for a copy of the Planning Property Report and **Attachment 2** for a copy of Aerial photography of the land.

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## DISCUSSION

### Proposal

This application for subdivision proposes to create two lots, with areas of 2112 (lot 1) and 2111 (lot 2) square metres by creation of a new property boundary in a north-south alignment at the centre of the existing lot.

Lot 1 would have frontage to Boags Road and Tarwin Ridge Boulevard. Lot 2 would have frontage to Boags Road only.

Refer to **Attachment 3** for a copy of the proposed plan of subdivision.

### PLANNING SCHEME REQUIREMENTS AND POLICIES

When deciding a planning application the following considerations under the South Gippsland Planning Scheme must be addressed:

- State and Local Planning Policies
- Zone and Overlays
- Particular Provisions and General Provisions

#### State Planning Policy Framework (SPPF)

The State Planning Policy Framework (SPPF) provides Council's broad direction when deciding planning applications. The following SPPFs are considered the most relevant to this application.

Policy Objectives
<ul style="list-style-type: none"><li>• 11.02-1 Supply of urban land  To ensure a sufficient supply of land is available for a range of residential and other land uses</li></ul>
<ul style="list-style-type: none"><li>• 16.02-1 Rural Residential Development  To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity</li></ul>

The proposed subdivision is consistent with the objectives and strategies of the relevant SPPF clauses. Increasing the number of allotments in the existing LDRZ area in accordance with the requirements of the zone will allow for additional land supply to meet the needs of Leongatha.

Increasing the number of LDRZ allotments available will lead to fewer applications for dwellings in areas with high agricultural value.

The proposed lots sizes, being greater than 2000m<sup>2</sup>, provide a quality environment for the future development of the land and for neighbouring properties.

### **Local Planning Policy Framework (LPPF)**

Policy Objectives
<ul style="list-style-type: none"><li>• 21.04-2 Vision - Settlement</li></ul> <p>Availability of high quality and diverse lifestyle opportunities.</p>
<ul style="list-style-type: none"><li>• 21.04-2 Vision - Economy</li></ul> <p>Population growth and employment are facilitated through investment and development</p>
<ul style="list-style-type: none"><li>• 21.10-1 Housing choice and diversity</li></ul> <p>Encourage diversity in dwelling type and size to provide greater choice and affordability.</p>
<ul style="list-style-type: none"><li>• 21.15-1 Leongatha Settlement</li></ul> <p>Ensure that sufficient areas of residential land, at a range of densities, are available to accommodate future township growth.</p>

The proposed subdivision is consistent with the objectives and strategies of the relevant LPPF clauses. The subdivision allows for an additional lifestyle allotment within an existing settlement where there is a shortage of high quality, vacant, low density residential land.

### **Planning Scheme Zone - Low Density Residential Zone (LDRZ)**

The purpose of the LDRZ is to provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

A planning permit is required to subdivide land within the LDRZ. Where reticulated sewerage is available, each lot must be at least 0.2 hectares in area. If reticulated sewerage is not available each lot must be at least 0.4 hectares in area.

As reticulated sewerage is available and the proposal is for lots in excess of 0.2 hectares a planning permit may be granted.

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## **Planning Scheme Overlay - Clause 42.01, schedule 6 - Environmental Significance Overlay (ESO6) - Areas Susceptible to Flooding**

Under ESO 6 a permit is required to subdivide the land.

As the land has been previously subdivided it is considered that the proposal to further subdivide the land does not introduce any new elements which need to be assessed against the decision guidelines of the clause.

### **Areas of Aboriginal Cultural Heritage Significance**

The planning property report identifies that this parcel of land is within an area of cultural heritage sensitivity. This is consistent with the remainder of the existing subdivision.

Under Regulation 46 of the Aboriginal Heritage Regulations 2007 further consideration or preparation of a Cultural Heritage Management Plan is not required for two lot residential subdivisions.

### **General Provisions**

#### **Clause 65 Decision Guidelines**

This clause provides decision guidelines to enable a responsible authority to decide whether a proposal will produce acceptable outcomes.

Clause 65.02, Approval of an application to subdivide land includes the following guidelines considered relevant to this proposal:

<b>Guideline</b>	<b>Planning Response</b>
The suitability of the land for subdivision	The land is suitable for subdivision as there are no significant site constraints, the appropriate services are in place and the minimum subdivision size in the zone has been met.
The existing use and possible future development of the land and nearby land	The allotments will likely be used for single dwellings, consistent with the area.
The availability of subdivided land in the locality, and the need for the creation of further lots	There is a shortage of rural residential style allotments in the Leongatha area and the proposed subdivision will provide additional development opportunities.
The density of the	Due to changes to the minimum subdivision size in

<b>Guideline</b>	<b>Planning Response</b>
proposed development	the zone the other allotments that form part of the original subdivision are larger than those proposed
The area and dimensions of each lot in the subdivision	Each of the allotments provides a rural residential lifestyle opportunity with a size in excess of the required 0.2 ha
The availability and provision of utility services, including water, drainage, electricity and gas.	All necessary services are available.

### **Objections**

Nine (9) written objections were received. The following table summarises the concerns raised and provides a planning response to each concern.

<b>Submission</b>	<b>Planning Response</b>
The value of all existing lots will be diminished by the presence of smaller lots in an otherwise homogeneous subdivision.	The affect subdivision may have on property values is not a relevant matter for consideration under the Scheme.  Anecdotally the ability to subdivide is often seen as contributing to higher land values.
That a reduction of the lot size will result in dwellings being closer together than originally envisaged	The application being considered is for subdivision. The proposal meets the minimum lot size requirements of the planning scheme.
There is an ample supply of smaller lots in Leongatha	There is limited supply of vacant LDRZ land with access to sewer in Leongatha.  There is only an estimated 10 vacant LDRZ allotments with access to sewer (including the subject site) in the wider Leongatha area.

<b>Submission</b>	<b>Planning Response</b>
The semi-rural nature of the subdivision will be somewhat compromised, and the availability of habitat for native flora and fauna will be reduced.	The proposal is consistent with the minimum lot size requirements for subdivisions in the LDRZ for land with access to reticulated sewerage.  The site has been previously cleared of native vegetation and subdivision will not further compromise the site as a habitat for native flora and fauna.
There will be an increase in traffic in the area	The addition of 1 lot within the subdivision will not produce significant changes in traffic flows.
There may be additional stormwater run-off from the land	The application is for subdivision only. The construction of any development on the land will be subject to the drainage requirements of any applicable planning or building controls at the time of development.

## CONCLUSION

The application before Council is to consider the appropriateness of the proposed subdivision within the context of the relevant State and Local planning policies of the South Gippsland Planning Scheme. This application proposes to subdivide the existing 4223 sqm lot into two separate lots of 2112 and 2111 sqm.

Amendment to State Planning Policy on 15 July 2013 changed the minimum lot size for subdivision allowed under a planning permit within the LDRZ from 0.4 hectares (4000 sqm) to 0.2 hectares (2000 sqm) where reticulated sewer is provided. As reticulated sewer is available this proposal is consistent with the minimum lot sizes prescribed in the LDRZ.

The application has been assessed against the provisions of the South Gippsland Planning Scheme and is considered consistent with its policy objectives. Increasing the number of allotments within the existing LDRZ in accordance with the requirements of the zone will allow for additional land supply to meet the current and future needs of Leongatha.



## **RECOMMENDATION**

That Council grant a Notice of Decision to Issue a Permit for the subdivision of Lot 47 (PS603115W) Parish of Leongatha, to create two lots subject to the following conditions;

1. The layout of the subdivision, as shown on the approved plan/s, must not be altered or modified without the consent in writing of the Responsible Authority
2. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
3. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
4. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of the Act.
5. Telecommunications Services and Facilities Condition
  - a. The owner of the land must enter into an agreement with:
    - i. a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
    - ii. a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
  - b. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
    - i. a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and

- ii. a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
- 6. This permit will expire if either of the following applies:
  - a. The subdivision is not certified within two (2) years of the date of this permit; or
  - b. The registration of the subdivision is not completed within five (5) years of the date of certification.

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

Nil

**MOVED: Cr Hutchinson-Brooks                      SECONDED: Cr Hill**

**THAT COUNCIL GRANT A NOTICE OF DECISION TO ISSUE A PERMIT FOR THE SUBDIVISION OF LOT 47 (PS603115W) PARISH OF LEONGATHA, TO CREATE TWO LOTS SUBJECT TO THE FOLLOWING CONDITIONS;**

- 1. THE LAYOUT OF THE SUBDIVISION, AS SHOWN ON THE APPROVED PLAN/S, MUST NOT BE ALTERED OR MODIFIED WITHOUT THE CONSENT IN WRITING OF THE RESPONSIBLE AUTHORITY**
- 2. THE OWNER OF THE LAND MUST ENTER INTO AGREEMENTS WITH THE RELEVANT AUTHORITIES FOR THE PROVISION OF WATER SUPPLY, DRAINAGE, SEWERAGE FACILITIES, ELECTRICITY AND GAS SERVICES TO EACH LOT SHOWN ON THE ENDORSED PLAN IN ACCORDANCE WITH THE AUTHORITY'S REQUIREMENTS AND RELEVANT LEGISLATION AT THE TIME.**
- 3. ALL EXISTING AND PROPOSED EASEMENTS AND SITES FOR EXISTING OR REQUIRED UTILITY SERVICES AND ROADS ON THE LAND MUST BE SET ASIDE IN THE PLAN OF SUBDIVISION SUBMITTED FOR CERTIFICATION IN FAVOUR OF THE RELEVANT AUTHORITY FOR WHICH THE EASEMENT OR SITE IS TO BE CREATED.**
- 4. THE PLAN OF SUBDIVISION SUBMITTED FOR CERTIFICATION UNDER THE SUBDIVISION ACT 1988 MUST BE REFERRED TO THE RELEVANT AUTHORITY IN ACCORDANCE WITH SECTION 8 OF THE ACT.**
- 5. TELECOMMUNICATIONS SERVICES AND FACILITIES CONDITION**
  - a. THE OWNER OF THE LAND MUST ENTER INTO AN AGREEMENT WITH:**
    - i. A TELECOMMUNICATIONS NETWORK OR SERVICE PROVIDER FOR THE PROVISION OF TELECOMMUNICATION SERVICES TO EACH LOT SHOWN ON THE ENDORSED PLAN IN ACCORDANCE WITH THE PROVIDER'S REQUIREMENTS AND RELEVANT LEGISLATION AT THE TIME; AND**
    - ii. A SUITABLY QUALIFIED PERSON FOR THE PROVISION OF FIBRE READY TELECOMMUNICATION FACILITIES TO EACH LOT SHOWN ON THE ENDORSED PLAN IN ACCORDANCE WITH ANY INDUSTRY SPECIFICATIONS OR ANY STANDARDS SET BY THE AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY, UNLESS THE APPLICANT CAN DEMONSTRATE THAT THE LAND**

**IS IN AN AREA WHERE THE NATIONAL BROADBAND NETWORK WILL NOT BE PROVIDED BY OPTICAL FIBRE.**

- b. BEFORE THE ISSUE OF A STATEMENT OF COMPLIANCE FOR ANY STAGE OF THE SUBDIVISION UNDER THE SUBDIVISION ACT 1988, THE OWNER OF THE LAND MUST PROVIDE WRITTEN CONFIRMATION FROM:**
  - i. A TELECOMMUNICATIONS NETWORK OR SERVICE PROVIDER THAT ALL LOTS ARE CONNECTED TO OR ARE READY FOR CONNECTION TO TELECOMMUNICATIONS SERVICES IN ACCORDANCE WITH THE PROVIDER'S REQUIREMENTS AND RELEVANT LEGISLATION AT THE TIME; AND**
  - ii. A SUITABLY QUALIFIED PERSON THAT FIBRE READY TELECOMMUNICATION FACILITIES HAVE BEEN PROVIDED IN ACCORDANCE WITH ANY INDUSTRY SPECIFICATIONS OR ANY STANDARDS SET BY THE AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY, UNLESS THE APPLICANT CAN DEMONSTRATE THAT THE LAND IS IN AN AREA WHERE THE NATIONAL BROADBAND NETWORK WILL NOT BE PROVIDED BY OPTICAL FIBRE.**
  
- 6. THIS PERMIT WILL EXPIRE IF EITHER OF THE FOLLOWING APPLIES:**
  - a. THE SUBDIVISION IS NOT CERTIFIED WITHIN TWO (2) YEARS OF THE DATE OF THIS PERMIT; OR**
  - b. THE REGISTRATION OF THE SUBDIVISION IS NOT COMPLETED WITHIN FIVE (5) YEARS OF THE DATE OF CERTIFICATION.**

**CARRIED UNANIMOUSLY**

## Attachment 1 Planning Property Report

Planning Property Report

Page 1 of 4

Department of  
Transport, Planning and  
Local Infrastructure

### Planning Property Report

From [www.dpcd.vic.gov.au/planning](http://www.dpcd.vic.gov.au/planning) on 14 February 2014 04:23 PM

**Lot / Plan:** Lot 47 PS803115

**Address:** TARWIN RIDGE BOULEVARD LEONGATHA 3953

This parcel is one of 6 parcels comprising the property.

For full parcel details go to [Property Reports](#) and get a free Basic Property Report

**Local Government (Council):** SOUTH GIPPSLAND **Council Property Number:** 201250 (Part)

**Directory Reference:** VicRoads 96 H9

### Planning Zone

[LOW DENSITY RESIDENTIAL ZONE \(LDRZ\)](#)

[SCHEDULE TO THE LOW DENSITY RESIDENTIAL ZONE](#)



Note: labels for zones may appear outside the zone boundary - please compare the labels with the legend.

<http://services.land.vic.gov.au/landchannel/content/propertyReport?reportNo=3&repo...> 14/02/2014

Planning Property Report Page 2 of 4

**Zones Legend**

ACZ - Activity Centre	IN1Z - Industrial 1	R1Z - Residential 1
B1Z - Commercial 1	IN2Z - Industrial 2	R2Z - Residential 2
B2Z - Commercial 1	IN3Z - Industrial 3	R3Z - Residential 3
B3Z - Commercial 2	LDRZ - Low Density Residential	RAZ - Rural Activity
B4Z - Commercial 2	MUZ - Mixed Use	RCZ - Rural Conservation
B5Z - Commercial 1	NRZ - Neighbourhood Residential	RDZ1 - Road - Category 1
C1Z - Commercial 1	PCRZ - Public Conservation & Resource	RDZ2 - Road - Category 2
C2Z - Commercial 2	PDZ - Priority Development	RGZ - Residential Growth
CA - Commonwealth Land	PFRZ - Public Park & Recreation	RLL - Rural Living
CCZ - Capital City	PUZ1 - Public Use - Service & Utility	RUZ - Rural
CDZ - Comprehensive Development	PUZ2 - Public Use - Education	SUZ - Special Use
DZ - Dockland	PUZ3 - Public Use - Health Community	TZ - Township
ERZ - Environmental Rural	PUZ4 - Public Use - Transport	LFZ - Urban Floodway
FZ - Farming	PUZ5 - Public Use - Crematorium/Crematorium	UGZ - Urban Growth
GRZ - General Residential	PUZ6 - Public Use - Local Government	--- Urban Growth Boundary
GWAZ - Green Wedge A	PUZ7 - Public Use - Other Public Use	
GWZ - Green Wedge		

<http://services.land.vic.gov.au/landchannel/content/propertyReport?reportNo=3&repo...> 14/02/2014

**Planning Overlay**

ENVIRONMENTAL SIGNIFICANCE OVERLAY (ESO)  
ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 6 (ESO6)



**Overlays Legend**

Airport Environs	Erosion Management	Parking
City Link Project	Environmental Significance	Public Acquisition
Development Contributions Plan	Floodway	Restructure
Design & Development	Heritage	Road Closure
Design & Development Part	Incorporated Plan	Special Building
Development Plan	Land Subject to Inundation & Floodway	Significant Landscape
Environmental Audit	Melbourne Airport Environs 1	Salinity Management
	Melbourne Airport Environs 2	State Resource
	Neighbourhood Character	Vegetation Protection
		Bushfire Management - Wildfire Management

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

**Further Planning Information**

Planning scheme data last updated on 13 February 2014.

A **planning scheme** sets out policies and requirements for the use, development and protection of land. This report provides information about the zone and overlay provisions that apply to the selected land. Information about the State, local, particular and general provisions of the local planning scheme that may affect the use of the land can be obtained by contacting the local council or by visiting [Planning Schemes Online](#)

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

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

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

<http://services.land.vic.gov.au/landchannel/content/propertyReport?reportNo=3&repo...> 14/02/2014



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

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

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

### Areas of Aboriginal Cultural Heritage Sensitivity

This parcel is within, or affected by, one or more areas of cultural heritage sensitivity as described in the Aboriginal Heritage Regulations 2007.

The data provides indicative information about the location and extent of areas of Aboriginal cultural heritage sensitivity and is provided to assist with the decisions about the potential need to prepare a Cultural Heritage Management Plan in relation to proposed activities on this property.

For further information about whether a Cultural Heritage Management Plan is required go to [Aboriginal Heritage Planning Tool](#)

To find out if your property has any recorded Aboriginal cultural heritage places, such as scarred trees, occupation sites or places of burial, you can request information from the Victorian Aboriginal Heritage Register

Find out more about the [Victorian Aboriginal Heritage Register](#)



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Aboriginal Cultural Heritage Sensitivity Aboriginal Cultural Heritage Sensitivity Selected Land

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<http://services.land.vic.gov.au/landchannel/content/propertyReport?reportNo=3&repo...> 14/02/2014



**Attachment 2  
Aerial Photography of the Land**



### Attachment 3 Proposed Plan of Subdivision



## **E.5 PLANNING APPLICATION 2013/260 - PROPOSED TWO (2) LOT SUBDIVISION, 22 QUEEN STREET KORUMBURRA**

Development Services Directorate

### **EXECUTIVE SUMMARY**

This report is to consider a planning permit application for a proposed two (2) lot subdivision. The land is on the corner of Queen and Radovick Streets in Korumburra. There is a dwelling on the rear portion of the land. The land is zoned Residential 1 Zone (R1Z). There are no planning overlays applying to the land.

The application has been referred to Council because there have been seven (7) objections to the proposal. Common objections to the planning permit application included;

1. Future development of the land may result in the removal of the large trees near the corner of Radovick Street and Queen Street.
2. Future development may be inconsistent with the heritage style of the street.
3. Subdivision/reduced lot size would set a precedent in the area which is inconsistent with the existing neighbourhood character.
4. The proposed rear lot (containing the existing dwelling) does not provide large enough private open space.

Notice of the application was provided to adjoining and nearby landowners in accordance with the Planning and Environment Act 1987 ("the Act").

Following the assessment of this application against the Act and the South Gippsland Planning Scheme the proposal is recommended for approval subject to appropriate conditions.

#### **Document/s pertaining to this report**

- **Attachment 1** - Planning Property Report
- **Attachment 2** - Aerial photography of the land
- **Attachment 3** - Copy of Proposed Plan of Subdivision
- **Attachment 4** - Clause 56 Assessment
- **Confidential Appendix 1** - Copies of Objections (7)

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

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

- Planning and Environment Act 1987
- Subdivision Act 1988
- South Gippsland Planning Scheme, Clause 32.01 Residential 1 Zone, Clause 52.29 Road Zone 1, Clause 56 Residential Subdivision.

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

- South Gippsland Shire Council and South Gippsland Conservation Society Significant Tree Register, 2001
- South Gippsland Heritage Study, 2004

## **COUNCIL PLAN**

Outcome:	1.0	A prosperous Shire
Strategy:	1.1.1	We will actively plan for growth and economic development.
Strategy:	1.1.2	We will protect and retain the unique identity of towns, villages and farming districts.

## **CONSULTATION**

The application was notified under Section 52 of the Act, by postal notice to adjoining property owners and a sign on site. Council received seven (7) written objections between 7 and 18 November 2013.

The application was referred to Council's Engineering Department on 24 October 2013 to consider drainage and access requirements. The Engineering Department provided conditional support for the application on 6 November 2013.

## **REPORT**

### **Background**

The land is commonly known as 22 Queen Street. It abuts Radovick Street on its north-western boundary, Queen Street on its south-western boundary, and Lapin Lane on its south-eastern boundary. The land is 1145m<sup>2</sup> and falls from south-east to north-west; generally from Lapin Lane towards Radovick Street. Reticulated water and sewer are connected to the property.

There is a dwelling (the old Presbyterian Hall) on the rear portion of the land. Vehicle access to the dwelling is from Queen Street. The 'front' portion of the property when viewed from Radovick Street contains three very large and mature trees, one of which is a Norfolk Pine. Council's Parks and Gardens Coordinator has noted that whilst they are not listed on the Significant Trees Register, they have been significant to the streetscape and neighbourhood

character for many years. Anecdotal evidence suggests that they are more than 100 years old.

The South Gippsland Heritage Study (2004) recommended a 'heritage precinct' over Queen, Radovick and Victoria Streets, and Guys Road. However, the report does not recommend the inclusion of this property in the heritage precinct as it was not considered to contribute to the significance of the precinct.

Planning permit 2009/2, issued on 30 October 2009 approved the two lot subdivision of the land, and development of a dwelling on the vacant lot. The permit expired without any subdivision or development taking place.

Refer to **Attachment 1** for a copy of the Planning Property Report and **Attachment 2** for a copy of Aerial photography of the land.

## **DISCUSSION**

### **Proposal**

The current application 2013/260, proposes to subdivide the land (1145m<sup>2</sup>) into two (2) equally sized lots (572.75m<sup>2</sup>), as follows:

1. Lot 1, being a vacant lot of 572.75m<sup>2</sup> on the corner of Queen and Radovick Streets. Lot 1 could have future vehicular access from either Radovick Street (subject to VicRoads approval) or Queen Street.
2. No development has been proposed for Lot 1.
3. Lot 2, being 572.75m<sup>2</sup>, is to contain the existing dwelling (the old Presbyterian Hall) and retain its frontage to Queen Street. Lot 2 would retain its existing vehicular access from Queen Street.

Refer to **Attachment 3** for a copy of the proposed plan of subdivision.

## **PLANNING SCHEME REQUIREMENTS AND POLICIES**

When deciding a planning application the following considerations under the South Gippsland Planning Scheme must be addressed:

- State and Local Planning Policies
- Zone and Overlays
- Particular Provisions

The State Planning Policy Framework (SPPF) provides Council's broad direction when deciding planning applications. The following SPPFs are considered the most relevant to this application.

---

### State Planning Policy Framework (SPPF)

<b>Policy Objectives</b>
<ul style="list-style-type: none"><li>• 11.05-4 Regional planning strategies and principles</li></ul> <p>To develop regions and settlements which have a strong identity, are prosperous and are environmentally sustainable.</p>
<ul style="list-style-type: none"><li>• 15.01-1 Urban design</li></ul> <p>To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity</p>
<ul style="list-style-type: none"><li>• 16.01-1 Integrated housing</li></ul> <p>To promote a housing market that meets community needs.</p>
<ul style="list-style-type: none"><li>• 16.01-4 Housing diversity</li></ul> <p>To provide for a range of housing types to meet increasingly diverse needs.</p>

The proposed subdivision is consistent with the objectives and strategies of the relevant SPPF clauses. Increasing housing density in existing residential areas, particularly in walking distance to activity centres, is considered to contribute to the sustainable growth of regional settlements such as Korumburra. Further, the proposed lots sizes, being greater than 500m<sup>2</sup> (572.75m<sup>2</sup>), provide a quality environment for the future development of the land and for neighbouring properties.

### Local Planning Policy Framework (LPPF)

<b>Policy Objectives</b>
<ul style="list-style-type: none"><li>• 21.04-2 Vision - Settlement</li></ul> <p>The environment, landscape, built form and heritage of the Shire is retained, managed and promoted in a way that adds to, rather than diminishes, its significance</p>
<ul style="list-style-type: none"><li>• 21.04-2 Vision - Economy</li></ul> <p>Population growth and employment are facilitated through investment and development</p>
<ul style="list-style-type: none"><li>• 21.05-1 Growth of Towns - Korumburra</li></ul> <p>Strategy 1.2 Support the development of vacant, serviced residential land, in accordance with the areas indicated on township framework and structure plans</p>

### Policy Objectives

Strategy 1.3 Encourage consolidated residential development adjacent to central activity districts of towns to achieve a more efficient use of urban infrastructure

Strategy 1.7 Ensure residential development in small towns is sustainable and sympathetic to the existing character of these areas

- 21.09-2 Urban environment

Objective 1 To continuously improve all aspects of the urban environment  
Strategy 1.1 Retain and enhance areas of remnant vegetation within urban areas

- 21.10-1 Housing choice and diversity

Objectives and strategies

Strategy 1.1 Encourage diversity in dwelling type and size to provide greater choice and affordability

Strategy 1.4 Encourage medium density housing close proximity to the commercial centres of Leongatha, Korumburra, Foster and Mirboo North.

- 21.15-2 Korumburra

Provide sufficient residential land, at a range of densities, available to accommodate future township growth.

Promote higher density residential development and retirement living on land within the inner township residential areas that can be provided with convenient pedestrian access to the Town Centre.

Promote site responsive residential subdivision design (supported by geotechnical reports on land exceeding 15% slope) that allow for the creation of appropriately sized and configured lots that minimise the impact of earthworks.

Support the conservation and enhancement of the town's heritage places and streetscapes in recognition of their central role in establishing Korumburra's 'rural township' character and 'sense of place'.

The proposed subdivision is consistent with the objectives and strategies of the relevant LPPF clauses. It contributes to a greater residential density range and proposes a higher density close to the inner township. The proposed lot sizes allow for future development which can be set back from Radovick and

Queen Streets. This would be consistent with existing setbacks and provides an opportunity to protect the existing streetscape.

The land is in close proximity to bus stops and the commercial centre (approximately 250m to Commercial Street), and is connected by pedestrian pathways to these locations along Radovick and Queen Street. It is in close proximity (less than 100m) to the Korumburra swimming pool and Coleman park reserve.

### **Clause 32.01 - Residential 1 Zone (R1Z)**

The subject land is located in the Residential 1 Zone. The relevant purpose of the zone is to provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households, and to encourage residential development that respects the neighbourhood character.

A planning permit is required in the zone to subdivide land. Any subdivision must be in accordance with the requirements of Clause 56.

The application meets the purpose of the zone.

### **Particular Provisions**

#### **Clause 52.29 - Land Adjacent to a Road Zone Category 1, or a Public Acquisition Overlay for a Category 1 Road**

A permit is required to subdivide land adjacent to a road in a Road Zone Category 1 (Radovick Street); however, no referral to Vic Roads is required for a two lot subdivision which does not propose to create new access. The subdivision will not affect the operation of, or public safety associated with Radovick street. Access is available from Queen Street.

Any future access to Radovick Street would require a planning permit and the consent of VicRoads.

#### **Clause 56 - Residential subdivision**

A two lot subdivision in the R1Z must meet the requirements of Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2. The application has been assessed against these clauses and meets the objectives and standards of each. See **Attachment 4** Clause 56 assessment.

### **Objections**

Seven (7) written objections were received. The following table summarises the concerns raised and provides a planning response to each concern.

<b>Submission</b>	<b>Planning Response</b>
The proposal will set	The purpose of the R1Z is to provide for residential



Submission	Planning Response
<p>a precedent of allowing small lot subdivision in the area</p>	<p>development at a range of densities with a variety of dwellings to meet the housing needs of all households. At 572.75m<sup>2</sup>, each lot is considered to be consistent with common residential lot sizes.</p> <p>There is no local policy mandating larger residential lot sizes in Korumburra. Council can only make an assessment against the purpose and decision guidelines of the R1Z. The proposed lot sizes are consistent with the decision guidelines of the R1Z.</p>
<p>The application should consider the future development of the site</p>	<p>Future development proposals are not a relevant consideration of a 2 Lot subdivision of this nature. The application is required to be considered against the relevant clauses of the South Gippsland Planning Scheme.</p> <p>No development is proposed at this stage. If the subdivision were approved, the proposed lots are of a size which would enable a single dwelling to be developed on each lot without requiring a planning permit.</p>
<p>The subdivision would unacceptably reduce the private open space of the existing dwelling, and would result in the existing building being 'jammed up' against the proposed boundary.</p>	<p>The existing dwelling would be approximately 4m from the proposed boundary, which is considered sufficient in the context of the R1Z. The private open space resulting has good solar access.</p> <p>There are no minimum area or dimension requirements in the Clause 56 provisions for private open space. However, it should be noted that the existing dwelling will enjoy private open space in two areas which exceed the minimum requirements for private open space under Clause 54 (One dwelling on a lot) and Clause 55 (Two dwellings on a lot).</p>
<p>Trees would need to be removed to accommodate development.</p> <p>Trees on the lot are heritage listed.</p>	<p>It is acknowledged that these trees contribute to the local streetscape given their size and age, however none of the trees on this land are included in the South Gippsland Shire Council and South Gippsland Conservation Society 'Significant Tree Register'. They are also not included in a Vegetation Protection Overlay or the Heritage Overlay, or in any other way heritage listed.</p> <p>It is possible to achieve a 10m by 15m building</p>

Submission	Planning Response
	<p>envelope on the land (in accordance with Clause 56) without removing these trees, by locating the building envelope toward the eastern corner of proposed Lot 1.</p> <p>It should be noted that planning permission is not currently required to remove the trees.</p>
<p>Units may be proposed in future for the vacant lot would involve removing the trees.</p>	<p>No development is currently proposed, however any future development of more than one dwelling on a lot would require assessment against Clause 55 and a planning permit.</p>
<p>The whole of Radovick Street has a Heritage Overlay (HO) over it which relies on large lots.</p> <p>Radovick Street has significant heritage value which will be lost if the land is developed.</p> <p>Development will be inappropriate in the context of the neighbourhood character/heritage/historic homes.</p>	<p>There is no HO over all of Radovick Street.</p> <p>There is a HO on one lot near the commercial centre, being the former Comfort Station for Women. However, this proposal would not affect the heritage significance or value of that site.</p> <p>There are no development controls on either street, other than the R1Z. Council should not seek to protect the 'heritage value' or size of large lots in the absence of appropriate zoning controls and/or overlays, which may require larger minimum lot sizes, generous setbacks from front boundaries, and development design standards (such as a Neighbourhood Character Overlay).</p> <p>If Council consider that such controls are necessary, it should commence a Planning Scheme amendment to achieve these outcomes.</p>

### Options

If the application is approved, a further condition of the permit could seek to protect the three trees on the property in perpetuity, unless alternate landscaping is provided to the satisfaction of the Responsible Authority. This may be done by way of a Section 173 Agreement.

This is not recommended as Council may be challenged on the validity of this condition at VCAT because:

1. The trees are able to be removed without a permit presently.
2. The trees are not on the Register of Significant Trees, or otherwise listed as being of heritage value.

3. This option seeks to protect something which has no recognition in the Planning Scheme.
4. This option could unreasonably restrict future development of the land.

### **CONCLUSION**

The proposed subdivision is consistent with the State and Local Planning Policy Framework for integrated housing, location of residential development, housing affordability, urban environments, housing choice and diversity, and Korumburra.

The proposal is consistent with the purpose of the Residential 1 Zone, which includes to provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households, and to encourage residential development that respects the neighbourhood character.

The proposed subdivision is permitted by the relevant zone in the South Gippsland Planning Scheme. This proposal is not considered to limit or affect the future development of adjoining and nearby land, or to result in amenity impacts, or detract from the scenic or historic character of the area.

### **RECOMMENDATION**

That Council grant a Notice of Decision to Issue a Permit for the subdivision of Crown Allotment 38 Section 3 Township of Korumburra into two (2) lots subject to the following conditions.

1. The layout of the subdivision, as shown on the approved plan/s, must not be altered or modified without the consent in writing of the Responsible Authority
2. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
3. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
4. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of the Act.
5. Telecommunications Services and Facilities Condition
  - a. The owner of the land must enter into an agreement with:



- b. The registration of the subdivision is not completed within five (5) years of the date of certification.

## **STAFF DISCLOSURE OF INTEREST**

Nil

**MOVED: Cr Newton**

**SECONDED: Cr Hutchinson-Brooks**

**THAT COUNCIL GRANT A NOTICE OF DECISION TO ISSUE A PERMIT FOR THE SUBDIVISION OF CROWN ALLOTMENT 38 SECTION 3 TOWNSHIP OF KORUMBURRA INTO TWO (2) LOTS SUBJECT TO THE FOLLOWING CONDITIONS.**

1. **THE LAYOUT OF THE SUBDIVISION, AS SHOWN ON THE APPROVED PLAN/S, MUST NOT BE ALTERED OR MODIFIED WITHOUT THE CONSENT IN WRITING OF THE RESPONSIBLE AUTHORITY**
2. **THE OWNER OF THE LAND MUST ENTER INTO AGREEMENTS WITH THE RELEVANT AUTHORITIES FOR THE PROVISION OF WATER SUPPLY, DRAINAGE, SEWERAGE FACILITIES, ELECTRICITY AND GAS SERVICES TO EACH LOT SHOWN ON THE ENDORSED PLAN IN ACCORDANCE WITH THE AUTHORITY'S REQUIREMENTS AND RELEVANT LEGISLATION AT THE TIME.**
3. **ALL EXISTING AND PROPOSED EASEMENTS AND SITES FOR EXISTING OR REQUIRED UTILITY SERVICES AND ROADS ON THE LAND MUST BE SET ASIDE IN THE PLAN OF SUBDIVISION SUBMITTED FOR CERTIFICATION IN FAVOUR OF THE RELEVANT AUTHORITY FOR WHICH THE EASEMENT OR SITE IS TO BE CREATED.**
4. **THE PLAN OF SUBDIVISION SUBMITTED FOR CERTIFICATION UNDER THE SUBDIVISION ACT 1988 MUST BE REFERRED TO THE RELEVANT AUTHORITY IN ACCORDANCE WITH SECTION 8 OF THE ACT.**
5. **TELECOMMUNICATIONS SERVICES AND FACILITIES CONDITION**
  - a. **THE OWNER OF THE LAND MUST ENTER INTO AN AGREEMENT WITH:**
    - i. **A TELECOMMUNICATIONS NETWORK OR SERVICE PROVIDER FOR THE PROVISION OF TELECOMMUNICATION SERVICES TO EACH LOT SHOWN ON THE ENDORSED PLAN IN ACCORDANCE**



- 7. THIS PERMIT WILL EXPIRE IF EITHER OF THE FOLLOWING APPLIES:**
- a. THE SUBDIVISION IS NOT CERTIFIED WITHIN TWO (2) YEARS OF THE DATE OF THIS PERMIT; OR**
  - b. THE REGISTRATION OF THE SUBDIVISION IS NOT COMPLETED WITHIN FIVE (5) YEARS OF THE DATE OF CERTIFICATION.**

**CARRIED UNANIMOUSLY**

## Attachment 1 Planning Property Report

Department of  
Transport, Planning and  
Local Infrastructure

### Planning Property Report

from [www.dtpli.vic.gov.au/planning](http://www.dtpli.vic.gov.au/planning) on 10 February 2014 10:29 AM

**Address:** 22 QUEEN STREET KORUMBURRA 3950

**Crown Description:** Allot. 38 Sec. 3 TOWNSHIP OF KORUMBURRA

**Local Government (Council):** SOUTH GIPPSLAND **Council Property Number:** 183953

**Directory Reference:** VicRoads 709 09

#### Planning Zone

RESIDENTIAL 1 ZONE (R1Z)  
SCHEDULE TO THE RESIDENTIAL 1 ZONE

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Note: labels for zones may appear outside the actual zone - please compare the labels with the legend.

#### Zones Legend

<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #c8e6c9; border: 1px solid black; margin-right: 5px;"></span> ACZ - Activity Centre</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #e1bee7; border: 1px solid black; margin-right: 5px;"></span> B1Z - Commercial 1</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #e1bee7; border: 1px solid black; margin-right: 5px;"></span> B2Z - Commercial 1</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #e1bee7; border: 1px solid black; margin-right: 5px;"></span> B3Z - Commercial 2</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #e1bee7; border: 1px solid black; margin-right: 5px;"></span> B4Z - Commercial 2</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #e1bee7; border: 1px solid black; margin-right: 5px;"></span> B5Z - Commercial 1</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #e1bee7; border: 1px solid black; margin-right: 5px;"></span> C1Z - Commercial 1</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #e1bee7; border: 1px solid black; margin-right: 5px;"></span> C2Z - Commercial 2</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #e1bee7; border: 1px solid black; margin-right: 5px;"></span> CA - Commonwealth Land</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #e1bee7; border: 1px solid black; margin-right: 5px;"></span> CCZ - Capital City</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #e1bee7; border: 1px solid black; margin-right: 5px;"></span> CDZ - Comprehensive Development</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #e1bee7; border: 1px solid black; margin-right: 5px;"></span> DZ - Doodland</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #e1bee7; border: 1px solid black; margin-right: 5px;"></span> ERZ - Environmental Rural</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #e1bee7; border: 1px solid black; margin-right: 5px;"></span> FZ - Farming</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #e1bee7; border: 1px solid black; margin-right: 5px;"></span> GRZ - General Residential</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #e1bee7; border: 1px solid black; margin-right: 5px;"></span> GW1Z - Green Wedge A</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #e1bee7; border: 1px solid black; margin-right: 5px;"></span> GW2Z - Green Wedge</li> </ul>	<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ffe0b2; border: 1px solid black; margin-right: 5px;"></span> I1Z2 - Industrial 1</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ffe0b2; border: 1px solid black; margin-right: 5px;"></span> I2Z2 - Industrial 2</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ffe0b2; border: 1px solid black; margin-right: 5px;"></span> I3Z2 - Industrial 3</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ffe0b2; border: 1px solid black; margin-right: 5px;"></span> LDRZ - Low Density Residential</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ffe0b2; border: 1px solid black; margin-right: 5px;"></span> MIZ - Mixed Use</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ffe0b2; border: 1px solid black; margin-right: 5px;"></span> NRZ - Neighbourhood Residential</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ffe0b2; border: 1px solid black; margin-right: 5px;"></span> PCRZ - Public Conservation &amp; Resource</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ffe0b2; border: 1px solid black; margin-right: 5px;"></span> PDZ - Priority Development</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ffe0b2; border: 1px solid black; margin-right: 5px;"></span> PPRZ - Public Park &amp; Recreation</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ffe0b2; border: 1px solid black; margin-right: 5px;"></span> PUZ1 - Public Use - Service &amp; Utility</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ffe0b2; border: 1px solid black; margin-right: 5px;"></span> PUZ2 - Public Use - Education</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ffe0b2; border: 1px solid black; margin-right: 5px;"></span> PUZ3 - Public Use - Health Community</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ffe0b2; border: 1px solid black; margin-right: 5px;"></span> PUZ4 - Public Use - Transport</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ffe0b2; border: 1px solid black; margin-right: 5px;"></span> PUZ5 - Public Use - Cemetery/Crematorium</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ffe0b2; border: 1px solid black; margin-right: 5px;"></span> PUZ6 - Public Use - Local Government</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ffe0b2; border: 1px solid black; margin-right: 5px;"></span> PUZ7 - Public Use - Other Public Use</li> </ul>	<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ffe0b2; border: 1px solid black; margin-right: 5px;"></span> R1Z - Residential 1</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ffe0b2; border: 1px solid black; margin-right: 5px;"></span> R2Z - Residential 2</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ffe0b2; border: 1px solid black; margin-right: 5px;"></span> R3Z - Residential 3</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ffe0b2; border: 1px solid black; margin-right: 5px;"></span> RAZ - Rural Activity</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ffe0b2; border: 1px solid black; margin-right: 5px;"></span> RCZ - Rural Conservation</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ffe0b2; border: 1px solid black; margin-right: 5px;"></span> RDZ1 - Road - Category 1</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ffe0b2; border: 1px solid black; margin-right: 5px;"></span> RDZ2 - Road - Category 2</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ffe0b2; border: 1px solid black; margin-right: 5px;"></span> RGZ - Residential Growth</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ffe0b2; border: 1px solid black; margin-right: 5px;"></span> RLZ - Rural Living</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ffe0b2; border: 1px solid black; margin-right: 5px;"></span> RUZ - Rural</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ffe0b2; border: 1px solid black; margin-right: 5px;"></span> SUZ - Special Use</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ffe0b2; border: 1px solid black; margin-right: 5px;"></span> TZ - Township</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ffe0b2; border: 1px solid black; margin-right: 5px;"></span> UPZ - Urban Hoodway</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ffe0b2; border: 1px solid black; margin-right: 5px;"></span> USZ - Urban Growth</li> </ul> <p style="margin: 5px 0 0 20px;">-- Urban Growth Boundary</p>
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Department of  
Transport, Planning and  
Local Infrastructure

### Planning Overlay

None affecting this land - there are overlays in the vicinity  
**PUBLIC ACQUISITION OVERLAY (PAO)**

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Overlays Legend		
Airport Environs	Erosion Management	Parking
City Link Project	Environmental Significance	Public Acquisition
Development Contributions Plan	Floodway	Restructure
Design & Development	Heritage	Road Closure
Design & Development Part	Incorporated Plan	Special Building
Development Plan	Land Subject to Inundation & Floodway	Significant Landscape
Environmental Audit	Melbourne Airport Environs 1	Salinity Management
	Melbourne Airport Environs 2	State Resource
	Neighbourhood Character	Vegetation Protection
		Bushfire Management - Wildfire Management

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

### Further Planning Information

Planning scheme data last updated on 6 February 2014.

A **planning scheme** sets out policies and requirements for the use, development and protection of land. This report provides information about the zone and overlay provisions that apply to the selected land. Information about the State, local, particular and general provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council or by visiting [Planning Schemes Online](#).

This report is **NOT** a **Planning Certificate** issued pursuant to Section 199 of the Planning & Environment Act 1987. It does not include information about exhibited planning scheme amendments, or zonings that may affect the land. To obtain a Planning Certificate go to [Titles and Property Certificates](#).

For details of surrounding properties, use this service to get the Reports for properties of interest  
To view planning zones, overlay and heritage information in an interactive format visit [Planning Maps Online](#)  
For other information about planning in Victoria visit [www.dpcd.vic.gov.au/planning](http://www.dpcd.vic.gov.au/planning)

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**Attachment 2**  
**Aerial Photography of the Land**







**Attachment 4  
Clause 56 Assessment**

<b>Clause</b>	<b>Objectives</b>	<b>Standards</b>	<b>Assessment</b>
56.01 Subdivision Site and Context Description and Design Response	<ul style="list-style-type: none"> <li>Council must advise applicant if subdivision site and context description is satisfactory</li> </ul>		<ul style="list-style-type: none"> <li>Complies.</li> </ul>
56.02 Policy Implementation	<ul style="list-style-type: none"> <li>Statement addressing how the subdivision is consistent with state and local policies, strategies or plans for the area</li> </ul>	<ul style="list-style-type: none"> <li>C1</li> </ul>	<ul style="list-style-type: none"> <li>Complies</li> </ul>
56.03 Liveable and Sustainable Communities	<ul style="list-style-type: none"> <li>Compact and walkable neighbourhoods</li> <li>Activity centre</li> <li>Planning for community facilities</li> <li>Built Environment</li> </ul>	<ul style="list-style-type: none"> <li>C2</li> <li>C3</li> <li>C4</li> <li>C5</li> <li>C6</li> </ul>	<ul style="list-style-type: none"> <li>C2 to C5 – n/a for two lot subdivisions.</li> <li>C6 – Neighbourhood Character Objectives</li> <li>Complies</li> <li>Varied lot sizes in the wider area</li> <li>Proposed lots would blend in with the subdivision pattern which is varied.</li> </ul>
56.04 Lot Design	<ul style="list-style-type: none"> <li>Lot diversity and distribution</li> <li>Lot area and building envelopes</li> <li>Solar orientation of lots</li> <li>Street orientation</li> <li>Common area</li> </ul>	<ul style="list-style-type: none"> <li>C7</li> <li>C8</li> <li>C9</li> <li>C10</li> <li>C11</li> </ul>	<ul style="list-style-type: none"> <li>C7 – n/a for two lot subdivision.</li> <li>C8 – This standard states that lots greater than 500 square metres should be able to contain a rectangle measuring 10 metres by 15 metres.</li> <li>Each lot would be 572.75 sq. metres. Lot 2 would contain the existing dwelling and Lot 1 is capable of containing a rectangle measuring 10 m by 15 m.</li> <li>It is considered that each lot would be capable of accommodating a dwelling, solar access, private open space, vehicle access and parking and appropriate water management as required by this clause.</li> <li>C9 – The proposed lots are considered to have appropriate solar orientation as the long axis of lots is within the range north 20 degrees west to north 30 degrees east as required by this clause.</li> <li>C10 – n/a for two lot subdivision.</li> <li>C11 – n/a as no common property proposed.</li> </ul>

56.05 Urban Landscape	<ul style="list-style-type: none"> <li>• Integrated urban landscape</li> <li>• Public open space provision</li> </ul>	<ul style="list-style-type: none"> <li>• C12</li> <li>• C13</li> </ul>	<ul style="list-style-type: none"> <li>• C12-C13 – n/a for two lot subdivision.</li> </ul>
56.06 Access and Mobility Management	<ul style="list-style-type: none"> <li>• Integrated mobility</li> <li>• Walking and cycling network</li> <li>• Public transport</li> <li>• Neighbourhood street network</li> <li>• Walking and cycling network detail</li> <li>• Public transport detail</li> <li>• Neighbourhood street detail</li> <li>• Lot access</li> </ul>	<ul style="list-style-type: none"> <li>• C14</li> <li>• C15</li> <li>• C16</li> <li>• C17</li> <li>• C18</li> <li>• C19</li> <li>• C20</li> <li>• C21</li> </ul>	<ul style="list-style-type: none"> <li>• C14 – 20 – n/a for two lot subdivision.</li> <li>• C21 – Lot access – complies: <ul style="list-style-type: none"> <li>➢ Each lot is capable of providing safe vehicle access between roads and lots.</li> <li>➢ Lot 2 has an established existing access which is proposed to continue to be used.</li> <li>➢ Lot 1 is capable of providing vehicle access from either Queen Street or Radovick Street.</li> </ul> </li> </ul>
56.07 Integrated Water Management	<ul style="list-style-type: none"> <li>• Drinking water supply</li> <li>• Reused and recycled water</li> <li>• Waste water management</li> <li>• Urban run-off management</li> </ul>	<ul style="list-style-type: none"> <li>• C22</li> <li>• C23</li> <li>• C24</li> <li>• C25</li> </ul>	<ul style="list-style-type: none"> <li>• C22 – The site is connected to a reticulated drinking water supply.</li> <li>• C23 – Reused and recycled water are not available to the site.</li> <li>• C24 – The site is connected to reticulated sewerage.</li> <li>• C25 – The proposal was referred to Council's Engineering Department who provided conditional support regarding urban run-off management.</li> </ul>
56.08 Site Management	<ul style="list-style-type: none"> <li>• Erosion control works</li> <li>• Dust</li> <li>• Run-off</li> <li>• Litter and waste</li> <li>• Chemical contamination</li> <li>• Vegetation and natural features retention</li> </ul>	<ul style="list-style-type: none"> <li>• C26</li> </ul>	<ul style="list-style-type: none"> <li>• C26 – a condition of any approval issued can require appropriate site management to be undertaken during site works for the subdivision.</li> </ul>
56.09 Utilities	<ul style="list-style-type: none"> <li>• Shared Trenching</li> <li>• Electricity, Telecommunications, Gas</li> <li>• Fire Hydrants</li> </ul>	<ul style="list-style-type: none"> <li>• C27</li> <li>• C28</li> <li>• C29</li> <li>• C30</li> </ul>	<ul style="list-style-type: none"> <li>• C27 – shared trenching can be undertaken where possible.</li> <li>• C28 – electricity, telecommunications and gas are connected to the site and would be available to proposed Lot 1.</li> <li>• C29 - n/a for two lot subdivision</li> </ul>

	<ul style="list-style-type: none"><li>• Public Lighting</li></ul>		<ul style="list-style-type: none"><li>• C30 - n/a for two lot subdivision</li></ul>
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2013/26022 Queen Street Korumburra VIC 3950 Page 3 of 3

## **E.6 RE-LOCATION OF DESTINATION GIPPSLAND LIMITED (DGL) TO MIRBOO NORTH SHIRE BUILDING**

Development Services Directorate

### **EXECUTIVE SUMMARY**

This report recommends the re-location of Destination Gippsland Limited (DGL) from its present location adjacent to the Coal Creek car park to the former Shire offices in Mirboo North. It also recommends minor works to the former Shire offices to accommodate the co-location of Mirboo North Times and DGL. This re-location would allow 'Grow Lightly Connect' to move from within Coal Creek to the building which DGL currently occupies. This accords with a recommendation made by the Coal Creek Feasibility Study to maintain the thematic approach of the village.

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

- Crown Lands (Reserves) Act 1978 Section 17B
- Leasing Policy for Crown Lands in Victoria 2010

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

Sustainability Strategy

### **COUNCIL PLAN**

Outcome:	4.0	Integrated Services & Infrastructure
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

### **CONSULTATION**

Discussions have been held with Council, The Mirboo North Times, DGL and Grow Lightly Connect regarding the re-location. All parties are in verbal agreement to the new arrangements.

As Council is the Committee of Management for both sites, it is subject to the Crown Land Leasing Policy of 2010. This policy outlines the framework for leasing and licencing of Crown Land. The policy supports the issuing of licences formalised by renewed license agreements between DGL and Council and The Mirboo North Times and Council, and a license agreement between Grow Lightly Connect and Council.

## **REPORT**

### **Background**

In order to preserve the heritage theme of Coal Creek, the Coal Creek Feasibility Study has recommended the re-location of Grow Lightly Connect from within the grounds of Coal Creek, to the wooden building in front of Coal Creek (known as the old Visitor Information Centre). As DGL has occupied this building for the past 5 years an alternative location is required to accommodate them so that they can continue to support the development of tourism in South and greater Gippsland.

### **Discussion**

An investigation centred on the former Shire offices in Mirboo North and the suggestion of a co-location arrangement with The Mirboo North Times has been verbally agreed by both groups. DGL and The Mirboo North Times have expired license agreements and so the creation of new agreements will cater for the new co-location arrangement. A new license agreement can be prepared to provide certainty of tenure with a community rental for a period of five (5) years with a further option of five (5) years available.

By moving to the high visibility, well maintained site in Mirboo North on a tourist route, DGL will have a more public face and be able to grow their presence in Gippsland. DGL currently owns all office equipment for re-location to the new premises at the former Shire office building. It is anticipated that the minor renovations required to accommodate DGL's needs, will be completed by 1 July 2014.

### **Proposal**

#### **Site 1:**

It is proposed that DGL relocate to the former Shire of Mirboo offices, Mirboo North, Crown allotment 11A, Section 1

#### **Proposed terms:**

**Specified Purposes:** Promotion of Tourism

**Commencement date:** 1 July 2014

**Term:** a period of five (5) years with an option for five (5) further years

**License Fee:** \$104.00 per annum + GST.

Licensee is responsible for electricity and water usage (the Licensee will pay the Licensor a dollar amount based on monthly usage).

Licensee is responsible for the usage of their own telephone and internet usage.



The Licensee is responsible for minor maintenance of the licensed area.

**Site 2:**

Grow Lightly Connect to relocate to the former Visitor's Information Centre, Korumburra Part Crown Allotment 28B, Section R, Township and Parish of Korumburra

**Proposed terms:**

**Specified Purposes:** Sustainability Centre and Food Hub

**Commencement date:** 1 July 2014

**Term:** a period of three (3) years

**License Fee:** \$104.00 per annum + GST

Licensee is responsible for electricity and water usage (the Licensee will pay the Licensor a dollar amount based on monthly usage).

Licensee is responsible for the usage of their own telephone and internet usage.

The Licensee is responsible for minor maintenance of the licensed area.

**FINANCIAL CONSIDERATIONS**

Minor works required will be funded from the Coal Creek capital works budget (approximately \$20,000)

**RISK FACTORS**

Nil

**CONCLUSION**

This proposal represents an opportunity to free up the use of a building in Korumburra for Grow Lightly Connect, retain DGL operations in South Gippsland and allow for more efficient use of the former Shire offices at Mirboo North.

## **RECOMMENDATION**

That Council:

1. Approve the relocation of Destination Gippsland Limited (DGL) to former Shire offices in Mirboo North.
2. Approve the use of the former Korumburra Visitor Information Centre for the use of Grow Lightly Connect.

## **STAFF DISCLOSURE OF INTEREST**

Nil

**MOVED: Cr Hutchinson-Brooks**

**SECONDED: Cr Davies**

**THAT COUNCIL:**

1. **APPROVE THE RELOCATION OF DESTINATION GIPPSLAND LIMITED (DGL) TO FORMER SHIRE OFFICES IN MIRBOO NORTH.**
2. **APPROVE THE USE OF THE FORMER KORUMBURRA VISITOR INFORMATION CENTRE FOR THE USE OF GROW LIGHTLY CONNECT.**

**CARRIED UNANIMOUSLY**

**E.7 PLANNING SCHEME AMENDMENT C88 REZONE LAND AT 5 BOAGS RD, LEONGATHA FROM FARMING ZONE TO LOW DENSITY RESIDENTIAL ZONE**

Development Services Directorate

**EXECUTIVE SUMMARY**

Planning Scheme Amendment C88, proposes to rezone 5 Boags Road, Leongatha from Farming Zone (FZ) to Low Density Residential Zone (LDRZ), remove Environmental Significance Overlay Schedule 5 - Areas Susceptible to Erosion (ESO5) and remove Environmental Significance Overlay Schedule 6 - Areas Susceptible to Flooding (ESO6).

It is recommended that Council seek authorisation to prepare Planning Scheme Amendment C88, exhibit Amendment C88 and request that the Minister for Planning convene a Planning Panel to hear any objections that cannot be mediated.

*Document/s pertaining to this Council Report*

- **Attachment 1** - Rezoning and Overlay Maps
- **Attachment 2** - Draft Explanatory Report

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

- Planning and Environment Act 1987 (The Act)
- Planning Practice Note 78 - Applying the Residential Zones (July 2013)

**INTERNAL POLICIES / STRATEGIES / DOCUMENTS**

- Planning Scheme Amendment C76 Panel Report, Southern Leongatha Outline Development Plan
- Southern Leongatha Outline Development Plan - 2013 (SLODP)

**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 No:	3.1.4	We will plan for the service needs of the Shire's changing demographic.

## **CONSULTATION**

The proposed use of the site was discussed and considered appropriate at the Independent Planning Panel hearing into C76 Southern Leongatha Outline Development Plan 2013.

The public will be notified by a notice onsite, public notice in local newspapers and letters to adjacent landowners as detailed in The Act, for a minimum of 28 days.

## **REPORT**

### **Background**

The land at 5 Boags Road (Lot 4, LP4340) has been purchased by Woorayl Lodge Inc. as a prospective site to construct a future Residential Aged Care Facility. The land is currently FZ and is covered by Environmental Significance Overlay Schedule 5 (ESO5) - Areas Susceptible to Erosion and Environmental Significance Overlay Schedule 6 (ESO6) - Areas Susceptible to Flooding.

The site is 4.047ha in area and is used for grazing. Located on the site is part of a farm dam, also located in part on two neighbouring properties.

Surrounding lots are Low Density Residential Zone to the east and west, Farming Zone to the north and Rural Living Zone to the South.

Council's Municipal Health and Well Being Plan identifies a growing need for appropriate Residential Aged Care Facilities to cater for an ageing population.

### **Discussion**

Woorayl Lodge Inc. has requested the amendment to enable a future planning permit application to develop the land for a 'Residential Aged Care Facility', a use currently prohibited in the Farming Zone. The rezoning will demonstrate the suitability of this site for a future funding application to establish a 'Residential Aged Care Facility' on the site.

The existing Woorayl Lodge residential aged care facility is currently at maximum capacity with little opportunity to expand in an area with a forecast aging population. The proponent has not yet prepared a development concept for the site.



**Figure 1: 5 Boags Rd, Leongatha**

The Amendment implements the Planning Panel recommendations for the land that arose from a Woorayl Lodge submission to Amendment C76 - the Southern Leongatha Outline Development Plan (SLODP).

#### Amenity

The rezoning will increase the supply of Low Density Residential Zoned land with the clear intent to facilitate a Residential Aged Care Facility, which is a Section 2 use (subject to consent approval) under the zone. Concerns of siting a potentially high density development on the site can be addressed within the planning permit process.

The amenity issues of an 'intensive' development such as an aged care facility are best addressed at the detailed design stage as part of a planning permit application. At this stage mitigation measures such as density of building and works, building design, landscaping and setbacks can all be considered and addressed. The zone provisions clearly contemplate that suitable outcomes can be achieved.

### Servicing

There is an existing sewage pump station located approximately 175m East of the lot boundary, allowing connection of reticulated sewer further demonstrating the suitability of the site for this purpose.

### Accessibility

Connectivity is identified in Planning Scheme Clause 21.15-1 Leongatha, subheading 'Southern Leongatha Growth Area' in the 'Low Density Residential Zone' subsection, which seeks to;

- *Promote the retention and application of the Low Density Residential Zone to the land immediately north of Simons Lane and Boags Road, and the land south of the proposed commercial area on the eastern side of the Highway as identified on the Leongatha Framework Plan.*
- *Encourage connectivity with the land to the north*

The following 'Infrastructure' subsection, dot point 6 states the intent to;

- *Create a shared pathway network around the boundaries of the Growth Area and along both sides of the highway.*

The site is located adjacent to South Gippsland Highway and Boags Road enabling vehicular connection to the surrounding area. There is no pedestrian connection to Leongatha, adjacent development areas or the Rail Trail which will need to be considered at the time of a planning permit application.

During the facility design, Woorayl Lodge should consider how to establish connection to the existing (and proposed) footpath/shared trail network, enabling its occupant's safe pedestrian access to services/shops in Leongatha.

Should the full development scenario of the LDRZ follow the course identified in the Southern Leongatha Outline Development Plan, there will be a requirement to widen the road reserve to accommodate a turning lane. A concept design for this intersection has not yet been undertaken, so it is difficult to quantify the land needed. Using the proposed re-location of Simons Lane at Bass Hwy as an example, acquisition along the west boundary of the subject site should be a minimum of 120m x 6.5m. Council will be seeking agreement with Woorayl Lodge Inc. through a Section 173 Agreement (s173 Agreement) to identify this land for future traffic use and restrict development in this area.

### Overlays

Removing the Environmental Significance Overlay Schedule 5 - Areas Susceptible to Erosion (ESO5) and ESO Schedule 6 - Areas Susceptible to Flooding (ESO6) is supported in the SLODP (p33) and will not increase any

erosion or flooding risk. The topography is gently undulating with fall from the south west corner to the north east corner, falling away sharply at the north east corner adjacent to the dam.

### Development Contributions

Council's established rezoning practice is to enter into a s173 Agreement regarding developer contributions prior to a Planning Scheme Amendment commencing. It is recommended that negotiations be entered into to prepare an agreement to enable development contributions be provided to offsite works which may include future intersection upgrades, drainage and a shared path past the hospital into town.

### **Options**

Should Council choose not to proceed with the Amendment, the land will remain as Farming Zone. Choosing this option would be contrary to the recommendations of the SLODP, the Planning Panel recommendations for Amendment C76 and the proponent's request.

### **Proposal**

It is proposed to seek authorisation from the Minister for Planning to prepare Planning Scheme Amendment C88 to rezone 5 Boags Road, Leongatha. Once authorised, C88 will be placed on public exhibition for a period of at least four weeks. If any objections are received that cannot be resolved, the Minister for Planning will be requested to convene an Independent Planning Panel to hear the objections.

### **FINANCIAL CONSIDERATIONS**

Council will prepare the s173 Agreement within operational budgets and the proponent will meet all other costs of the Amendment - including the execution and registration of the s173 Agreement, Amendment fees and Independent Planning Panel costs, should they be required.

### **RISK FACTORS**

Nil

### **CONCLUSION**

Rezoning the land will allow the applicant at some future point to apply for a planning permit for a Residential Aged Care Facility at 5 Boags Road. This facility may allow expansion of aged care for Leongatha in an area with an aging population.

It is recommended that Council request that the Minister for Planning authorise the preparation of a planning scheme amendment to amend the zoning maps for Leongatha (as attached).

## **RECOMMENDATION**

That Council:

1. Negotiate with the proponent(s) to accept the following:
  - a. Appropriate contribution to the infrastructure costs associated with 5 Boags Road Leongatha will be met by the proponent.
  - b. Amendment fees and independent Planning Panel costs will be met by the proponent.
2. Request that the Minister for Planning authorise the preparation of a planning scheme amendment to;
  - a. Rezone the land at 5 Boags Road Leongatha from Farming Zone to Low Density Residential Zone;
  - b. Remove the Environmental Significance Overlay - Schedule 5 - Areas Susceptible to Erosion from the land being rezoned; and
  - c. Remove the Environmental Significance Overlay - Schedule 6 - Areas Susceptible to Flooding from the land being rezoned.
3. Exhibit Planning Scheme Amendment C88 in accordance with the normal requirements of the Planning and Environment Act 1987.
4. Request the Minister for Planning to convene an Independent Planning Panel to hear any objections to Planning Scheme Amendment C88 that cannot be resolved.

## **STAFF DISCLOSURE OF INTEREST**

Nil



**MOVED: Cr Hutchinson-Brooks**

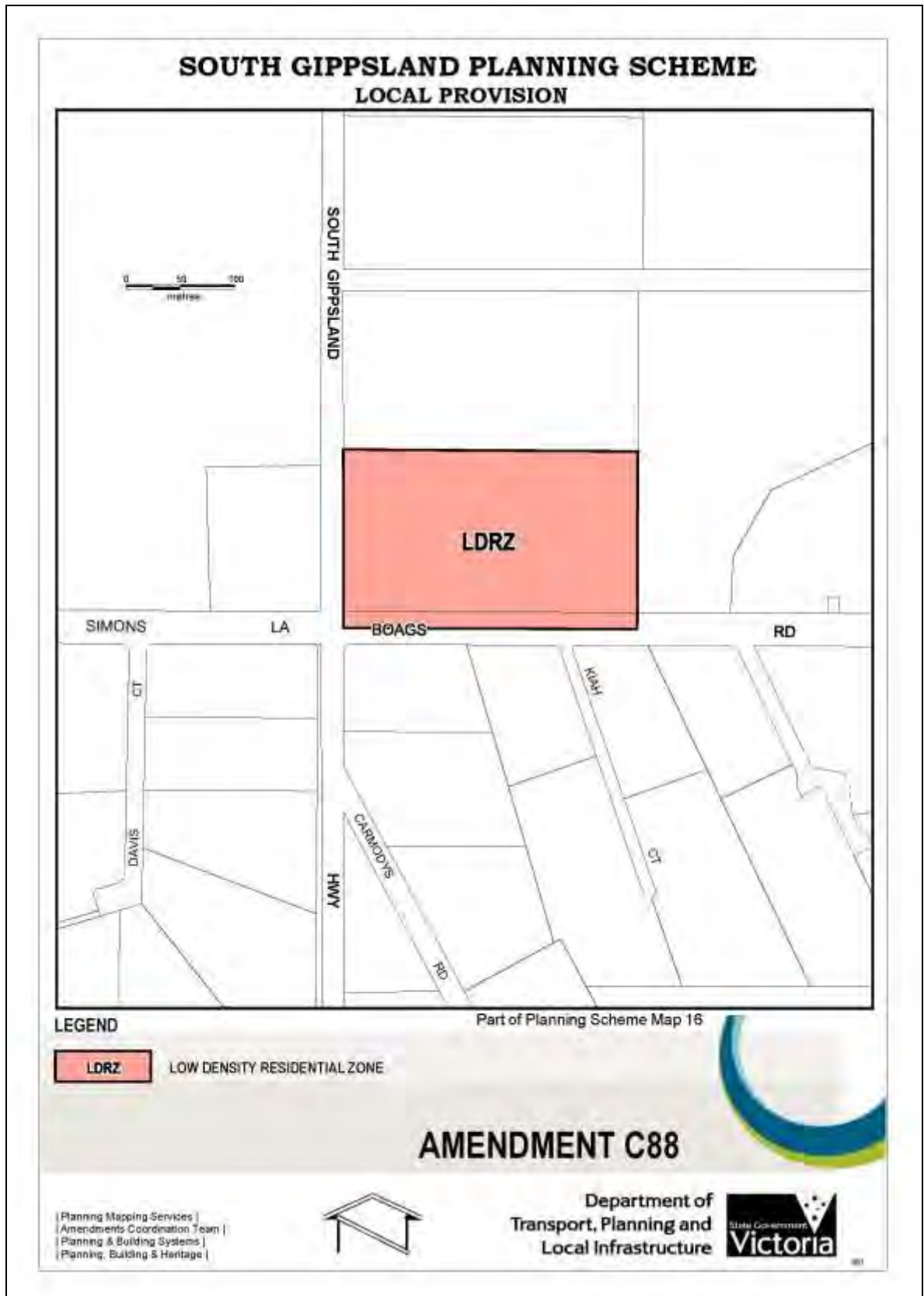
**SECONDED: Cr Fawcett**

**THAT COUNCIL:**

- 1. NEGOTIATE WITH THE PROPONENT(S) TO ACCEPT THE FOLLOWING:**
  - c. APPROPRIATE CONTRIBUTION TO THE INFRASTRUCTURE COSTS ASSOCIATED WITH 5 BOAGS ROAD LEONGATHA WILL BE MET BY THE PROPONENT.**
  - d. AMENDMENT FEES AND INDEPENDENT PLANNING PANEL COSTS WILL BE MET BY THE PROPONENT.**
- 2. REQUEST THAT THE MINISTER FOR PLANNING AUTHORISE THE PREPARATION OF A PLANNING SCHEME AMENDMENT TO;**
  - a. REZONE THE LAND AT 5 BOAGS ROAD LEONGATHA FROM FARMING ZONE TO LOW DENSITY RESIDENTIAL ZONE;**
  - b. REMOVE THE ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 5 - AREAS SUSCEPTIBLE TO EROSION FROM THE LAND BEING REZONED; AND**
  - c. REMOVE THE ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 6 - AREAS SUSCEPTIBLE TO FLOODING FROM THE LAND BEING REZONED.**
- 3. EXHIBIT PLANNING SCHEME AMENDMENT C88 IN ACCORDANCE WITH THE NORMAL REQUIREMENTS OF THE PLANNING AND ENVIRONMENT ACT 1987.**
- 4. REQUEST THE MINISTER FOR PLANNING TO CONVENE AN INDEPENDENT PLANNING PANEL TO HEAR ANY OBJECTIONS TO PLANNING SCHEME AMENDMENT C88 THAT CANNOT BE RESOLVED.**

**CARRIED UNANIMOUSLY**

**Attachment 1  
Rezoning and Overlay Maps**







## Attachment 2 Draft Explanatory Report

*Planning and Environment Act 1987*

### SOUTH GIPPSLAND PLANNING SCHEME AMENDMENT C88 EXPLANATORY REPORT

#### **Who is the planning authority?**

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

The amendment has been made at the request of Beveridge Williams & Co. acting on behalf of Woorayl Lodge Inc.

#### **Land affected by the amendment**

The amendment applies to 5 Boags Road, Leongatha and is contained in Certificate of Title Vol 8950, Folio 616 being L4, LP4340, Parish of Leongatha.

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

The amendment rezones land from Farming Zone (FZ) to Low Density Residential Zone (LDRZ) for the purposes of establishing a Residential Aged Care Facility.

The amendment:

- Rezones land at L4, LP4340 from FZ to LDRZ
- Deletes Environmentally Significant Overlay Schedule 5 (ESO5) - *Areas Susceptible to Erosion*
- Deletes Environmentally Significant Overlay Schedule 6 (ESO6) - *Areas Susceptible to Flooding*

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

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

An amendment is required to rezone the land to LDRZ and remove ESO5 and ESO6.

The amendment will provide suitably zoned land for aged care facilities in Leongatha. The current facilities are approaching capacity and there are limited opportunities to expand appropriate for residents under care.

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

The amendment implements the provisions of Clause 21.15 *Local Areas* which includes the Southern Leongatha Outline Development Plan (SLODP). The recommendations of the independent planning panel on PSA C76 and subsequent amended Leongatha Framework Plan support the application due to consistency with surrounding zones. The panel recommended that the land is designated for a future Residential Aged Care Facility on LDRZ.

The Amendment will provide for the fair, orderly, economic and sustainable use and development of land in the township of Leongatha.

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

The site is cleared pasture land with few significant environmental values. The amendment will not alter or compromise any existing provisions in the Planning Scheme that seek to protect the environment.

There are no declared waterways on the site which is covered by the Tarwin Water Catchment and will be connecting to available reticulated sewer lines. Approximately 300sqm of the north east corner contains part of a dam that originates in neighbouring lots but will need to be addressed in the design response during the planning permit process.

The amendment will provide a greater range of accommodation for elderly residents requiring care which will bring associated social and economic benefits to the area.

The provision of an aged care facility will provide a mix of residential dwellings and maintain a diverse housing mix that encourages residents to remain in town. This stabilises the population and provides facilities for families who wish to stay close together in the shire.

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

The surrounding area is predominantly cleared pasture, intended for residential and commercial purposes. There are few trees and the site is outside any identified Bushfire Management Overlay area and the minimal bushfire risk is able to be addressed by relevant Building standards at time of construction.

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

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

The amendment is consistent with the Ministerial Direction 11 on the strategic assessment of amendments and follows Direction No. 15 - the planning scheme amendment process.

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

The amendment gives effect to Clauses;

- 11.02-1 Supply of urban land,
- 11.05-4 Regional planning strategies and principles (*'A network of integrated and prosperous regional settlements'* and *'Liveable settlements and healthy communities'*),
- 16.01-1 Integrated housing
- 16.02-3 Residential aged care facilities
- 16.02-4 Design and location of residential aged care facilities

Land supply for residential aged care sufficient to meet forecast demand, improves diversity, economic benefit and provides access to town for older people. The location is significant because it supplies a mix of housing for older people with appropriate access to care and support services. Clause (16.02-4) is supported through locating the facility in a residential area close to services.

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

The rezoning supports the South Gippsland Municipal Strategic Statement as it facilitates future development of a residential aged care facility consistent with the Leongatha Framework Plan and Southern Leongatha Outline Development Plan. The Independent Panel which considered C76, Southern Leongatha Outline Development Plan, specifically identified this land as suitable for a residential aged care facility.



The Amendment gives effect to subclause 21.14-1 *Community Wellbeing*, Strategy 1.4 which is to "Encourage quality service solutions that meet the diverse needs of older persons". The rezoning will ensure that the appropriate zoning to enable the use and development to commence when necessary is in place.

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

The Low Density Residential Zone is appropriate for this purpose and setting, in line with neighbouring zones should the site not be used and developed for the identified purpose. The Southern Leongatha Outline Development Plan supports development of the subject land for a residential aged care facility. No changes to the MSS or LPPF are necessary in the circumstances.

There are no conflicting planning scheme provisions or policies relating to the subject land.

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

Details of the proposed rezoning were sent to West Gippsland Catchment Management Authority regarding the removal of ESO6.

Consultation with other agencies will be sought from other referral agencies as part of the exhibition process. The proposed amendment will not introduce any new referral requirements and will delete unnecessary referral requirements required by ESO6.

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

The amendment is unlikely to have an adverse impact on the transport system as defined by section 3 of the Transport Integration Act 2010. At present there are no public transport services within Leongatha. Woorayl Lodge would be supportive of an associated bus stop either within the site or adjacent to the facility on Boags Road.

There are no statements of policy principles prepared under section 22 of the Transport Integration Act 2010 applicable to this amendment.

**Resource and administrative costs**

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

The amendment will have a negligible impact on the resource and administrative costs of the responsible authority. The amendment follows on from extensive strategic work undertaken by Council over a number of years and simply seeks to implement the recommendations of the relevant strategic documents.

**Where you may inspect this Amendment**

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

- South Gippsland Shire Council Offices, 9 Smith Street, Leongatha, 3953
- Leongatha Library, 2 Smith Street, Leongatha, 3953
- Leongatha Community House, 16 Bruce Street, Leongatha

The amendment can also be inspected free of charge at the Department of Transport, Planning, and Local Infrastructure website at <http://www.dpcd.vic.gov.au/planning/publicinspection>.

**Submissions**

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by **[insert submissions due date]**.

A submission must be sent to: South Gippsland Shire Council Offices, Private Bag 4, Leongatha, 3953 or by email to [nick@southgippsland.vic.gov.au](mailto:nick@southgippsland.vic.gov.au)

**Panel hearing dates**

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: **[insert directions hearing date]**
- panel hearing: **[insert panel hearing date]**



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## **E.8 PLANNING SCHEME AMENDMENT C86 TO REZONE LAND IN HUGHES ST, LEONGATHA TO INDUSTRIAL 1 ZONE**

Development Services Directorate

### **EXECUTIVE SUMMARY**

This report introduces Planning Scheme Amendment C86, proposing to create the 'Hughes Street Industrial Precinct' by rezoning land adjacent to Hughes St and Wild Dog Valley Road, Leongatha (see Figure 1), from Farming Zone (FZ) to Industrial 1 Zone (IN1Z). It proposes to remove Schedule 5 to the Environmental Significance Overlay (ESO5) - Areas Susceptible to Erosion and apply a Development Plan Overlay.

Amendment C86 implements a key recommendation of the adopted Leongatha Industrial Land Supply Study (the Study) by rezoning this land to accommodate anticipated industrial estate growth.

The report recommends that Council seek the Minister for Planning's Authorisation to exhibit Planning Scheme Amendment C86 and request the Minister for Planning convene a Planning Panel to hear any objections that cannot be mediated.

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

- **Attachment 1** - Draft Development Plan Overlay and associated documentation

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

Planning and Environment Act 1987 (the Act)

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

Leongatha Industrial Land Supply Study 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 No:	3.1.2	We will collaborate with other agencies and service providers to focus attention on growth areas and avoid duplication of services.

### **CONSULTATION**

Amendment C86 has undergone pre-application discussions with Regional Development Victoria (RDV), Department of State Development, Business and Innovation (DSDBI), Contour Planning Consultants, Telstra, SP AusNet and South Gippsland Water (SGW).

All landowners included in the rezoning area have been consulted as part of the Study and all parties were amenable to the proposal.

Council's Engineering and Planning Departments have also provided comment on the proposal.

Public notice of Amendment C86 will include an onsite notice, public notice in local newspapers and letters to adjacent landowners as detailed in The Act, for a minimum of 28 days.

## REPORT

### Background

Following the adoption of the Study and commencement of Planning Scheme Amendment C95, Hughes Street P/L the proponent, formally requested rezoning of land at 58 - 60 Hughes Street.

The Study confirmed the 32ha of land identified in the Leongatha Structure Plan as 'Industrial Investigation Area' as the most appropriate for industrial expansion. Amendment C86 comprises this parcel of land for rezoning and for the Amendment purposes, will be referred to as the 'Hughes Street Industrial Precinct' (HSIP).

The Study determined there is currently 6.5ha of developable industrial land in Leongatha, representing between 5 - 8 years' supply at current take up rates.



**Figure 1: shows the land proposed for rezoning under Amendment C86.**

## Discussion

The HSIP is approximately 32 ha, consists of 7 lots (44A, 46A and B, 52, 58-60 Hughes Street and 75 Wild Dog Valley Road) and includes a road reserve leading from Hughes Street. The land is undulating and contains several declared waterways. The ground is low lying and has several tributary drains draining to the north-east of the site. The land is currently used for grazing.

The primary access to the site is from Hughes Street, with Wild Dog Valley Road frontage from the northernmost lot. Hughes Street is partially sealed for 250m and unsealed for the balance of 500m. The developer is normally responsible for full road and infrastructure upgrade costs within the vicinity of the development.

The proposed rezoning includes lots surrounding those of 58-60 Hughes Street (PC153637 and L2 PS511717D), specifically:

- 75 Wild Dog Valley Road (L1 TP517967H)
- 46A and B Hughes Street (L1 LP148860L)
- 44A Hughes Street (L2 LP148860L) (see Figure 1)
- 52 Hughes Street (L1 TP128078K)

The Study advocates efficient industrial development by using the available infrastructure and services. The proximity of this site to Hughes Street supports greenfield development as more cost effective than other areas investigated by the Study. Therefore, the rezoning is considered appropriate, especially due to the strategic justification provided by the Leongatha Structure Plan and the Study.

The rezoning will increase supply of Industrial 1 zoned land. The land is visible from the South Gippsland Highway entrance to town and the design of the precinct should reflect visual values identified in the Leongatha Structure Plan. Visual controls require addressing in the proposed Development Plan Overlay (DPO).

The proximity to the Woorayl Golf Course, football/cricket oval, netball courts, velodrome and other uses in the Recreation Reserve requires consideration in the Development Plan Overlay (DPO).

### Development Plan Overlay

The proposed DPO will address staging of development, provision of infrastructure, drainage, access requirements and environmental responses (see **Attachment 1**).

The DPO requires developer contributions to infrastructure provision and these may be staged according to development progress.

### Contaminated Land

Lot 7A-29 PP5460 (shown in Figure 1 as a star) at the south-west of the golf course was used as a Council landfill in the 1960's. Contamination associated with this use will require assessment in conjunction with the Environmental Protection Agency as part of the Development Plan preparation; particularly with regard to stormwater drainage.

A saline outfall pipe linking Leongatha with Korumburra runs through the undeveloped road reserve on the site. More investigation into this will be required as there may be contaminants on the land resulting from the degradation of the pipe over time.

### Environmental Significance Overlay Schedule 5 (ESO5) - Erosion.

Removing the Environmental Significance Overlay Schedule 5 - Areas Susceptible to Erosion (ESO5) will not increase any erosion or flooding risk. The topography is gently undulating and the overlay was applied broadly to the shire and was not specifically applied to this area. Removing the overlay removes an unnecessary administration burden to developing the site.

### **Proposal**

It is proposed that Council seek Authorisation from the Minister for Planning to Amendment C86.

### **FINANCIAL CONSIDERATIONS**

There are no financial implications for Council as a result of seeking Authorisation. The proponent will pay all Independent Panel costs and associated amendment fees.

### **RISK FACTORS**

If contamination from the historical Council landfill is found, the development of the land may introduce financial risk to the developer (through remediation requirements), and liability risk to Council; with the land being a former landfill. A contamination assessment will determine the level of contamination through the development plan.

### **CONCLUSION**

Planning Scheme Amendment C86 provides an opportunity to rezone and develop land to meet the current and future demand for Industrial Activity in South Gippsland as identified by the Leongatha Industrial Land Supply Study 2013. It gives effect to the Study and provides a platform for industrial expansion in Leongatha in a structured, efficient manner.

## **RECOMMENDATION**

That Council:

1. Seek Authorisation from the Minister for Planning to prepare and publicly exhibit Planning Scheme Amendment C86 to Rezone the following land from Farm Zone to Industrial 1 Zone:
  - a. 58-60 Hughes Street (PC153637 and L2 PS511717D);
  - b. 75 Wild Dog Valley Road (L1 TP517967H)
  - c. 46A and B Hughes Street (L1 LP148860L)
  - d. 44A Hughes Street (L2 LP148860L) (see Figure 1)
  - e. 52 Hughes Street (L1 TP128078K)
2. Apply a Development Plan Overlay to the affected land
3. Remove the Environmental Significance Overlay Schedule 5 (ESO5) from the affected land.
4. Request the Minister for Planning convene an Independent Planning Panel to hear any objections to Amendment C86 that cannot be mediated.

## **STAFF DISCLOSURE OF INTEREST**

Nil

**MOVED: Cr Hutchinson-Brooks**

**SECONDED: Cr Davies**

**THAT COUNCIL:**

- 1. SEEK AUTHORISATION FROM THE MINISTER FOR PLANNING TO PREPARE AND PUBLICLY EXHIBIT PLANNING SCHEME AMENDMENT C86 TO REZONE THE FOLLOWING LAND FROM FARM ZONE TO INDUSTRIAL 1 ZONE:**
  - a. 58-60 HUGHES STREET (PC153637 AND L2 PS511717D);**
  - b. 75 WILD DOG VALLEY ROAD (L1 TP517967H)**
  - c. 46A AND B HUGHES STREET (L1 LP148860L)**
  - d. 44A HUGHES STREET (L2 LP148860L) (SEE FIGURE 1)**
  - e. 52 HUGHES STREET (L1 TP128078K)**
- 2. APPLY A DEVELOPMENT PLAN OVERLAY TO THE AFFECTED LAND**
- 3. REMOVE THE ENVIRONMENTAL SIGNIFICANCE OVERLAY SCHEDULE 5 (ESO5) FROM THE AFFECTED LAND.**
- 4. REQUEST THE MINISTER FOR PLANNING CONVENE AN INDEPENDENT PLANNING PANEL TO HEAR ANY OBJECTIONS TO AMENDMENT C86 THAT CANNOT BE MEDIATED.**

**CARRIED UNANIMOUSLY**

## Attachment 1 Draft Development Plan Overlay and associated documentation

(DRAFT DEVELOPMENT PLAN OVERLAY)

**SCHEDULE xx TO THE DEVELOPMENT PLAN OVERLAY**  
Shown on the planning scheme map as **DPOxx**

**HUGHES STREET INDUSTRIAL PRECINCT**

The Leongatha Industrial Land Study (the Study) identifies the requirement for further industrial Zoned Land in Leongatha and that this site is preferred based on infrastructure servicing assessments undertaken as part of the Study.

**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.
- The use and development of land for agriculture provided it is minor in nature and does not prejudice the future industrial use and development of the land.
- The use, development & subdivision of land by a public authority or utility provider.

**2.0 Conditions and requirements for permits**  
/ /  
C

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 orderly manner having regard to essential services and roads.
- Provision of a road connection from Hughes Street to Wild Dog Valley Road through the Precinct
- The potential for future re-subdivision.
- The interface between proposed and existing nearby developments.
- The timing and staging of the development of the land.
- The consistency of the proposed development with the approved Development Plan(s).
- The consistency of the proposed development with the adopted Leongatha Structure Plans, where relevant.
- Any other matter, as deemed appropriate by the Responsible Authority, which the Development Plan(s) 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 ensure consistency with the approved Development Plan(s)

**2.1 Infrastructure contributions condition**  
/ /  
C

Except for a permit granted for Minor Buildings and Works, a permit must contain the following condition where required by the approved Development Plan:

(DEVELOPMENT PLAN OVERLAY - SCHEDULE xx)



- Prior to the commencement of any development, the owner(s) of the land must enter or have in place an agreement under section 173 of the Planning & Environment Act 1987. The agreement must provide for infrastructure contributions to be paid prior to the commencement of any development of the land or prior to the issue of a statement of compliance in respect of the subdivision of land. The agreement must require the payment of infrastructure contributions for:
  - The acquisition of any land required for a road reserve for a road that Council proposes to be funded by the contributions agreement. Where that road is proposed to be wider than what presently exists, the infrastructure payment required must only relate to the additional width of the required road reserve. The contributions must be in the proportions set out in the development contributions tables in the approved development plan.
  - The construction of any road that Council proposes is to be funded by the contributions agreement. If widening is to an existing road, then the infrastructure payment required must only relate to the difference between a road comprising the existing pavement width and a road comprising a widened pavement and associated facilities in the proportions set out in the development contributions tables in the approved development plan.
  - The design and construction of stormwater drainage infrastructure including main drainage, wetlands, and retarding basins as described in the approved Development Plan(s).
  - The acquisition of land for stormwater drainage purposes in the proportions set out in the development contributions tables in the approved Development Plan(s).
  - Traffic calming treatments.

The agreement must be prepared at the cost of the owner(s) and be to the satisfaction of the responsible authority.

**3.0**  
**1.1**  
**C**

**Requirements for Development Plan**

A Development Plan must be prepared to the satisfaction of the Responsible Authority.

A Development Plan must be prepared for the full site demonstrating comprehensive drainage and access assessments. The Development Plan may be implemented in stages to the satisfaction of the Responsible Authority

The plan must show:

**Land use and subdivision**

- Interface with the Woorayl Golf Course and management of this sensitive interface.
- The proposed boundaries and stages of the development area, and provide the strategic justification for those boundaries.

Site Context Plan, incorporating

- existing natural features including trees and other significant vegetation;
  - the local and arterial road network;
  - surrounding and nearby land uses, including the nearest residentially zoned land;
  - drainage lines, water courses, wetlands; and
  - ridgelines and viewlines
- A Survey Plan, including existing easements and reserves.
  - Infrastructure Report, detailing existing and proposed site services



- A staging plan to identify indicative staging of subdivision, infrastructure and services provision;
- Proposed vehicular access points and road infrastructure works, including a trigger point assessment in relation to when infrastructure is required to be provided;
- The overall subdivision of the area and vehicle movements within the lots to demonstrate vehicle access in accordance with the IDM is achievable.
- The overall pattern of development of the area and proposed land uses.
- Street networks that support building frontages with two way surveillance.
- Street network that:
- 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.

#### **Earthworks and Land Form**

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**

##### **The**

- An integrated Stormwater 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 that identifies:
- 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
  - ⊕ intersections
  - ⊕ access points
  - ⊕ pedestrian crossings or safe refuges
  - ⊕ cycle lanes
- The pattern and location of any internal road system and intersections based on a safe and practical hierarchy of roads including safe pedestrian and bicycle connections and crossing points.
- Indicative road cross-sections reflective of future demands
- Indicative traffic generation rates for future land uses and its distribution within the road network
- Identification of costs for infrastructure provision both onsite and offsite
- Consistency with Council's Infrastructure Design Manual.
- Sufficient details to demonstrate that all future buildings will be able to connect to reticulated sewer.

NON-COMPLAINTS PLANNING SCHEME

**Flora and Fauna**

- In consultation with the Department of Environment and Primary Industries, a Flora and Fauna Assessment, prepared by a suitably qualified expert(s), and measures required to protect the identified species.
- An assessment of any native vegetation to be removed having regard to Permitted clearing of native vegetation – *Biodiversity assessment guidelines (Department of Environment and Primary Industries, September 2013)*, including how it is proposed to protect and manage any appropriate native vegetation.
- Regard must be had to the West Gippsland Native Vegetation Plan 2003 (as amended).

**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. The investigation must consider, but not be limited to, agricultural chemical use, informal land dumping, industrial & mining activities.

Former land-fill site

Due to the previous use of 44a Hughes Street and environs as a Shire rubbish tip site this property and the adjacent properties must consider possible land contamination, land instability and associated effects on stormwater drainage and development.

Therefore any drainage from this site and use within 100m of the site must detail how possible land contamination will be addressed in conjunction with the Environmental Protection Agency.

A geotechnical report will be required on sites within 100m of the site to determine whether the land has been disturbed and if so how it will be managed.

Before a sensitive use (e.g. residential use, educational centre) commences on or within 100m of the site or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:

- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
  - An environmental auditor appointed under the Environment Protection Act 1979 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use

**Design Guidelines**

The Design Guidelines must address the following matters:

- Indicative building and landscape setbacks from roads, title boundaries and reserves / waterways / open space;
- Indicative fencing styles;
- Landscaping and species selection consistent with the landscape theme for the site;
- The requirement for signage to form an integrated part of the building façade and for signs to avoid cluttering;
- Site amenity;
- Waste management; and
- Activated frontages (such as administration areas) facing the street.

**Landscaping Concept Plan**

SOUTH GIPPSLAND PLANNING SCHEME

- Indicative landscape areas within the site, including any trees to be retained;
- Proposed road cross-sections, with street tree species selected with reference to Council requirements;
- Details of the interface treatment for land adjoining or opposite properties which are not in an industrial zone;
- Provision of landscaping within the frontage of each site and within car parking areas.

**Cultural Heritage**

- A Cultural Heritage Assessment including how cultural heritage values will be managed.

**Process and Outcomes**

The Development Plan should be prepared with an appropriate level of community input to the satisfaction of 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.

**Provision of Infrastructure and Cost Apportionment**

An appropriate mechanism to identify and apportion costs of land and services as development occurs whether this will be a Section 173 Agreement or alternative means.

4.0  
11

**Decision guidelines for a Development Plan**

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

- Biodiversity assessment guidelines (Department of Environment and Primary Industries, September 2013).
- National Heart Foundation of Australia (Victorian Division) 2012, Healthy by Design: a planners' guide to environments for active living®, National Heart Foundation of Australia (Victorian Division).
- South Gippsland Path and Trails Strategy 2010 (as amended).
- South Gippsland Open Space Strategy 2007 (as amended).
- Leongatha Structure Plan 2012 (as amended).
- Leongatha Industrial Land Supply Strategy 2013 (as amended).
- South Gippsland Shire Council Infrastructure Design Manual.

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**Councillor Fawcett left the Meeting at 3.05pm with a declared indirect conflict of interest in Council Reports Item E.9 - ADOPTION OF PLANNING SCHEME AMENDMENT C91 - REZONING OF SOUTH GIPPSLAND WATER OFFICE IN FOSTER as he has a conflicting duty in that he is a Director of South Gippsland Water owner of the land subject to rezoning.**

**E.9 ADOPTION OF PLANNING SCHEME AMENDMENT C91 - REZONING OF SOUTH GIPPSLAND WATER OFFICE IN FOSTER**

Development Services Directorate

**EXECUTIVE SUMMARY**

Amendment C91 (the Amendment) proposes to rezone part of the land at 16-24 Pioneer Street, Foster, from Public Use Zone Schedule 6 (Local Government - PUZ6) to Public Use Zone 1 (Service & Utility - PUZ1). The land, formerly owned by Council and recently purchased by South Gippsland Water (SGW), is used by the service provider in accordance with two planning permits.

The public exhibition of the Amendment has been completed and no objections have been received by Council. It is recommended that Council adopt C91 as exhibited and request the Minister for Planning to approve the Amendment.

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

- **Attachment 1** - Exhibited Explanatory Report and Zoning map
- **Attachment 2** - Submission

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

- Planning and Environment Act 1987 (The Act)
- South Gippsland Planning Scheme (The Planning Scheme)
- Planning Practice Note 2 - Public Land Zones (October 2013)

**COUNCIL PLAN**

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

## **CONSULTATION**

Consultation was undertaken in accordance with statutory requirements. The Amendment was publicly exhibited between 24 December 2013 and 7 February 2014. Letters and emails were sent to the prescribed Ministers, affected landowners and occupiers and relevant agencies and groups. Public Notice was published on the Foster Community website on 18 December 2013 and the Government Gazette and local newspapers on 24 December 2013. A second public notice was published in the newspapers on 3 Feb 2014.

A physical copy of the exhibition material was also available at the Foster Library, Foster Post Office, Foster Community House, and Council's Customer Service centre during the exhibition period.

One supporting submission from the Department of Environment and Primary Industries has been received by Council which raises no issues (**Attachment 2**).

## **REPORT**

### **Background**

The main office of SGW was established at 16-18 Pioneer Street, Foster when the former South Gippsland Shire office was transferred to SGW in 1995. The land at 16-18 Pioneer Street is designated Public Use Zone 1 (Service & Utility) (PUZ1) for land associated with a public authority.

The abutting land to the South ("the subject land") contains the former Infant Welfare Centre, the former Preschool / Kindergarten, and part of the car park at the rear of the buildings. The former Infant Welfare Centre has been leased to SGW and used as an office since 2005 pursuant to Planning Permit 2005/212, and the former Preschool / Kindergarten has been leased and used by SGW as an office since 2011 pursuant to Planning Permit 2011/280 for the change of use. The subject land is zoned Public Use Zone Schedule 6 (Local Government) (PUZ6) with a size of 2,011m<sup>2</sup>.

SGW purchased the subject land from Council on 10 September 2013 to permanently secure the land as long term office space for SGW staff. The sale agreement included a lease agreement for a 560m<sup>2</sup> area owned by Council to the south to maintain SGW access to the site. (Shown in Figure1)



**Figure 1: Site and the subject land, at Pioneer St, Foster**



Following its purchase of the subject land and the abutting land at 16-18 Pioneer St were consolidated into a parcel at 16-24 Pioneer Street (Lot 2 in Plan of Subdivision 648040Y) in September 2013. The consolidated parcel now exists with split zoning that needs to be rectified through this Amendment.

In accordance with the Contract of Sale and to ensure consistency of planning control across the site, SGW applied to Council in October 2013 to rezone the subject land from Public Use Zone 6 (PUZ6 - Local Government) to Public Use Zone 1 (PUZ1 - Service & Utility). In November 2013, Council resolved to seek authorisation from the Minister for Planning to prepare the Amendment, and publicly exhibit the Amendment in accordance with the statutory requirements.

### **Discussion**

The key purpose of Amendment C91 is to recognise the use of the subject land for service & utility by SGW in its role as a Public Authority under the Water Act.

The rezoning recognises the changed ownership and use of the land and ensures that this use is consistent with the Planning Scheme Zone provisions and purpose and with Practice Note 2 - Public Land Zones October 2013.

Council received 1 submission for Amendment C91. The submission from the Department of Environment and Primary Industries (DEPI) supports the Amendment.

## **Proposal**

It is recommended to adopt Amendment C91 as exhibited and request the Minister for Planning to approve the Amendment.

## **FINANCIAL CONSIDERATIONS**

The recommendations have no financial impact to Council. Under the Section 173 agreement on the land title, the costs associated with Amendment C91 are borne by SGW.

## **RISK FACTORS**

Amendment C91 will recognize the use of the land for the purpose of 'service and utility' and finalise the steps to secure the long term presence of SGW in Foster.

## **CONCLUSION**

The adoption and subsequent approval of Amendment C91 is consistent with the Planning Scheme and the relevant PUZ practice note.

## **RECOMMENDATION**

That Council adopt Planning Scheme Amendment C91 as exhibited (in accordance with rezoning map in Attachment 1) and request the Minister for Planning to approve the Amendment.

## **STAFF DISCLOSURE OF INTEREST**

Nil

**MOVED: Cr Davies**

**SECONDED: Cr Hutchinson-Brooks**

**THAT COUNCIL ADOPT PLANNING SCHEME AMENDMENT C91 AS EXHIBITED (IN ACCORDANCE WITH REZONING MAP IN ATTACHMENT 1) AND REQUEST THE MINISTER FOR PLANNING TO APPROVE THE AMENDMENT.**

**CARRIED UNANIMOUSLY**

**Cr Fawcett returned to the Meeting at 3.07pm.**

## Attachment 1 Exhibited Explanatory Report and zoning map

*Planning and Environment Act 1987*

### SOUTH GIPPSLAND PLANNING SCHEME AMENDMENT C91 EXPLANATORY REPORT

#### Who is the planning authority?

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

The amendment has been made at the request of South Gippsland Water (SGW)

#### Land affected by the amendment

The amendment applies to part of Lot 2 in Plan of Subdivision 648040Y, known as part of 16-24 Pioneer St, Foster, illustrated in the map below.



#### What the amendment does

The Amendment proposes to rezone part of the land currently in Public Use Zone Schedule 6 (Local Government) (PUZ6) to Public Use Zone 1 (Service & Utility) (PUZ1), to facilitate the long term use of the land by South Gippsland Water (SGW), the owner of the land. The land, formerly owned by Council and recently purchased by SGW, is used by the service provider in accordance with an approved planning permit.

#### Strategic assessment of the amendment

##### Why is the amendment required?

The key purpose of this amendment is to formally recognise the use of the land by SGW for its purposes as a Service and Utility Public Authority in the Planning Scheme. This will also



address the split zoning anomaly that was introduced as a result of the consolidation of the land with the adjoining land to the north, also owned by SGW. This consolidation led to the current split zoning situation of Lot 2, and will be rectified through this amendment.

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

The amendment implement the objectives of planning in Victoria, contained at Section 4 of the *Planning and Environment Act 1987* in the following way:

The amendment provides for the orderly and economic use of the land, by facilitating the logical expansion of the office of South Gippsland Water from the adjoining area and securing long term commercial activities for the local community.

The amendment enables the effective and efficient provision of public utilities for the benefit of the community by providing the appropriate zone for the facilities of South Gippsland Water who develops and manages much of the water and sewerage infrastructure and services within the municipality.

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

The amendment has considered the relevant environmental, social and economic effects. It's considered that the amendment facilitates the long term employment and commercial activities within the activity centre in Foster through adaptive reuse of the former Infant Welfare Centre and the former Foster kindergarten as an office.

It is considered by Council that there are no negative environmental implications as a result of this amendment as it recognises the existing use of the site.

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

The amendment is to rezone land in an established urban area to reflect its public ownership and use. The amendment will have no increase to bushfire risk.

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

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act, Ministerial Direction Number 11 Strategic Assessment of Amendments and the provisions of the South Gippsland Planning Scheme.

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

The amendment is consistent and implements the State Planning Policy Framework through the following clauses:

11.01-1 Activity centre network

- *"Develop a network of activity centres that maximises choices in services, employment and social interaction."*

11.02-2 Planning for growth areas

- *"Provide for significant amounts of local employment opportunities and in some areas, provide large scale industrial or other more regional employment generators."*

11.05-2 Melbourne's hinterland areas

- *"Manage the growth of settlements to ensure development is linked to the timely and viable provision of physical and social infrastructure and employment."*

11.05-4 Regional planning strategies and principles

- *"Strengthening settlements by ensuring that retail, office-based employment, community facilities and services are concentrated in central locations."*

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

The amendment and associated office use of the land are compatible with the objectives and strategies of the South Gippsland Shire Council Municipal Strategy Statement and supporting local policies. Specially, it implements the following strategy in Clause 21.15 Settlement:

- *"Promote economic development that complements the social and high quality environmental values of the township"*
- *"Encourage new commercial opportunities and community functions in the town centre that support the needs of the local community"*

The amendment is consistent with the strategic recommendations of the Housing and Settlement Strategy 2013 which was adopted by council on 25 September 2013 and is proposed to be included in the Planning Scheme as a reference document as part of proposed Amendment C80. There are no local planning policies that directly affect the implementation of the amendment.

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

The amendment makes proper use of Victoria planning provisions. The proposal to apply PUZ1 to the land is considered to be the most appropriate method for the intended use of the land as guided by the Practice Note 2 on Public Land Zones and the PUZ objectives in the VPP.

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

Similar planning scheme amendments have been implemented across the State. The amendment is at the request of the relevant agency SGW.

Stakeholders and the public will be consulted as part of the statutory process in this amendment.

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

The amendment will have no impact on the transport network as it only rezones land consistent with its ownership and use, and is not considered to be contrary to requirements of the Transport Integration Act 2010.

**Resource and administrative costs**

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

The amendment will remove the need for planning permit in the future for any buildings and works by South Gippsland Water that correspond to service & utility purpose. This reduces the administrative costs of the responsible authority.

**Where you may inspect this Amendment**

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

- South Gippsland Shire Council, 9 Smith Street Leongatha, and Council's web page [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)
- Foster Post Office, 22 Main St Foster
- Foster Library, Main Street Foster

The amendment can also be inspected free of charge at the Department of Transport, Planning, and Local Infrastructure website at <http://www.dpced.vic.gov.au/planning/publicinspection>

**Submissions**

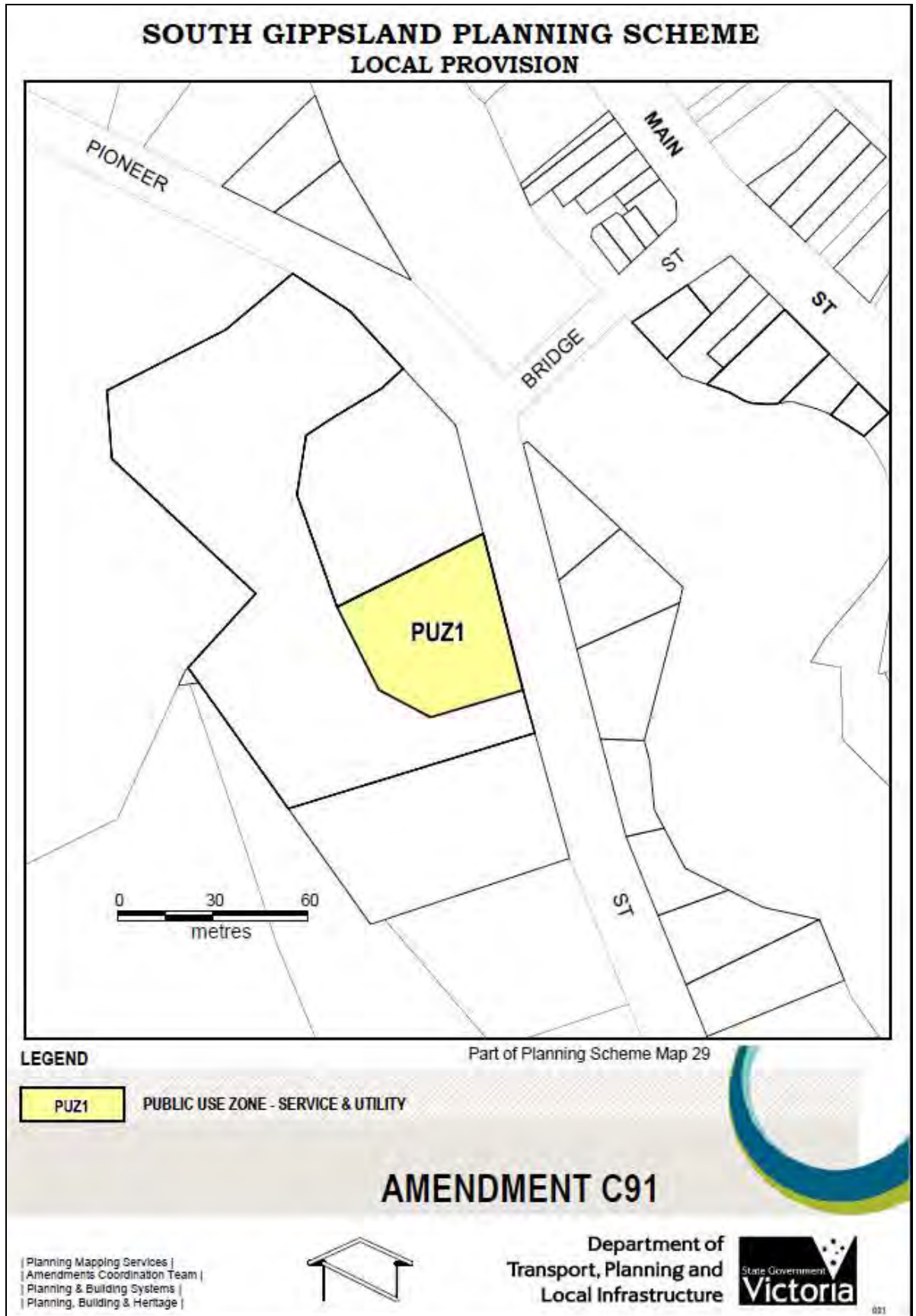
Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by 7 February 2014.

A submission must be sent to: Private Bag 4, Leongatha Vic 3953.

**Panel hearing dates**

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: 24 March 2014
- panel hearing: 21 April 2014





## Attachment 2 Submission



### Department of Environment and Primary Industries

Our ref: SP448903  
Your ref: C91

6 January 2014

Victor Ng  
Strategic Planner  
South Gippsland Shire Council  
Private Bag 4  
**LEONGATHA VIC 3953**

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

Dear Victor

#### **AMENDMENT C91 TO SOUTH GIPPSLAND PLANNING SCHEME**

Thank you for your correspondence dated 17 December 2013 in respect of Planning Scheme Amendment C91 (Amendment), which was referred to the Minister for Environment and Climate Change, as the Minister responsible for administering the *Conservation, Forests and Lands Act 1987*, pursuant to section 19(1)(c) of the *Planning and Environment Act 1987*. The correspondence was received on 19 December 2013.

The land affected by the Amendment is part of Lot 2 PS648040, known as part of 16-24 Pioneer Street, Foster.

The Amendment proposes to rezone the subject land from PUZ6 to PUZ1 to reflect the current use of the land by South Gippsland Water.

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

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

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

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

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

Yours sincerely

**John Brennan**  
Program Manager, Regional Planning

#### **Privacy Statement**

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



## **E.10 DRAFT MIRBOO NORTH COMMUNITY INFRASTRUCTURE PLAN 2014**

Development Services Directorate

### **EXECUTIVE SUMMARY**

The draft Mirboo North Community Infrastructure Plan (draft plan) provides a detailed audit of existing infrastructure and current and projected demographic information and guides prioritisation for infrastructure over the next 5, 10 and 20 years. It provides detailed recommendations to assist in negotiation for developer contributions, funding submissions and asset management to support the provision of community infrastructure for expected population growth.

The draft plan provides an additional level of detail to complement the broader approach of the Social and Community Infrastructure Committee. This plan provides recommendations for both built and soft infrastructure aimed to bring the community together and to further support the community.

This report recommends that the draft plan be placed on public exhibition and that community consultation takes place to ensure the plan is appropriate and responsive to community needs, priorities and values.

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

- **Appendix 1** - Draft Mirboo North Community Infrastructure 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**

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

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

- Council Plan 2013 - 2017
- Annual Plan 2013 - 2014
- Active Ageing Plan 2012 - 2016
- Aquatic Strategy 2012 - 2013
- Early Childhood Services Building Assets Policy Framework 2013

- Economic Development and Tourism Strategy 2012 - 2017
- Emergency Management Plan (revised July 2012)
- Municipal Early Years Plan 2011 - 2016
- Municipal Public Health and Wellbeing Plan 2013 - 2017
- Open Space Strategy 2007
- Paths and Trails Strategy 2010
- Recreation Plan 2007
- South Gippsland Planning Scheme
- South Gippsland Youth Policy

### **COUNCIL PLAN**

Outcome:	3.0	Integrated Services and Infrastructure
Objective:	3.1	Deliver affordable modern community services and facilities
Strategy:	3.1.4	Plan for the service needs of the Shire's changing demographic
	3.1.5	Encourage sustainable development that promotes the health and wellbeing and unique character of the community

### **CONSULTATION**

- Physical infrastructure strategies were developed in consultation with members of the Mirboo North community during a community meeting held in November 2013.
- Community organisations and service providers were contacted via telephone and community and service provider websites were consulted in the development of the draft plan.
- This report proposes further community consultation activities to be held between March and May 2014. A public meeting, workshops and focus group discussions are proposed and written submissions will be invited.
- The document will be available to all residents of South Gippsland, particularly residents of Mirboo North and district.
- Individual chapters of the plan were reviewed by the appropriate departments of Council.

## **REPORT**

### **Background**

With a current population of 2,215 Mirboo North is the third largest urban settlement in South Gippsland Shire. It is expected to grow to 2,800 people by 2031. While population growth in Mirboo North is not expected to be as great as that of Leongatha, Korumburra or Nyora, the demographic profile of the community is anticipated to change over the next 20 years with an increase in retirees, increase in families with young children and a decrease in youth.

A community infrastructure plan for Mirboo North will allow prioritisation for infrastructure spending for the next 20 years. It uses existing strategic plans, planning guidelines and current best practice to determine the needs of the town and its community.

The attached draft plan includes a detailed audit of current infrastructure, current and projected demographic information and recommendations for infrastructure needs for the Mirboo North community.

### **Discussion**

Outcomes of the plan and future growth predictions will inform a structure plan anticipated to be developed in 2014 /15 to inform land use in the town. The current structure plan for Mirboo North was developed in 2004.

The Draft Community Infrastructure Plan provides a broad view of potential projects for the town. Many current aspects of the township of Mirboo North represent best practice including the location of Baromi Park as a central feature of the town with both indoor and outdoor facilities for use by all community members and visitors. The recreation reserve provides a hub for a range of recreation activities. It is important to recognise and retain these features and ensure access, maintenance and enhancement meet the needs of a larger and older population.

An ageing population of active retirees will require accessible community infrastructure different from that currently provided. While outdoor recreation facilities are suitable for the Mirboo North community, indoor recreation facilities are limited to a stadium at the school which is not available to the general public during school hours. Active retirees require access to indoor recreation facilities during the day.

Planning is also needed for a connected footpath network around the town and from residential developments on the edge of town that will allow safe pedestrian access for children of young families and older people.



## **Proposal**

It is proposed that the draft plan be used as a guiding reference document for planning for Council, external organisations and the broader community for the next 20 years.

## **FINANCIAL CONSIDERATIONS**

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

- Negotiate developer contributions;
- Provide information for planning new community facilities or refurbishment of existing community facilities;
- Inform strategic planning for the town;
- Inform provision of services by Council and other non-Council organisations in Mirboo North.

## **RISK FACTORS**

This draft plan may raise the community's expectations that facilities and services will be provided should growth occur. There is a risk that Council may not deliver to the community's expectations or in the timeframe estimated in the plan. The draft report provides a clear message that the proposed facilities or services are 'recommendations only' requiring further investigation for funding and budget allocation. The extent and timeframe of population growth will also play a key part in determining the most appropriate time to develop the infrastructure as will the broader work of the Social Community Infrastructure Committee.

## **CONCLUSION**

Mirboo North is expecting growth of around 500 people in the next 20 years. Whilst this is not as great as other towns in South Gippsland it is important to consider the change in the demographic to young families and retirees and older people.

Mirboo North's community facilities are well located and should be retained and maintained to a standard which allows them to be easily accessible by all members of the community. Integrated community facilities and services are a vital component for creating healthy communities that support social inclusion and enhance the wellbeing of residents. Linking new residential developments with existing areas and the town centre will ensure a socially vibrant town centre that provides equitable, accessible facilities and services for everyone in the community and ensure an active older population is supported.

**RECOMMENDATION**

That Council approve the Draft Mirboo North Community Infrastructure Plan for public exhibition and consultation for a period of four (4) weeks.

**STAFF DISCLOSURE OF INTEREST**

Nil

**MOVED: Cr Hill**

**SECONDED: Cr Hutchinson-Brooks**

**THAT COUNCIL APPROVE THE DRAFT MIRBOO NORTH COMMUNITY INFRASTRUCTURE PLAN FOR PUBLIC EXHIBITION AND CONSULTATION FOR A PERIOD OF FOUR (4) WEEKS.**

**CARRIED UNANIMOUSLY**

## **E.11 PLANNING SCHEME AMENDMENT C98 - NEW RESIDENTIAL AND BUSINESS ZONES AMENDMENT**

Development Services Directorate

### **EXECUTIVE SUMMARY**

Planning Scheme Amendment C98 requests the Minister for Planning to translate the existing Residential 1 Zone (R1Z) land to the General Residential Zone (GRZ) across the Shire. The Amendment also corrects the remaining Planning Scheme mapping anomalies where the Business 1 Zone (B1Z) is shown instead of the Commercial 1 Zone (C1Z). The C1Z replaced the B1Z as part of Ministerial Amendment VC100 on 15 July 2013.

The R1Z and B1Z are being removed from the Victorian planning system and their replacement with the new zones is mandatory on all Victorian councils. The Amendment will be processed and approved by the Minister for Planning without cost, or the further involvement of Council.

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

- **Attachment 1** - Rezoning and Overlay maps
- **Attachment 2** - Explanatory Report
- **Attachment 3** - Planning Practice Note 78 - Applying the Residential Zones.

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

- Planning and Environment Act 1987 (The Act)
- Planning Practice Note 78 - Applying the Residential Zones (July 2013)

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

Housing and Settlement Strategy 2013

### **COUNCIL PLAN**

Outcome:	2.0	Closely Connected Communities
Objective:	3.1	Deliver affordable modern community services and facilities through an integrated approach to planning and infrastructure development.
Strategy No:	3.1.2	We will collaborate with other agencies and service providers to focus attention on growth areas and avoid duplication of services.

## CONSULTATION

This Amendment is required as a consequence of Ministerial Amendments V8 and VC100 which requires Council to either undertake its own Amendment or have the Minister for Planning (the Minister) automatically translate the zones into all planning schemes on 1 July 2014. Council was briefed in relation to the changes to the new zones in 2013.

The Department of Transport, Planning and Local Infrastructure (DTPLI) has advised Council that the Minister will undertake the mapping changes in accordance with Section 20(4) of The Act which exempts the Amendment from public exhibition. Due to the minor and technical nature of the mapping changes public exhibition is not required.

## REPORT

### Background

The Minister gazetted Amendment VC100 which introduced new Residential Zones to the Victorian Planning Provisions and associated controls including zone schedules. The new residential zones are the Residential Growth Zone (RGZ), General Residential Zone (GRZ) and Neighbourhood Character Zone (NCZ) which replaced the Residential 1, 2 and 3 Zones. The Planning Scheme presently contains only the Residential 1 Zone.

As a result of this amendment a transitional provision was introduced which requires all Victorian councils to identify and request appropriate zonings by July 2014. Alternatively the Minister would automatically amend the zones from the Residential 1 to the General Residential Zone.

The existing R1Z zoning is appropriate for a straight translation to GRZ with these GRZ provisions providing a close approximation to the Residential 1 Zone provision.

DTPLI has requested councils prepare an amendment to update their zoning provisions prior to the 1 July 2014 deadline to prevent an administrative 'bottleneck' in updating the zones.

### Discussion

Council is required to undertake an Amendment to replace the current Residential 1 Zone as this zone is to be rescinded. The key question is what zones are appropriate? The Practice Note (**Attachment 3**) for the reformed zones identifies the key purpose of the three new zones. These are:

- Residential Growth Zone (RGZ) - enables new housing growth and diversity near activity centres and generally mid to high density development up to four storeys. This zone is not supported as the general development and character of the Shire's towns does not support this form of high density development.

- General Residential Zone (GRZ) - respect and preserve urban character while enabling moderate housing growth and housing diversity. This zone is supported as it is essentially a straight translation of the existing residential development (Residential 1 Zone) provisions and will enable the existing character to be maintained.
- Neighbourhood residential zone - restricts housing growth in areas identified for urban preservation. This zone is not supported as the Shire's towns are not identified through existing strategic work as having specific and defined characters that can be readily translated into this new zone.

The zoning of the Shire's towns is in accordance with the settlement hierarchy in the Housing and Settlement Strategy 2013 (HSS).

- Promote Growth (R1Z and GRZ) - Leongatha, Korumburra, Mirboo North and Foster are R1Z changing to GRZ.
- Support Growth (R1Z, GRZ and Township Zone (TZ)) - Meeniyan, Nyora, Loch and Poowong (based on proposed reticulated sewage provision) are R1Z and changing to GRZ. Whilst Toora has reticulated sewage, flexibility in development is required which is why this town will remain TZ. Fish Creek is also Township Zone and will be considered for rezoning if reticulated sewage is to be provided in the future.
- Contain Growth - The remaining towns in the Shire will be kept Township Zone in accordance with the HSS.

Each zone can contain schedules specific to local areas that will set character controls.

A number of towns in the Shire including Waratah Bay, Venus Bay and Sandy Point contain restrictions on development controls through Development Plan or Design and Development Overlays. These controls were considered under this amendment for translation to either a Neighbourhood Character Zone or specific 'schedules'. However the changes required to achieve this outcome are not 'merits free' and therefore are not suitable for inclusion in a Ministerial Amendment that does not involve public exhibition.

### **Options**

Council has the option to continue with the current zoning until 1 July 2014 and let the Minister undertake the amendment as a default process. The zoning outcomes will be the same. However by Council requesting this Amendment we demonstrate our ongoing commitment to a strong working relationship with DTPLI and, by extension, the Minister.

The further option exists to introduce one, or a mix of the new zones (with customised schedules) across our townships, however this would not be 'merits free' and would require a Council initiated planning scheme

amendment, public exhibition and all of the costs (including planning panel costs) that this would involve.

### **Proposal**

It is proposed to seek approval from the Minister for Planning for Planning Scheme Amendment C98 which replaces the Residential and Commercial Zone maps as per **Attachments 1 and 2** in accordance with Clause 20(4) of the Planning and Environment Act 1987.

### **FINANCIAL CONSIDERATIONS**

There are no financial implications to Council from this Amendment with the Minister previously agreeing to waive fees for other councils. It is reasonable to accept that this will continue as the Amendment is a result of the Minister's actions.

### **CONCLUSION**

In conclusion, it is appropriate that Council prepare Amendment C98 and request the Minister for Planning approve the Amendment pursuant to Section 20(4) of the Planning and Environment Act 1987.

### **RECOMMENDATION**

That Council:

1. Request that the Minister for Planning prepare, adopt and approve Amendment C98 pursuant to section 20(4) of the Planning and Environment Act 1987 to:
  - a. Rezone the area shown in Attachment 1 from Residential 1 Zone to General Residential Zone,
  - b. Rezone the area shown in Attachment 1 from Business 1 Zone to Commercial 1 Zone, and:
  - c. Exempt Amendment C98 from public notice pursuant to Section 20(4) of the Planning and Environment Act 1987.
2. Request the Minister for Planning waive all statutory fees in relation to Amendment C98.

### **STAFF DISCLOSURE OF INTEREST**

Nil

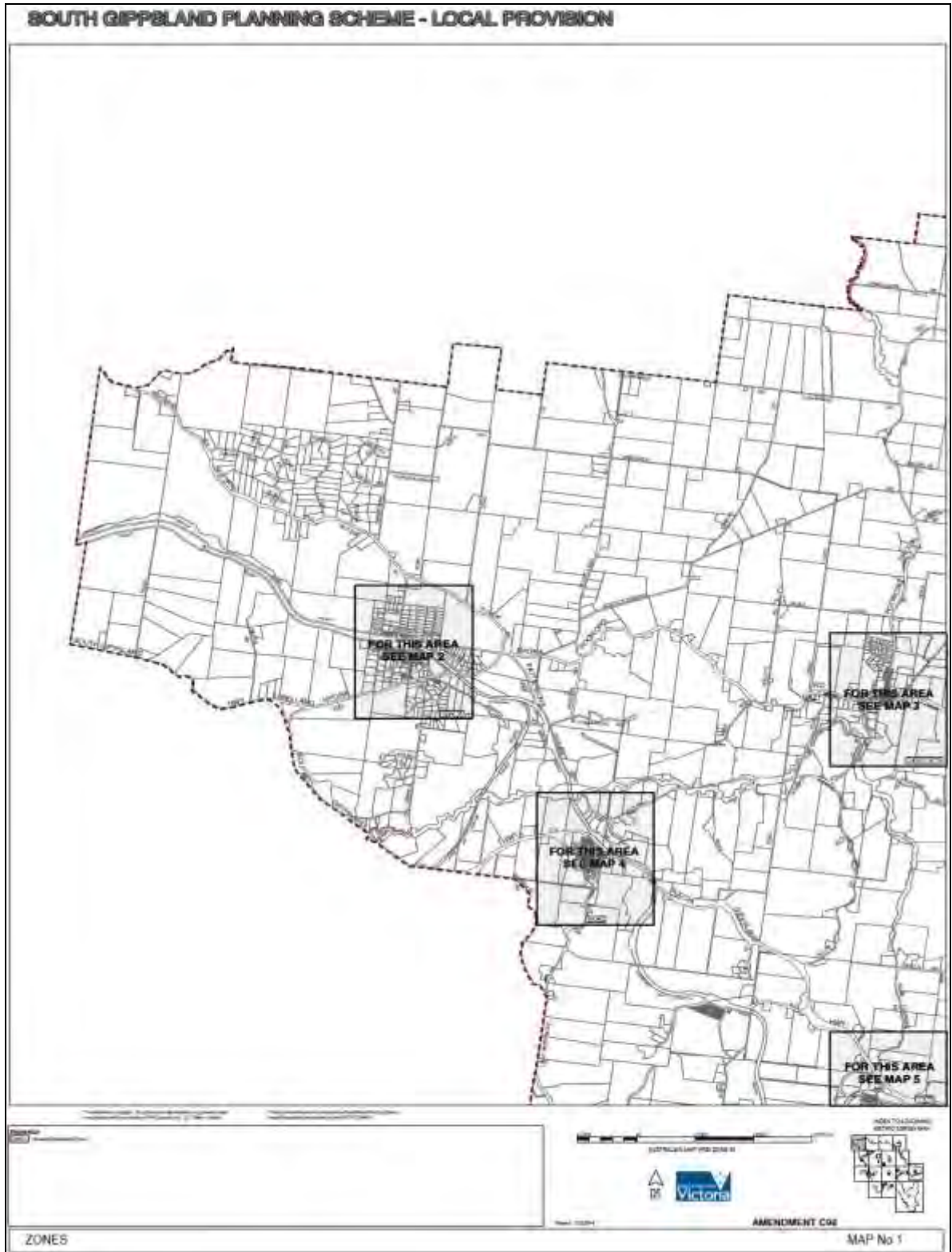
**MOVED: Cr Hutchinson-Brooks                      SECONDED: Cr Harding**

**THAT COUNCIL:**

- 1.    REQUEST THAT THE MINISTER FOR PLANNING PREPARE, ADOPT AND APPROVE PLANNING SCHEME AMENDMENT C98 PURSUANT TO SECTION 20(4) OF THE PLANNING AND ENVIRONMENT ACT 1987 TO:**
  - d.    REZONE THE AREA SHOWN IN ATTACHMENT 1 FROM RESIDENTIAL 1 ZONE TO GENERAL RESIDENTIAL ZONE,**
  - e.    REZONE THE AREA SHOWN IN ATTACHMENT 1 FROM BUSINESS 1 ZONE TO COMMERCIAL 1 ZONE, AND:**
  - f.    EXEMPT AMENDMENT C98 FROM PUBLIC NOTICE PURSUANT TO SECTION 20(4) OF THE PLANNING AND ENVIRONMENT ACT 1987.**
- 2.    REQUEST THE MINISTER FOR PLANNING WAIVE ALL STATUTORY FEES IN RELATION TO AMENDMENT C98.**

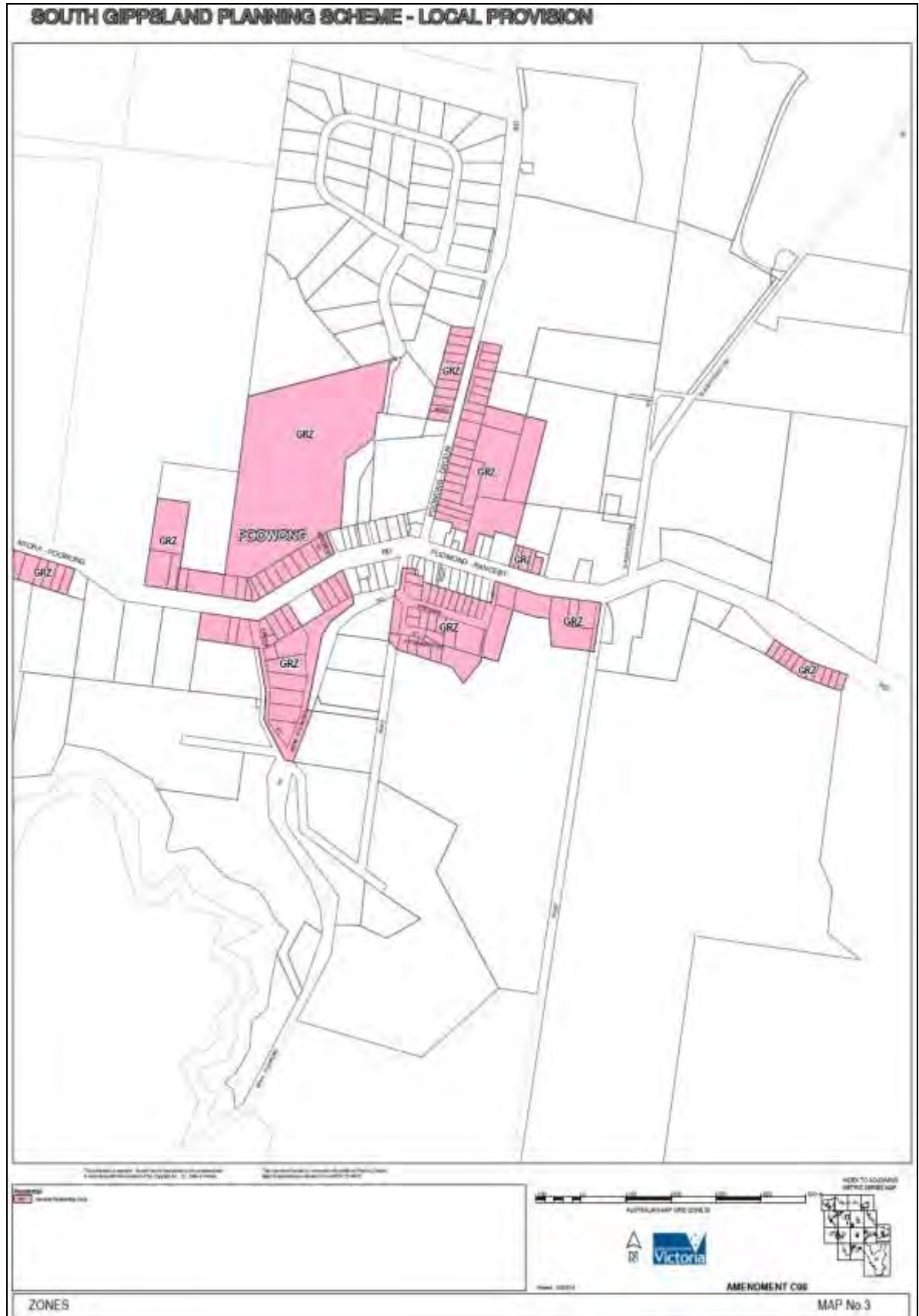
**CARRIED UNANIMOUSLY**

### Attachment 1 Rezoning maps



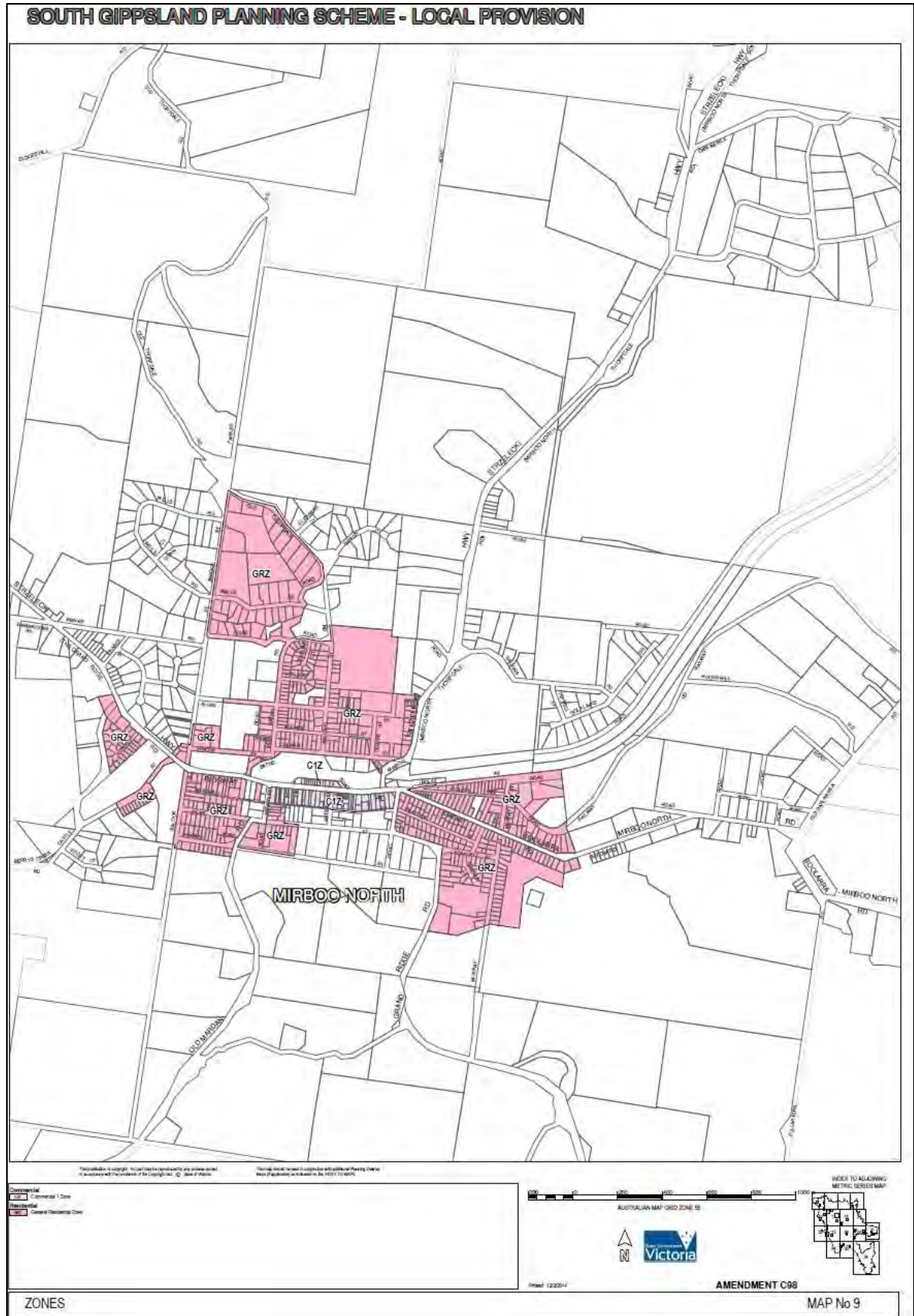


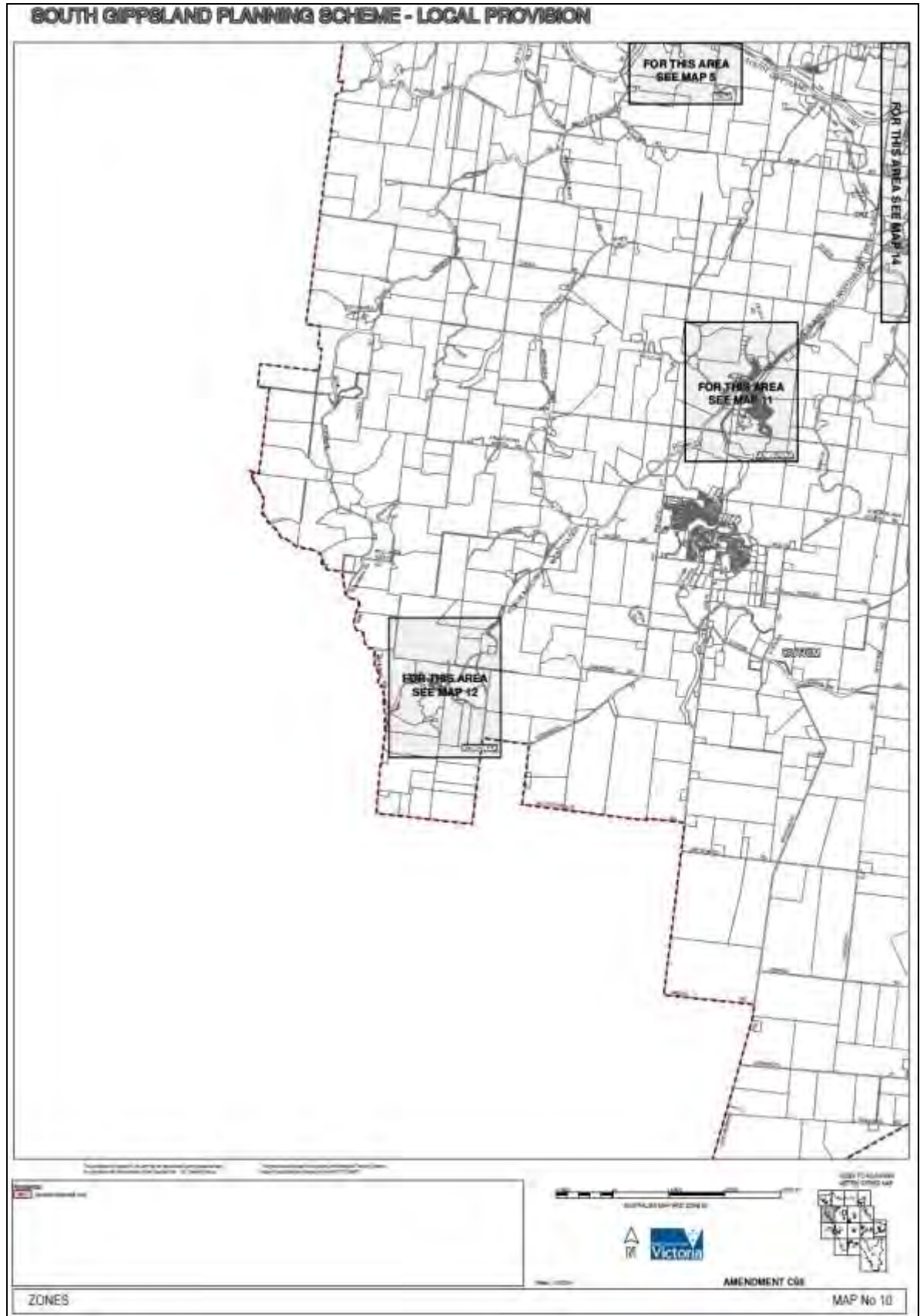


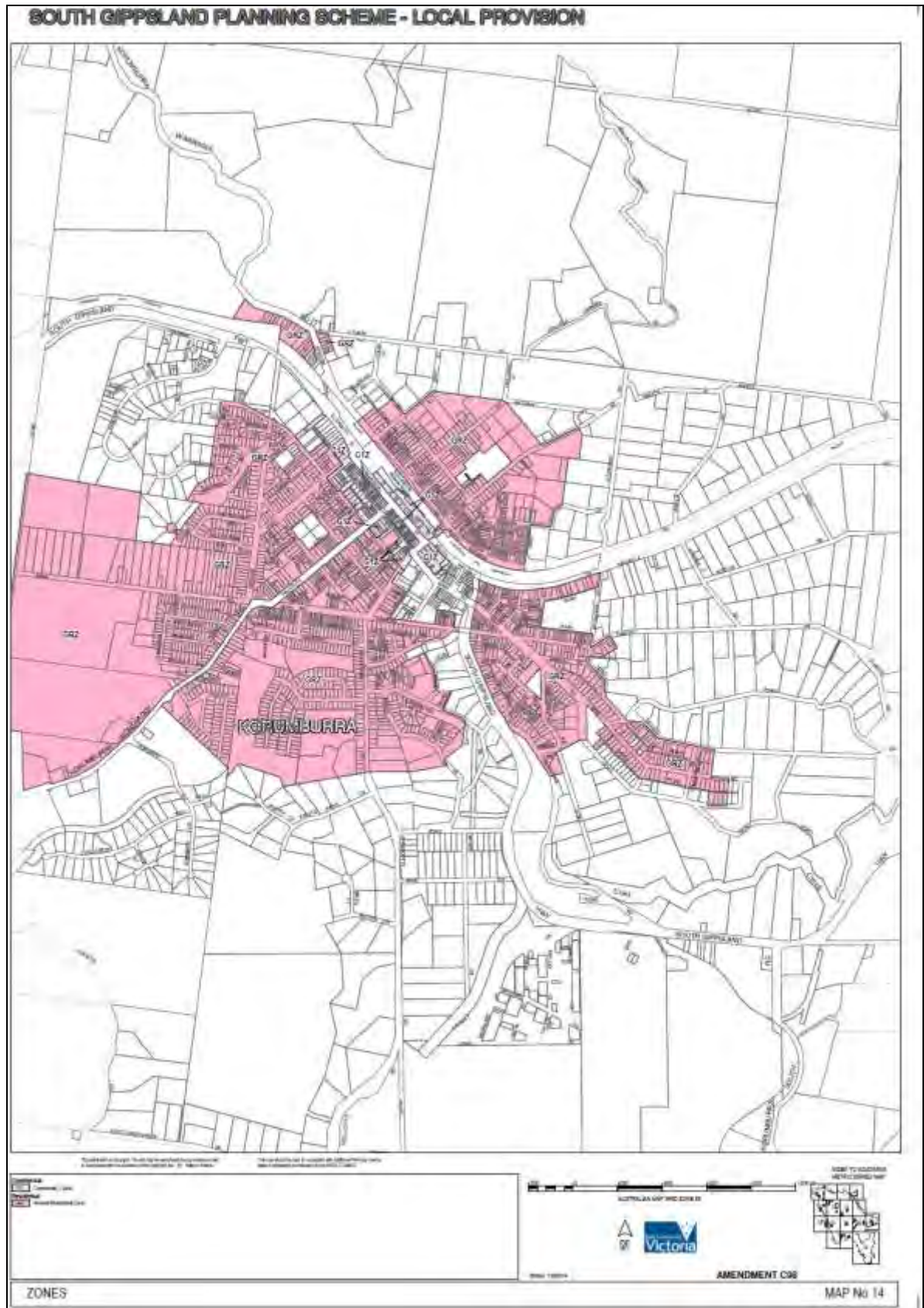




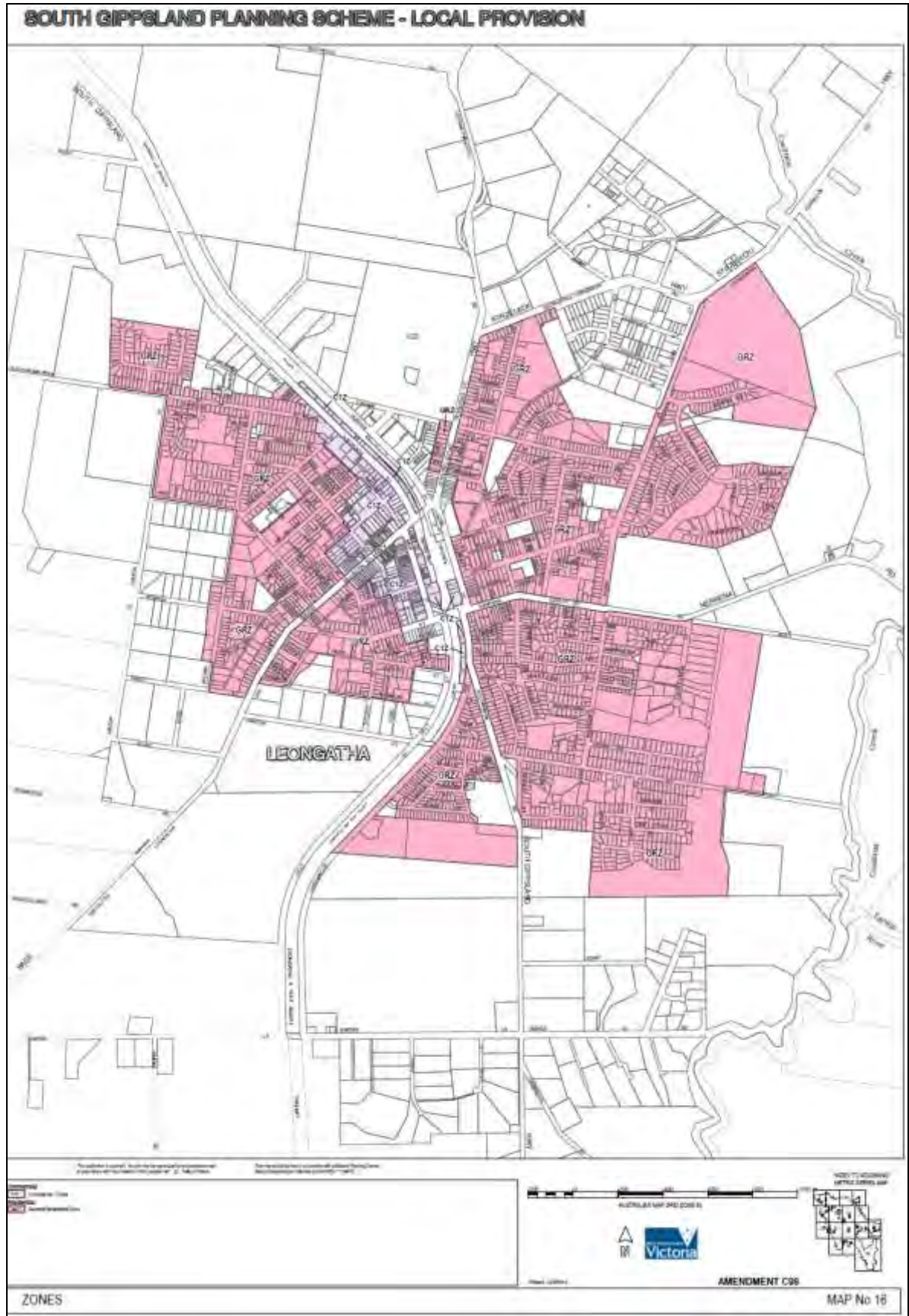


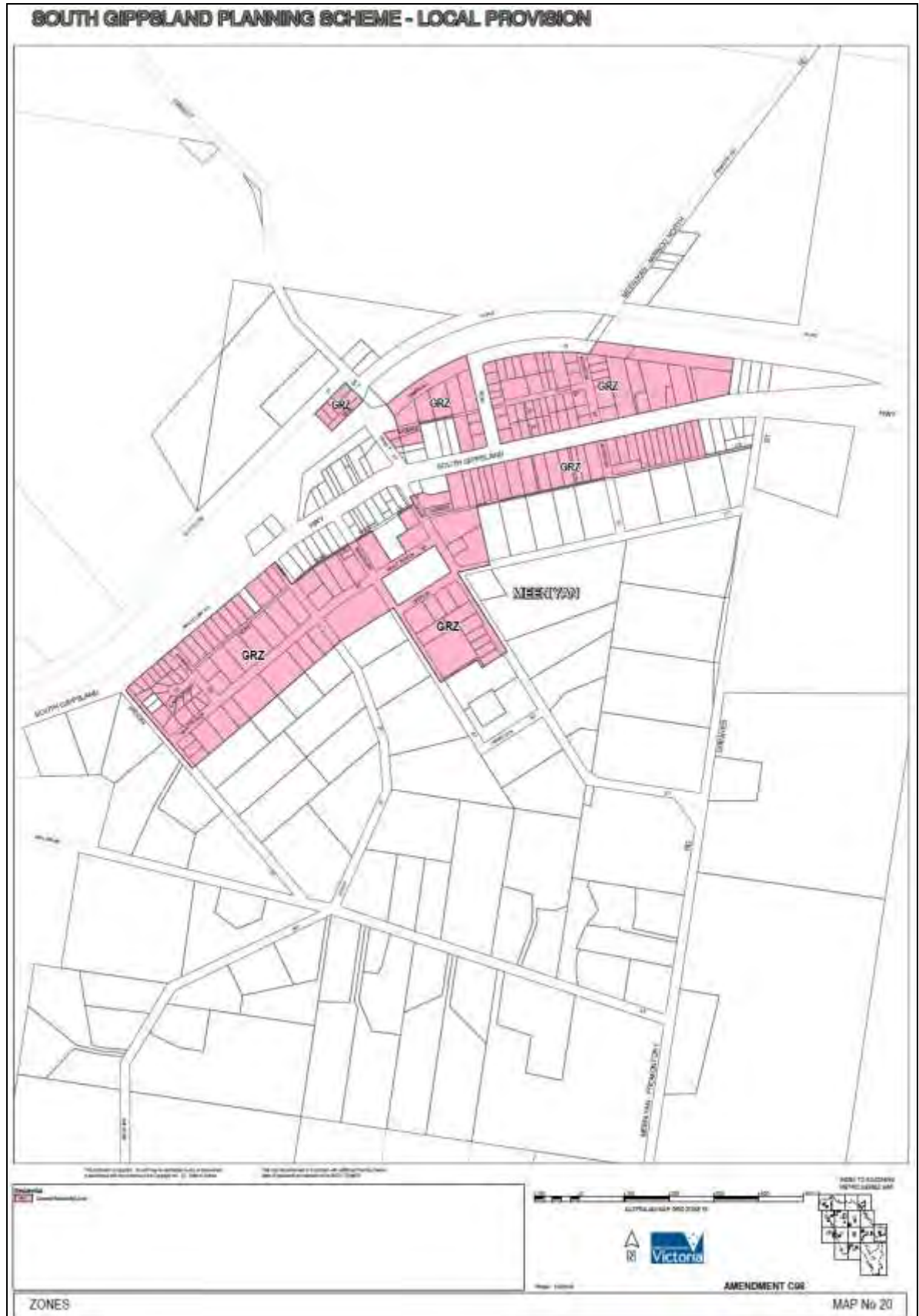




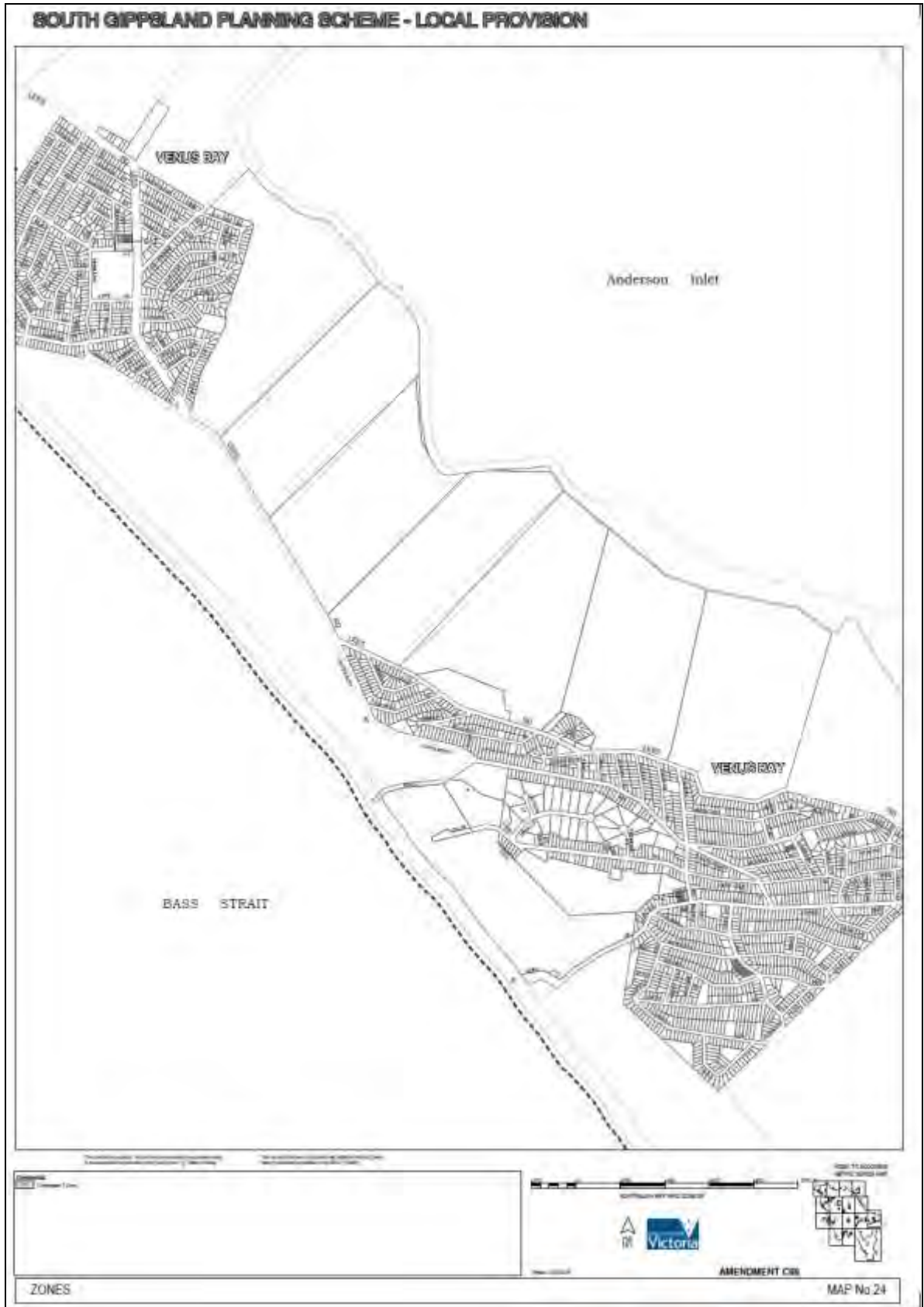


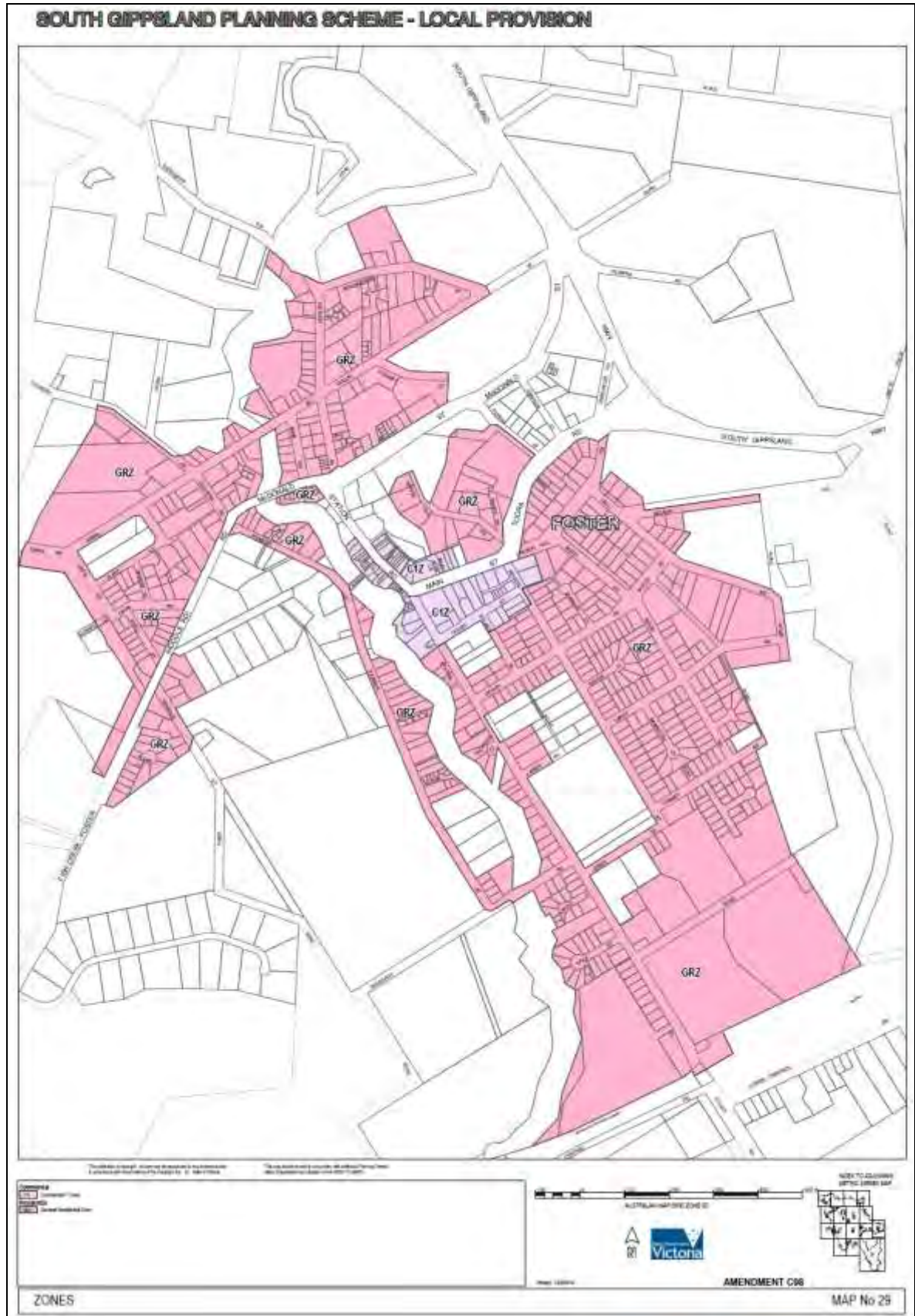












## Attachment 2 Draft explanatory report

*Planning and Environment Act 1987*

### **SOUTH GIPPSLAND PLANNING SCHEME**

#### **AMENDMENT C98**

#### **EXPLANATORY REPORT**

##### **Who is the planning authority?**

This amendment has been prepared by the Minister for Planning who is the planning authority for this amendment.

The amendment has been made at the request of South Gippsland Shire Council.

##### **Land affected by the amendment**

The amendment applies to all land in the Residential 1 Zone and the Business 1 Zone in the Shire of South Gippsland.

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

The amendment replaces the Residential 1 Zone with the General Residential Zone and replaces the Business 1 Zone with the Commercial 1 Zone within the Campaspe Planning Scheme.

Specifically, the amendment:

- Amends Planning Scheme Map No's. 2,3,4,9,14,16,20,24 and 29 forming part of the South Gippsland Shire Planning Scheme to replace the Residential 1 Zone with the General Residential Zone;
- Amends Planning Scheme Map No's. 9, 14, 16, 21,24 and 29 forming part of the South Gippsland Shire Planning Scheme to replace the Business 1 Zone with the Commercial 1 Zone.
- Amends Clause 21.05 of the Local Planning Policy Framework to replace the reference to the Residential 1 Zone with the General Residential Zone.
- Amends Clause 21.11 of the Local Planning Policy Framework to replace the reference to the Business 1 Zone with the Commercial 1 Zone.
- Amends Clause 21.15 of the Local Planning Policy Framework to replace the reference to the Business 1 Zone with the Commercial 1 Zone.
- Amends Clause 21.15 of the Local Planning Policy Framework to replace the reference to the Residential 1 Zone with the General Residential Zone.
- Deletes Clause 32.01 (Residential 1 Zone) and the Schedule to Clause 32.01 from the South Gippsland Shire Planning Scheme.
- Inserts the new Clause 32.08 (General Residential Zone) and the Schedule to Clause 32.08 into the South Gippsland Shire Planning Scheme.

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

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

The amendment is required to implement the new residential zones inserted into the Victoria Planning Provisions by Amendment V8 on 1 July 2013. The new zones give greater clarity about the type of development that can be expected in any residential area, simplify



requirements, allow a broader range of activities to be considered and better manage housing growth.

The General Residential Zone seeks to respect neighbourhood character while allowing modest housing growth and diversity.

The amendment is the first step in converting to the new residential zones and provides council with time to consider the need for further strategic work to implement the other two new zones and populate the schedules to the new zones.

The amendment is required because the existing Residential 1 Zone and will be removed from the Victoria Planning Provisions after 1 July 2014 and the Business 1 Zone is now removed from the Planning Scheme,

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

The amendment implements the objectives of planning as outlined in section 4(1) of the *Planning and Environment Act 1987* (the Act). In particular, the amendment implements objectives:

(a) to provide for the fair, orderly, economic and sustainable use, and development of land; and

(g) to balance the present and future interests of all Victorians.

The amendment implements these objectives by introducing the new General Residential Zone in the South Gippsland Shire Planning Scheme, which will provide greater clarity about the type of development that can be expected in any residential area, simplifies requirements, allows a broader range of activities to be considered and better manages housing growth.

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

The amendment is not expected to have any negative environmental effects. The amendment is expected to have positive social and economic effects given that the new General Residential Zone seeks to respect neighbourhood character while allowing modest housing growth and diversity.

The new zone provides greater clarity about the type of development that can be expected in any residential area, simplifies requirements, allows a broader range of activities to be considered and better manages housing growth.

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

The amendment will not increase the risk of life, property, community infrastructure and the natural environment from bushfire. The amendment only rezones land that is currently in the Residential 1 Zone and does not affect the provisions that relate to bushfire risk such as the Bushfire Management Overlay.

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

The amendment complies with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act and the Ministerial Directions issued under section 12(2)(a) of the Act.

The explanatory report has evaluated and discussed the relevant strategic considerations as outlined in Minister's Direction No.11 – Strategic Assessment of Amendments.

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

The amendment supports the State Planning Policy Framework, in particular the following clauses:

Clause 11 *Settlement*, which states that planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure. The amendment introduces the General Residential Zone, which encourages a diversity of housing types and moderate housing growth in locations offering good access to services and transport.

Clause 11.05-1 *Regional settlement networks*, the amendment supports the objective to promote the sustainable growth and development of regional Victoria through a network of settlements identified in the Regional Victoria Settlement Plan. The amendment introduces the General Residential Zone, which allows for modest housing growth and diversity.

Clause 15.01-5 *Cultural identity and neighbourhood character and a sense of place*, the amendment implements the objective to recognise and protect cultural identity, neighbourhood character and sense of place. The amendment introduces the General Residential Zone, which seeks to respect and preserve the neighbourhood character of residential areas.

Clause 16.01-4 *Housing diversity*, the amendment implements the objective to provide for a range of housing types to meet increasingly diverse needs. The amendment introduces the General Residential Zone, which seeks to provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.

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

The amendment supports the objectives and strategies of Clause 21.05 *Settlement* in the Local Planning Policy Framework, including the provision of a range of residential living opportunities within existing towns. The amendment changes one implementation action in Clause 21.05 to replace the reference to the Residential 1 Zone with the General Residential Zone. All other references to residential development within the Local Planning Policy Framework will remain unchanged.

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

The amendment makes proper use of the Victoria Planning Provisions by converting the Residential 1 Zone to one of the new residential zones, the General Residential Zone. The existing Residential 1 Zone will be removed from the Victoria Planning Provisions after 1 July 2014.

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

No consultation has occurred with any agencies about this amendment. However, consultation with various government departments and agencies occurred between 17 July 2012 and 28 September 2012 on the new residential zones, submissions and their views were considered by a Ministerial Advisory Committee, which made recommendations to the government.

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

The amendment will not have a significant impact on the transport system.

**Resource and administrative costs**

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

The amendment will have a minimal impact on the resource and administrative costs of

the responsible authority, given that the amendment is essentially a conversion of the Residential 1 Zone to the General Residential Zone.

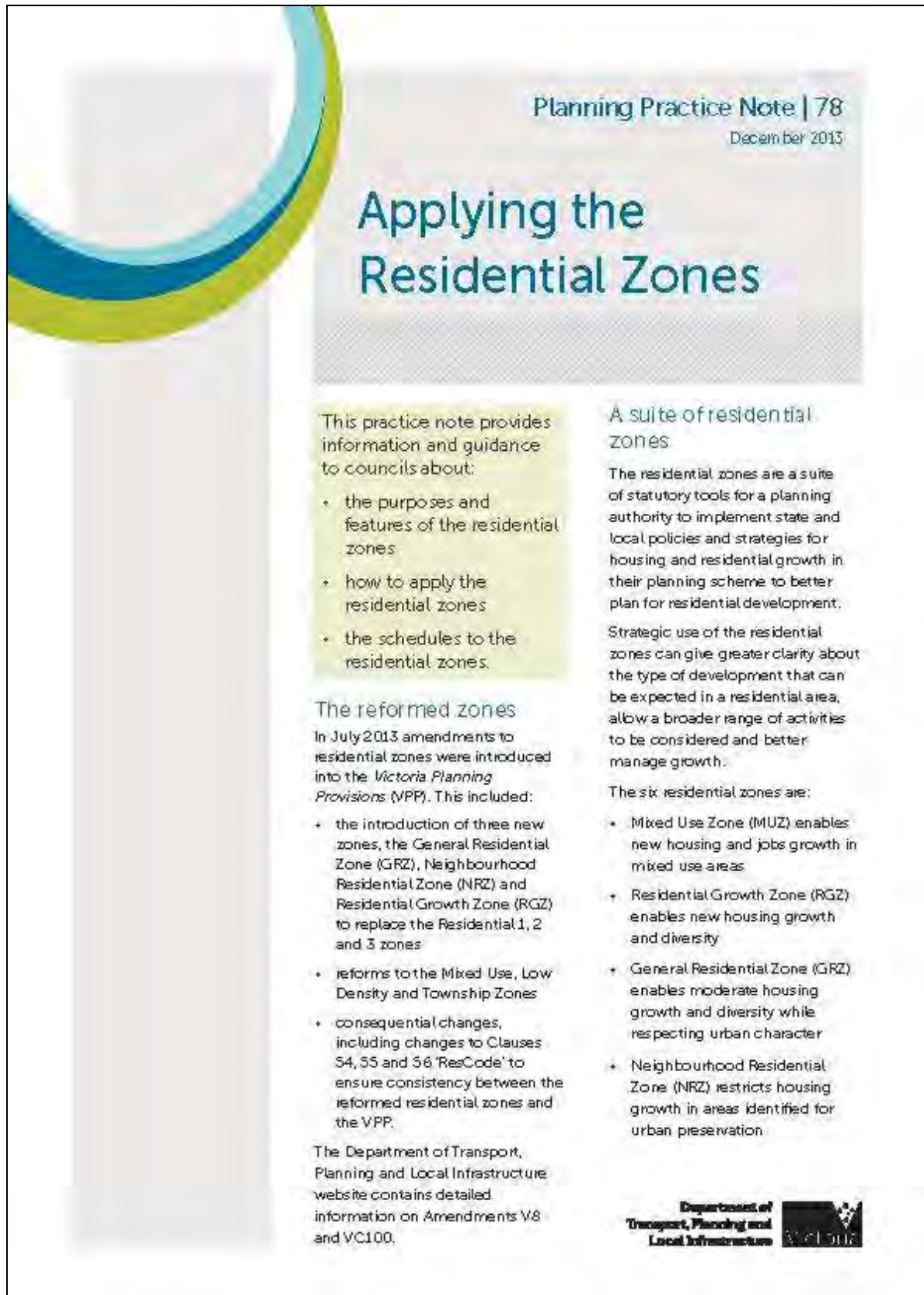
**Where you may inspect this Amendment**

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

- South Gippsland Shire Council, 9 Smith Street Leongatha, and Council's web page [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)

The amendment can also be inspected free of charge at the Department of Transport, Planning, and Local Infrastructure website at <http://www.dpcd.vic.gov.au/planning/publicinspection>.

**Attachment 3**  
**Planning Practice Note 79 - Applying the Residential Zones, Dec 2013**



**Planning Practice Note | 78**  
December 2013

## Applying the Residential Zones

This practice note provides information and guidance to councils about:

- the purposes and features of the residential zones
- how to apply the residential zones
- the schedules to the residential zones.

**The reformed zones**  
In July 2013 amendments to residential zones were introduced into the *Victoria Planning Provisions (VPP)*. This included:


- the introduction of three new zones, the General Residential Zone (GRZ), Neighbourhood Residential Zone (NRZ) and Residential Growth Zone (RGZ) to replace the Residential 1, 2 and 3 zones
- reforms to the Mixed Use, Low Density and Township Zones
- consequential changes, including changes to Clauses S4, S5 and S6 'ResCode' to ensure consistency between the reformed residential zones and the VPP.

The Department of Transport, Planning and Local Infrastructure website contains detailed information on Amendments V8 and VC100.

**A suite of residential zones**  
The residential zones are a suite of statutory tools for a planning authority to implement state and local policies and strategies for housing and residential growth in their planning scheme to better plan for residential development. Strategic use of the residential zones can give greater clarity about the type of development that can be expected in a residential area, allow a broader range of activities to be considered and better manage growth.

The six residential zones are:

- Mixed Use Zone (MUZ) enables new housing and jobs growth in mixed use areas
- Residential Growth Zone (RGZ) enables new housing growth and diversity
- General Residential Zone (GRZ) enables moderate housing growth and diversity while respecting urban character
- Neighbourhood Residential Zone (NRZ) restricts housing growth in areas identified for urban preservation

**Department of Transport, Planning and Local Infrastructure** 



- Township Growth Zone (TZ) enables moderate housing growth while respecting urban character in small towns
- Low Density Residential Zone (LDRZ) enables low density housing

The table on page 3 provides details about each of the residential zones, their potential application and key planning requirements.

There are other zones in the VPP that allow residential development including the Commercial 1 Zone, Comprehensive Development Zone, Activity Centre Zone, Capital City Zone and the Docklands Zone.

### Applying the residential zones

Applying the residential zones should be underpinned by clearly expressed planning policies in the planning scheme. The State Planning Policy Framework (SPPF) and Local Planning Policy Framework (LPPF) in the planning scheme should be the starting point for deciding whether the council's strategic objectives are still valid and sound, or whether new strategic work is required. Alternatively, a council may have undertaken relevant strategic planning for their residential areas.

#### Plan Melbourne

Plan Melbourne is the Victorian Government's vision for the city to 2050. Application of the residential zones will be required to implement its strategic directions.

#### State Planning Policy Framework

The SPPF provides a context for spatial planning and decision making by planning and responsible authorities. The SPPF in conjunction with relevant policies in the LPPF provide key guidance for planning authorities to implement residential zones within a municipality.

#### Local Planning Policy Framework

The reforms made to the residential zones in July 2013 provide more flexibility and discretion allowing permit applications for a broad range of uses. Councils may wish to create or amend existing local policies to assist in the exercise of this discretion and fully implement their strategic objectives.

A council should consider whether a local policy is necessary to help establish realistic expectations about how land in an area may be used and developed, and provide a sound basis for making consistent strategic decisions. Refer to Planning Practice Note 8 Writing a Local Planning Policy for more guidance on using local planning policies.

### Strategic Planning

Sound strategic planning for residential areas is essential to ensuring that land use and development achieves the desired outcomes for an area. It can help ensure that:

- use and development in residential areas fits into the overall strategic planning of the municipality.
- housing development is consistent with the housing needs and housing strategies
- new housing demand, growth and diversity can be accommodated
- in identified areas housing growth may be restricted or moderated
- in identified areas new development respects and preserves existing neighbourhood character
- planning for residential areas takes into account matters such as access to infrastructure, transport, employment, commercial and community facilities, heritage, environmental constraints, and hazards such as bushfire and contaminated land
- the most appropriate residential zone is used to achieve strategic planning objectives

Many councils have already undertaken strategic planning and resource management studies for their residential areas and used this work to articulate strategic objectives in their Municipal Strategic Statements (MSS). New strategic work may not be required if existing policies address the key residential land use issues in the municipality and adequately reflect the planning outcomes that the council wants to achieve.



## Residential Zones

	MUZ MIDLAND ZONE	RGZ RESIDENTIAL GROWTH ZONE	GRZ GENERAL RESIDENTIAL ZONE	NRZ NEIGHBOURHOOD RESIDENTIAL ZONE	TZ TOWNSHIP ZONE	LRZ LOW DENSITY RESIDENTIAL ZONE
<b>WHAT IS THE ROLE OF THE ZONE?</b>	Enables new housing and job growth in mixed use areas	Enables new housing growth and diversity	Respect and preserve urban character while enabling moderate housing growth and housing diversity	Facilitate housing growth in areas identified for urban preservation	Provides for residential and other uses in small towns. Enables moderate housing growth.	Enables low density housing
<b>WHERE WILL IT BE USED?</b>	In areas with a mix of residential and non-residential development in local neighbourhood centres, undergoing renewal and serviced from stations where appropriate	In appropriate locations near activity areas from state rail and other areas suitable for residential housing density	In most residential areas where moderate growth and diversity of housing is provided, if consistent with existing neighbourhood character	In areas where single dwellings (small area fringe is not included), such as areas of recognised neighbourhood character or environmental or landscape significance.	In townships	On the fringe of urban areas and (in some cases) elsewhere may not be available
<b>DOES RESIDUE ABOVE?</b>	Yes (up to and including 4 stories)	Yes (up to and including 4 stories)	Yes	Yes	Yes	No
<b>WHAT SORT OF HOUSING CAN BE EXPECTED?</b>	High and medium density housing A mixture of townhouses and apartment style housing up to three stories and higher where appropriate	Medium density housing A mixture of townhouses and apartments with underground car parking	Single dwellings and some medium density housing Dual occupancies with some villas and in limited circumstances town houses where appropriate	Single dwellings and dual occupancies under some circumstances	Single dwellings and some medium density housing A mixture of single dwellings, dual occupancies, villas and town houses	Single dwellings
<b>DOES THE ZONE SET A MINIMUM BUILDING HEIGHT FOR HOUSING?</b>	No But a minimum building height can be specified	Yes, 13.5 metres But a higher or lower minimum building height can be set by a council	Yes, 9 metres But a higher or lower minimum building height can be set by a council	Yes, 8 metres mandatory Can be waived by council with approval from the Minister for Planning	Yes, 9 metres But a higher or lower minimum building height can be set by a council	No
<b>CAN A PERMIT BE GRANTED TO EXCEED THE MAXIMUM BUILDING HEIGHT?</b>	Yes When approved by a council	Yes Except when a higher or lower maximum building height has been set which cannot be exceeded	Yes Except when a higher or lower maximum building height has been set which cannot be exceeded	No Except when a higher or lower maximum building height has been set which cannot be exceeded	Yes Except when a higher or lower maximum building height has been set which cannot be exceeded	No
<b>IS A STRUCTURE PLAN OR DESIGN FRAMEWORK REQUIRED FOR THE ZONE TO BE APPLIED?</b>	No The proposed future built form may be specified if necessary	No	No	No	No	No

If the MSS objectives and local policies no longer provide clear guidance for decision making, or there are strategic gaps, new strategic work may be required. Before commencing new strategic work, the planning authority should review the policy components of the planning scheme and other relevant studies.

### Principles and criteria for applying the residential zones

The following tables can assist councils in identifying principles and criteria to apply the residential zones when preparing a planning scheme amendment.

Table 1 Principles for applying the residential zones

RESIDENTIAL ZONE			PRINCIPLES IN APPLYING ZONES
Zone	Purpose	Diversity applications	Principles can be identified from the purposes of the zones (and should be considered together)*
MUZ	Enables new housing and jobs growth in mixed use areas	In areas with a mix of residential and non-residential development.  In local neighbourhood centres undergoing renewal and around train stations, where appropriate	<ul style="list-style-type: none"> <li>• Areas encouraging a range of residential, commercial, industrial and other uses</li> <li>• Areas to provide for housing at higher densities and higher built form that responds to the existing or preferred neighbourhood character</li> </ul>
RGZ	Enables new housing growth and diversity in appropriate locations	In appropriate locations near activities areas, town centres, train stations and other areas suitable for increased housing activity such as smaller strategic redevelopment sites	<ul style="list-style-type: none"> <li>• Locations offering good access to services, transport and other infrastructure</li> <li>• Areas which provide a transition between areas of more intensive use and development and areas of restricted housing growth</li> <li>• Areas where there is mature market demand for higher density outcomes</li> </ul>
GRZ	Respects and preserves neighbourhood character while allowing moderate housing growth and diversity	In most residential areas where moderate growth and diversity of housing that is consistent with existing neighbourhood character is to be provided	<ul style="list-style-type: none"> <li>• Areas with a diversity of housing (stock, diversity of lot sizes and a more varied neighbourhood character</li> <li>• Areas where moderate housing growth and housing diversity is encouraged</li> </ul>

RESIDENTIAL ZONE			PRINCIPLES IN APPLYING ZONES
Zone	Purpose	Likely application	Principles can be deduced from the purposes of the zones (and should be considered together)*
NRZ	Restricts housing growth in areas identified for urban preservation	In areas where single dwellings prevail and change is not identified, such as areas of recognised neighbourhood character, heritage environmental or landscape significance	<ul style="list-style-type: none"> <li>• Areas with a neighbourhood character that is sought to be retained</li> <li>• Areas where more than 80% of lots currently accommodate detached dwellings</li> <li>• Areas with Neighbourhood Character Overlays</li> <li>• Residential areas with Heritage Overlays (such as larger heritage precincts, rather than individually recognised heritage sites)</li> <li>• Areas of identified environmental or landscape significance</li> <li>• Areas which may not have good supporting transport infrastructure or other infrastructure, facilities and services and are not likely to be improved in the medium to longer term</li> </ul>
TZ	Provides for residential and other uses in small towns. Enables modest housing growth. Likely application	In townships	<ul style="list-style-type: none"> <li>• Areas in small towns for residential development and educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs</li> <li>• Areas with Neighbourhood Character Overlays or policies</li> </ul>
LDRZ	Enables low density housing	On the fringe of urban areas and townships where sewerage may not be available	<ul style="list-style-type: none"> <li>• Areas for low-density residential development.</li> </ul>

\*Other principles and criteria may be required by councils to suit local circumstances.

Table 2 Criteria for applying the NRZ, GRZ and RGZ

Criteria*	Applicable to:			
	Neighbourhood Residential Zone (low levels of residential change)	General Residential Zone (moderate levels of residential change)	Residential Growth Zone (high levels of residential change)	
<b>Strategic</b>				
1	Adopted housing and development strategy (not required for conversion only to GRZ)	Yes	No	Yes
2	Identified in Activities Area structure plan / policy	No	No	Yes
3	Brownfield/urban renewal site/ area	No	No	Yes
4	Commercial or industrial land for redevelopment not in Activities Area (strategic justification for rezoning required)	No	Yes	Yes
<b>Context</b>				
5	Good access to transport choices (including walkability, public transport, cycling, road access)	No	No	Yes
6	Good access to employment options	No	No	Yes
7	Good access to local shopping	No	No	Yes
8	Good access to local community services	No	No	Yes
<b>Character</b>				
9	Level of development activity (existing and desired)	Low	Low/Moderate	High
10	Identified areas for growth and change (such as evidenced through DDO or similar)	No	No	Yes
11	Retention of identified neighbourhood character (such as evidenced through HO, NCO, DDO, significant intactness)	Yes	Yes	No
12	Heritage areas which impose significant constraints on increased housing development	Yes	Yes	No
13	Existing landscape or environmental character/ constraints (evidenced through SLO, ESO, local policy)	Yes	Yes	No
<b>Disadvantages</b>				
14	Risk associated with known hazard (evidenced through BMO, LSIO or EMO for fire, flood and landslip or other constraints identified through EPA hazard buffers or similar)	High	Low	Low

\*There is no specific weighting to the criteria. This should be applied by councils to suit local circumstances



### Implementing strategic objectives

A planning authority may need to use a number of VPP tools to successfully implement residential policy objectives. There are circumstances where more than one zone or overlay will be needed to deliver the desired outcome. Councils should think laterally about the mix of policies and controls required to achieve their objectives, and be prepared to consider using a range of tools.

In deciding which residential zone should apply, the following principles should be considered:

- the zone should support and give effect to the SPPF
- the zone should broadly support all relevant policy areas in the MSS (for example, economic, housing, environmental and infrastructure policy)
- the rationale for applying the zone should be clearly discernible in the LPPF
- the zone should be applied in a way that is consistent with its purpose
- the zone should give effect to any adopted housing strategy
- a balanced approach being utilised, promoting residential growth, moderate residential change and limited residential change to provide outcomes which achieve reasonable housing choice and diversity in a municipality
- the requirements of any applicable Minister's Direction must be met.

A planning authority may choose to apply all six residential zones to residential land in a municipality, but this may not be appropriate in all circumstances. Where the new residential zones are sought to be applied by a planning authority, and to achieve a balanced approach and reasonable housing choice and diversity outcomes, the Residential Growth, General Residential and Neighbourhood Residential Zones should be applied simultaneously.

### The residential zones in summary

#### Mixed Use Zone (MUZ) Clause 32.04

The Mixed Use Zone enables new housing and jobs growth in mixed use areas. The zone provides for a range of residential, commercial, industrial and other uses and provides for housing at higher densities that responds to the neighbourhood character.

The zone is flexible because there is no default building height limit and planning authorities can specify different objectives, decision guidelines and building and design requirements to suit a range of strategic outcomes. The Mixed Use Zone may be appropriate for areas:

- planned for more intense and diverse residential development on sites well located in relation to activity centres, employment and public transport
- brownfield or urban renewal sites
- planned for apartment style development

#### Key attributes of the Mixed Use Zone

- Supports residential development. A permit is not required to use land for a dwelling. The land use Accommodation which includes uses such as Group accommodation, Residential hotel and Retirement village requires a permit.
- Exempts the development of one dwelling on a lot of 300 square metres or more. Other works and outbuildings normal to a dwelling are exempt if requirements are met.
- Allows a permit application for the construction and extension of two or more dwellings on a lot.
- Allows uses such as Food and drink premises, Medical centre, Office, Place of worship and Shop without a permit if conditions are met.
- Allows applications to be made for a variety of uses such as Industry, Retail premises and Warehouse.
- Prohibits uses such as Adult sex

- bookshop, Brothel, Materials recycling and Transfer station
- Allows a schedule to specify objectives, application requirements, decision guidelines, a maximum building height and siting and design requirements to suit local circumstances.
- Allows a local maximum building height to be specified that cannot be exceeded.
- Includes amenity requirements for buildings on lots abutting land in a Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone or Township Zone.

#### Using the schedule to the Mixed Use Zone

The Ministerial Direction – The Form and Content of Planning Schemes sets out the form and content requirements for all schedules.

#### Summary of the Mixed Use Zone Schedule

- Allows the use of multiple schedules. Councils with more than one schedule will require a number suffix for all the Mixed Use Zone Schedules, for example MUZ1, MUZ2 and MUZ3.
- Allows the specification of different standards to Clause 54 or 55 for:
  - minimum street setbacks
  - site coverage
  - permeability
  - landscaping
  - side and rear setbacks
  - walls on boundaries
  - private open space
  - front fence height
- Allows a maximum building height requirement in metres for any building to be specified.
- Exempts specified uses, buildings and works from the notice requirements of section 52 of the *Planning and Environment Act 1987*.

- Allows permit application requirements and decision guidelines to be specified.

#### Residential Growth Zone (RGZ) Clause 32.07

The Residential Growth Zone enables new housing growth and allows greater diversity in appropriate locations while providing certainty about the expected built form outcomes.

The Residential Growth Zone may be appropriate for:

- areas planned for increased housing growth and density
- the provision of increased or predominate medium density housing
- land near activities areas, train stations and town centres
- redevelopment sites, brownfield or urban renewal sites.

#### Key attributes of the Residential Growth Zone

- Supports residential development. A permit is not required to use land for a dwelling. The land use Accommodation which includes uses such as Group accommodation, Residential hotel and Retirement village requires a permit.
- Exempts the development of one dwelling on a lot of 300 square metres or more. Other works and outbuildings normal to a dwelling are exempt if requirements are met.
- Allows a permit application for the construction and extension of two or more dwellings on a lot.
- Allows uses such as Food and drink premises, Medical centre, Place of worship and Shop without a permit if conditions are met.
- Allows applications to be made for some non-residential uses such as Convenience restaurant, Office, Shop and Service station.
- Prohibits uses such as Bottle shop, Industry, Nightclub, Warehouse and many retail uses.

- Allows a schedule to specify application requirements, decision guidelines, siting and design requirements and a maximum building height for a dwelling or residential building.
- Encourages up to four storey residential development (and complementary non-residential uses) by setting a discretionary height limit of 13.5 metres.

#### Using the schedule to the Residential Growth Zone

The Ministerial Direction – The Form and Content of Planning Schemes sets out the form and content requirements for all schedules.

#### Summary of the Residential Growth Zone Schedule

- Allows the use of multiple schedules. Councils with more than one schedule will require a number suffix for all the Residential Growth Zone Schedules, for example RGZ1, RGZ2 and RGZ3.
- Allows the specification of different standards to Clause 54 or 55 for
  - minimum street setbacks
  - site coverage
  - permeability
  - landscaping
  - side and rear setbacks
  - walls on boundaries
  - private open space
  - front fence height.
- Allows a maximum building height requirement in metres for buildings used as a dwelling or a residential building to be specified.
- Allows permit application requirements and decision guidelines to be specified.

#### General Residential Zone (GRZ) Clause 32.08

The General Residential Zone enables moderate housing growth and diversity. In the suite of residential zones, the role of the General Residential Zone sits between the

Residential Growth Zone, which enables housing growth and diversity, and the Neighbourhood Residential Zone which favours existing neighbourhood character and restricts housing growth.

The General Residential Zone may be appropriate for:

- most residential areas where moderate growth and diversity of housing will occur consistent with neighbourhood character
- areas with a diversity of housing stock, diversity of lot sizes and a more varied neighbourhood character.

#### Key attributes of the General Residential Zone

- Supports residential development. A permit is not required to use land for a dwelling. The land use Accommodation which includes uses such as Group accommodation, Residential hotel and Retirement village requires a permit.
- Exempts the development of one dwelling on a lot of 300 square metres or more unless specified differently in a schedule to the zone. Other works and outbuildings normal to a dwelling are exempt if requirements are met.
- Allows a permit application for the construction and extension of two or more dwellings on a lot.
- Allows non-residential uses such as Medical centre and Place of worship without a permit if conditions are met.
- Allows applications to be made for some non-residential uses such as Convenience restaurant, Store, Take-away food premises and Service station.
- Prohibits uses such as Industry, Nightclub, Office, Warehouse and most retail premises.
- Allows a schedule to specify application requirements, decision guidelines, siting and design requirements and a maximum building height for a dwelling or residential building.



### Using the schedule to the General Residential Zone

The Ministerial Direction – The Form and Content of Planning Schemes sets out the form and content requirements for all schedules.

### Summary of the General Residential Zone Schedule

- Allows the use of multiple schedules. Councils with more than one schedule will require a number suffix for all the General Residential Zone Schedules, for example GRZ1, GRZ2 and GRZ3
- Allows a permit requirement to be specified for the construction or extension of one dwelling on a lot between 300 square metres and 500 square metres.
- Allows the specification of different standards to Clause 54 or 55 for
  - minimum street setbacks
  - site coverage
  - permeability
  - landscaping
  - side and rear setbacks
  - walls on boundaries
  - private open space
  - front fence height
- Allows a maximum building height requirement in metres for buildings used as a dwelling or a residential building to be specified.
- Allows permit application requirements and decision guidelines to be specified.

### Neighbourhood Residential Zone (NRZ) Clause 32.09

The Neighbourhood Residential Zone restricts housing growth and protects an identified neighbourhood character. The likely application of the Neighbourhood Residential Zone is in areas where single dwellings prevail and change is not identified.

The Neighbourhood Residential Zone may be appropriate for:

- areas where single dwellings prevail and change is not identified, such as areas of recognised neighbourhood character, heritage, environmental or landscape significance
- areas which may not have good supporting transport infrastructure or other infrastructure, facilities and services and are not likely to be improved in the medium to longer term
- areas where constraints and natural or other hazards should limit housing growth and diversity

### Key attributes of the Neighbourhood Residential Zone

- Supports limited residential development. A permit is not required to use land for a dwelling. The land use Accommodation which includes uses such as Group accommodation, Residential hotel and Retirement village requires a permit.
- Includes a purpose to implement neighbourhood character policy and adopted neighbourhood character guidelines. Character studies and policies that are not part of a planning scheme have limited statutory weight however they may be deemed as seriously entertained documents for the purpose of decision making by responsible authorities.
- Exempts the development of one dwelling on a lot of 300 square metres or more. Other works and outbuildings normal to a dwelling are exempt if requirements are met. A schedule to the zone can specify a different threshold.
- Restricts dwelling development to a maximum of two dwellings on a lot, with the ability for councils to vary this limit through a schedule to the zone (the minimum can be less or more than two dwellings)
- Allows non-residential uses such as Medical centre and Place of worship without a permit if conditions are met

- Allows applications to be made for some non-residential uses such as Convenience restaurant, Store, Take-away food premises and Service station.
- Prohibits uses such as Industry, Nightclub, Office, Warehouse and most retail premises.
- Allows a schedule to specify application requirements, decision guidelines, siting and design requirements, number of dwellings on a lot, permit thresholds for construction and extension of single dwellings and maximum building height for a dwelling or residential building.

#### Using the schedule to the Neighbourhood Residential Zone

The Ministerial Direction – The Form and Content of Planning Schemes sets out the form and content requirements for all schedules.

#### Summary of the Neighbourhood Residential Zone Schedule

- Allows the use of multiple schedules. Councils with more than one schedule will require a number suffix for all the Neighbourhood Residential Zone Schedules, for example NRZ1, NRZ2 and NRZ3.
- Allows a minimum subdivision area to be specified.
- Allows a threshold area (in square metres) to be specified for the construction or extension of one dwelling on a lot.
- Allows a threshold area (in square metres) to be specified for the construction or extension of a front fence within three metres of a street where there is one dwelling on a lot.
- Allows the specification of different standards to Clause 54 or 55 for
  - minimum street setbacks
  - site coverage
  - permeability
  - landscaping
  - side and rear setbacks

- walls on boundaries
  - private open space
  - front fence height.
- Allows a maximum number of dwellings allowed on a lot to be specified. The number can be one or higher.
  - Allows a maximum building height requirement in metres for buildings used as a dwelling or a residential building to be specified.
  - Allows permit application requirements and decision guidelines to be specified.

#### Township Zone (TZ) Clause 32.05

The Township Zone provides for residential and other uses in small towns and enables moderate housing growth.

The likely application of the Township Zone is in residential areas of small towns where moderate growth and diversity of housing will occur that is consistent with neighbourhood character.

#### Key attributes of the Township Zone

- Supports residential development in townships. A permit is not required to use land for a dwelling. The land use Accommodation which includes uses such as Group accommodation, Residential hotel and Retirement village requires a permit.
- Exempts the development of one dwelling on a lot of 300 square metres or more. Other works and outbuildings normal to a dwelling are exempt if requirements are met.
- Allows a permit application for the construction and extension of two or more dwellings on a lot.
- Allows non-residential uses such as Medical centre and Place of worship without a permit if conditions are met.
- Allows applications to be made for some non-residential uses such as, Place of assembly, Retail premises, Industry and Warehouse.

- Prohibits uses such as Brothel, Intensive animal husbandry, Motor racing track and Saleyard.
- Allows a schedule to specify application requirements, decision guidelines, siting and design requirements and a maximum building height for a dwelling or residential building.

#### Using the schedule to the Township Zone

The Ministerial Direction – The Form and Content of Planning Schemes sets out the form and content requirements for all schedules.

#### Summary of the Township Zone Schedule

- Allows the use of multiple schedules. Councils with more than one schedule will require a number suffix for all Township Zone Schedules, for example TZ1, TZ2 and TZ3.
- Allows a permit requirement to be specified for the construction or extension of one dwelling on a lot between 300 square metres and 500 square metres.
- Allows the specification of different standards to Clause 54 or 55 for:
  - minimum street setbacks
  - site coverage
  - permeability
  - landscaping
  - side and rear setbacks
  - walls on boundaries
  - private open space
  - front fence height
- Allows a maximum building height requirement in metres for a dwelling or a residential building to be specified
- Allows permit application requirements and decision guidelines to be specified.

#### Low Density Residential Zone (LDRZ) Clause 32.03

The Low Density Residential Zone enables the lowest density of housing in the suite of residential zones. It may be appropriate for:

- residential areas on the fringe of urban areas and townships
- areas planned for larger residential lots containing a maximum of one or two dwellings
- areas where sewerage may not be available or areas where larger residential lots (to a minimum of 2 hectares) are connected to reticulated sewerage

#### Key attributes of the Low Density Residential Zone

- A permit is not required to use land for a single dwelling on a lot. The use of land for two dwellings requires a permit and the use of land for more than two dwellings is prohibited.
- Allows a permit application for the construction and extension of two or more dwellings on a lot.
- Allows an application to be made to subdivide a lot to a minimum of 0.2 hectares where reticulated sewerage is connected or to a minimum of 0.4 hectares where not connected to reticulated sewerage
- Allows limited non-residential uses such as Medical centre without a permit if conditions are met.
- Allows applications to be made for some non-residential uses such as Food and drink premises, Place of assembly, Service station and store
- Prohibits uses such as Industry, Nightclub, Office, Warehouse and most retail premises.
- Allows a schedule to specify a minimum subdivision area and permit threshold for the construction of outbuildings.



### Summary of the Low Density Residential Zone Schedule

- Allows the use of multiple schedules  
Councils with more than one schedule will require a number suffix for all Low Density Residential Zone Schedules, for example LDRZ1, LDRZ2 and LDRZ3.
- Allows a minimum subdivision area to be specified for land

### More information

More information is available at  
[www.dtpli.vic.gov.au/planning](http://www.dtpli.vic.gov.au/planning)

Planning Practice Note 4: Writing a Municipal Strategic Statement

Planning Practice Note 8: Writing a Local Planning Policy

Planning Practice Note 10: Writing Schedules

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## **E.12 CHIEF EXECUTIVE OFFICER DELEGATION - ELECTRICITY TENDER FOR SMALL SITES, LARGE SITES AND STREET LIGHTING**

Community Services Directorate

### **EXECUTIVE SUMMARY**

Council currently has contracts with Power Direct for the supply of electricity to small tariff sites, AGL for large tariff sites and TRU Energy for the supply of electricity for street lighting. The combined total value of these contracts is approximately \$550,000 per year.

These contracts were tendered through a collective tendering process initiated through MAV Procurement in 2012. Although the contracts don't expire until 2015 and will all run until their expiry dates, MAV Procurement recommend organising tender documents for the next round of contracts now to ensure that tenders go out to the market at a time when electricity prices are at a competitive rate.

Due to the timelines associated with the process (once tenders are received, contract prices can only be held for a period of 7 - 10 days), approval is sought from Council for the Chief Executive Officer (CEO) to be delegated the Authority to sign the contracts for The Supply of Electricity for Small Sites, Large Sites and Street Lighting on behalf of Council.

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

Nil

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

- Local Government Act 1989

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

- Procurement Policy 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:	3.1.6	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**

The following external organisations have been consulted:

- Municipal Association of Victoria - Procurement Department
- Trans Tasman Energy Group (TTEG)

## **REPORT**

### **Background**

In September 2013 the Municipal Association of Victoria (MAV) initiated the process to act as an agent to carry out the tender process for the supply of electricity for Small Sites, Large Sites and Street Lighting on behalf of councils.

Group purchasing through the MAV has provided cost savings to Council in the procurement of electricity supply in the past. Council has participated in the last two rounds of the MAV Procurement electricity tendering process and entered into contracts as a result.

### **Discussion**

Council's current contracts for the supply of electricity for Smaller Tariff Sites (Power Direct) expire on 30 June 2015 and Large Tariff Sites (AGL) and Street Lighting (TRU Energy) expire on 31 December 2015. Our current electricity contracts will run to the end of their expiry dates. Licensed Electricity Retailer Companies will be invited through the MAV Procurement process (as discussed below) to submit prices for the supply of electricity once existing contracts expire. This process will secure the cheapest electricity rates into our next contract period and enable accurate forecasting of budgets.

MAV recommended going through the tender process now so that documents were ready to be sent out at a time when electricity prices were at a competitive rate. The MAV has partnered with the Trans Tasman Energy Group (TTEG) who monitor the electricity market and have recommended that now is the most opportune time to go out for tender.

Once tenders have been received from Electricity Retailers there is a 7 - 10 day turn around for contracts to be signed, as the Retailers have limited capacity to hold prices.

### **Options**

Council has the right not to accept the recommendation provided by the MAV in partnership with TTEG. Group purchasing has achieved good outcomes in the past and the MAV Procurement team are well placed to act as agents on Council's behalf.

## **Proposal**

As the required contract turnaround is short (7 - 10 days), it is proposed that the Chief Executive Officer be given delegation to award the contract to the MAV Procurement recommended tender, with a report to Council informing of the successful tender once awarded.

## **FINANCIAL CONSIDERATIONS**

The current annual budget for electricity use (street lighting, small tariff sites and large tariff sites) is approximately \$550,000. Industry advice is that electricity costs will trend well above CPI.

These cost predictions have been factored into the current Long Term Financial Plan through the life of the new contracts. The contracts that will be entered into will ensure that Council achieves the most competitive future rates.

## **RISKS**

Undertaking collective tendering through MAV Procurement provides for a robust and fully compliant process, with a proven record of strong commercial results, demonstrated through cost savings for participating councils.

Purchasing through the scheme ensures fair and open competition and addresses risks associated with probity and compliance of the tender process.

The main risk relates to the timing of the tender process. Due to tight timelines involved with the procurement of electricity, with Electricity Retailers holding prices for up to 10 days only, the need to act upon the MAV Procurement recommendation in a timely manner is paramount; hence the reason for recommending delegation to the CEO to sign relevant contracts as they become available.

## **CONCLUSION**

Group purchasing has provided significant cost savings to Council in the past in the procurement of electricity for Council buildings, facilities and street lighting. It is expected that group purchasing will continue to provide best value to Council in the long term. Participating in the MAV Procurement process ahead of our current electricity contract's expiry date will ensure that the most advantageous prices can be sought.



## **RECOMMENDATION**

That Council:

1. Authorise the Chief Executive Officer to award, sign and seal the contracts for The Supply of Electricity for Small Sites, Large Sites and Street Lighting with the Municipal Association of Victoria Procurement recommended retailer/s, commencing from 2015; and
2. Receive a report advising of the successful tenderer and tender sum.

## **STAFF DISCLOSURE OF INTEREST**

Nil

**MOVED: Cr Newton**

**SECONDED: Cr Hill**

**THAT THE RECOMMENDATION IN ITEMS E.12 AND E.13 BE ADOPTED.**

**CARRIED UNANIMOUSLY**

## **E.13 COUNCILLOR DISCRETIONARY FUND POLICY REVIEW**

Corporate Services Directorate

### **EXECUTIVE SUMMARY**

This report recommends Council consider and adopt a revised Councillor Discretionary Fund (CDF) Policy (Attachment 1) as part of Council's Policy Review Timetable. This will strengthen the current policy by incorporating amendments that cover off on matters raised by the Local Government Investigations and Compliance Inspectorate (LGICI) and advice provided by Council's law firm, Maddocks.

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

- **Attachment 1** – Revised Councillor Discretionary Fund Policy 2014

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

- Local Government Act 1989
- Review of Councillor Discretionary Funds - Local Government Investigations and Compliance Inspectorate - October 2013

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

- Policy Framework Policy 2011
- Councillor Discretionary Fund Policy

### **COUNCIL PLAN**

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

### **CONSULTATION**

Council has previously received advice from its legal advisors Maddocks, on ways to strengthen its CDF Policy to ensure greater transparency and probity, and has incorporated this into the revised CDF Policy (Attachment 1).

Council has also considered policy revisions based on advice from the LGICI via letter 3 June 2013 and the report from their Review of Councillor Discretionary Funds - Local Government Investigations and Compliance

Inspectorate - October 2013. Council has also considered the press release dated 6 November 2013 from Minister for Local Government, Ms Jeanette Powell MP, which accompanied the LGICI review.

Council received the information in relation to the correspondence at a Strategic Briefing 20 November 2013 and considers the amended policy is a responsible approach to the matters raised by the Inspectorate and the Minister.

## **REPORT**

### **Background**

The Councillor Discretionary Fund Policy was last reviewed on 2 December 2009. The policy is now due for review as part of Council's Policy Review Timetable 2013/14.

Following the receipt of the LGICI letter dated 3 June 2013, Council's CEO responded on 7 June 2013, advising that a revision of the Councillor Discretionary Fund Policy would be undertaken in 2014.

Whilst the LGICI letter commended South Gippsland Shire Council's policies and procedures related to its CDF, it recommended that Council should consider whether it should continue with a CDF Program considering that it has a Community Grants Program with similar objectives.

Since this correspondence, the LGICI have released a full report from their 'Review of Councillor Discretionary Funds' in October 2013, which was accompanied by a media release from the Minister for Local Government, Ms Jeanette Powell MP.

The report acknowledges that whilst South Gippsland Shire Council is one of only four Victorian councils who demonstrated accountable CDF program practices; it stated that there were risks associated with continuing to operate these programs and sought comment from these Councils on the need to continue with these programs.

The media release from the Minister indicated that:

*"I will now consider the inspectorate's recommendations including the proposal to amend legislation to abolish or place tighter controls on councillor discretionary funds".*

### **Proposal**

That Council approve amendments to the Councillor Discretionary Fund Policy (**Attachment 1**) effective from 01 July 2014. The amendments, as outlined below, strengthen the current policy primarily through the following additions, to address matters raised by LGICI and advice provided by Council's law firm, Maddocks:

- Policy Statement: the final paragraph has been added to acknowledge that:

*Council is cognisant, that the CDF may give rise to a perception of Councillors having the ability to make funding available only to certain members of the community or an as opportunity for self - promotion. However, Council chooses to maintain an alternative and separate Community Grants Fund because the prime purpose of the Fund is to provide funding for initiatives that support the achievement of the strategic objectives of the Council and that provide significant leverage for additional external support. The Discretionary fund is targeted to smaller initiatives of value to local communities that are important but not strategic and do not offer opportunities for significant leverage.*

- Risk Assessment: has been updated to ensure that Councillors are aware of the risks of breaching the Local Government Act 1989 relating to the impartial exercise of Councillors responsibilities and avoiding Conflicts of Interest.

That Council provide the LGICI with a copy of its revised CDF Policy and advise of South Gippsland Shire Council's decision to continue with a CDF in the 2014/2015 Financial Year unless State Government introduces legislation to abolish Councillor Discretionary Grants.

That Council make representations to the Minister for Local Government to indicate South Gippsland Shire Council's support for the continuation of CDF programs with improved controls to better govern the use of CDF's by Victorian councils.

## **FINANCIAL CONSIDERATIONS**

Councillor Discretionary Funds are budgeted for in current and forward budgets.

Current Councillor Discretionary Fund's budget for 2013/14 is \$38,000 (\$4000 per Councillor plus an additional \$2,000 for the Mayor).

## **RISK FACTORS**

If Council decides to continue with its CDF program, the primary risks of the program raised by the LGICI and the Minister can be reduced through strengthening the policy as recommended in **Attachment 1**, to provide for the optimal use of Council funds in a clear and more transparent manner.

There is a risk that continuing the CDF program with a strengthened policy may not be considered adequate by the LGICI, instigating further requirements or involvement by the LGICI.

Councillors risk potential breaches of section 76D of the Local Government Act 1989 (the Act), as it pertains to Misuse of Position by continuing with its

CDF program despite a tightened policy being adopted and the controls in place.

### **CONCLUSION**

The CDF program provides Council the opportunity to assist community groups and/or Shire individuals with minor funding allocations in accordance with the guidelines developed for this purpose.

### **RECOMMENDATION**

That Council:

1. Revoke the Councillor Discretionary Fund Policy C13 adopted by the Council on 02 December 2009; and
2. Adopt the Councillor Discretionary Fund Policy C13 contained in Attachment 1.
3. Provide the Local Government Inspectorate Investigations and Compliance Inspectorate with a copy of Council's revised CDF Policy and advise of South Gippsland Shire Council's decision to continue with a CDF in the 2014/2015 Financial Year; and
4. Make representations to the Minister for Local Government to indicate South Gippsland Shire Council's support for the continuation of CDF programs with improved controls to better govern the use of CDFs by Victorian councils.

### **STAFF DISCLOSURE OF INTEREST**

Nil

**NOTE:** The recommendation was **CARRIED UNANIMOUSLY** as part of a single motion, refer to page 164.

## Attachment 1



South Gippsland Shire Council

### COUNCILLOR DISCRETIONARY FUND

Policy Number	C13	Directorate	Corporate Services
Council Item No	TBA	Department	Governance Services
Council Adoption Date	19 March 2014	Primary Author	Penni Ellicott
Revision Date	19 March 2017	Secondary Author	David Roche

COUNCIL POLICY

#### POLICY OBJECTIVE

Council strives to facilitate, plan, and provide programs, services and opportunities that increase the viability of its communities.

Funding will contribute to obtaining the outcomes of Council's Strategic Goals as outlined in the Council Plan.

COUNCIL POLICY

#### LEGISLATIVE PROVISIONS

- Council Plan
- Local Government Act 1989; and
- Victorian Local Government Code of Good Governance.

COUNCIL POLICY

#### DEFINITIONS

**Beneficial Project/Activities** – elements of beneficial projects/activities are likely to give rise to sustainable outcomes for the community of South Gippsland Shire, are consistent with Council's broader strategic aspirations, and do not promote dependence upon Council.

**Discretionary Fund** - is a set budget that Council provides annually to each Councillor for distribution to the community of South Gippsland in accordance with this Policy and guidelines.

**Guidelines** – is a supporting document that outlines the eligibility criteria and requirements for applicants and details the processes for administering and allocating funds.

COUNCIL POLICY

#### POLICY STATEMENT

Each Councillor, subject to an annual budget and in accordance with the guidelines referred to by this policy, will have the discretion to nominate Council funds to community groups and/or Shire individuals in accordance with the guidelines developed for this purpose.

Funds allocated will need to result in beneficial projects and activities for the Shire.

Council will set the Councillor Discretionary Fund allocation each year when formulating the annual budget.



Because of the broader focus of the Mayor across the entire Municipality, supplementary funds may be allocated in addition to his/her Councillor allocated fund. The additional funds can be allocated for any project or activity which the Mayor believes is of significant local or regional importance.

The CEO shall verify that all requests for funding meet the policy guidelines and process the payment within ten working days of receipt of the application. The CEO may delegate this function to another nominated member of staff.

A Council Report will be provided at each subsequent Council meeting listing all successful and unsuccessful applications.

Council acknowledges that this policy and associated guidelines forms strong integrity processes as identified by the Local Government Investigations and Compliance Inspectorate (refer letter from LGICI dated 3 June 2013).

In making this policy, Council is cognisant, that the Councillor Discretionary Fund may give rise to a perception of Councillors having the ability to make funding available only to certain members of the community or as an opportunity for self-promotion. However, Council chooses to maintain an alternative and separate Community Grants Fund because the prime purpose of this Fund is to provide funding for initiatives that support the achievement of the strategic objectives of the Council and that provide significant leverage for additional external support. The Discretionary fund is targeted to smaller initiatives of value to local communities that are important but not strategic and do not offer opportunities for significant leverage.

#### **RISK ASSESSMENT**

Ensure optimal use of Council funds outside the annual budget cycle through use of comprehensive guidelines.

Councillors are aware that a breach of the Local Government Act 1989 may occur if a nomination for allocation of funding under this policy reflects a Councillor's failure to:

- Impartially exercise his or her responsibilities in the interests of the local community; and/or
- Avoid a conflict between his or her public duties as a Councillor and his or her personal interests and obligations.

#### **IMPLEMENTATION STATEMENT**

The policy will be implemented through:

- Education of Councillors and relevant staff of their responsibilities for the allocation of Discretionary Funds;
- Guidelines and application forms will be available from the Councillors, Council website and main office reception; and
- Information regarding the Discretionary Funds will be promoted through means identified in the Community and Engagement Plan and Toolkit.



## **E.14 CORNER INLET DRAINAGE AREA ADVISORY (SPECIAL) COMMITTEE**

Corporate Services Directorate

### **EXECUTIVE SUMMARY**

This report recommends Council delay the revocation of its Corner Inlet Drainage Area Advisory Committee (the Section 86 Committee), from 24 April 2014 till 30 November 2014.

This is based on the Ministerial response to the Environment and Natural Resources Committee (ENRC) Inquiry into Rural Drainage in Victoria - January 2014 (**Appendix 1**). The response indicates the State intends to allocate drainage area responsibility to local government, rather than Catchment Management Authorities (CMA), as anticipated at the time of the 24 October 2012 Council resolution to revoke the Section 86 Committee.

The recommended delay to the revocation of the Section 86 Committee will avoid unnecessarily disbanding the Committee, only to need to reinstate it in the future. It ensures the drainage area retains active management until more is known regarding the development of supporting State legislation.

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

- **Appendix 1** - Victorian Government's Response to the ENRC Inquiry into Rural Drainage in Victoria - January 2014

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**

- Section 86 Local Government Act 1989

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

- Council Minutes 24 October 2012 - Report E.1 - Corner Inlet Seawalls

### **COUNCIL PLAN**

Strategic Goal:	4.0	A Leading Organisation
Outcome:	4.2	Pursue best practice in organisational development and operations of the organisation.
Strategy No:	4.2.2	We will monitor corporate governance processes, including risk management and skills development with the aim on ongoing improvement.

## **CONSULTATION**

The consultation relating to this matter between Council, the Section 86 Committee and ENRC is outlined in the background of this report.

Council received a briefing on 19 February 2014. The Chair and Secretary of the Section 86 Committee have also been briefed on this report.

## **REPORT**

### **Background**

Outlined below is the background and timelines related to this matter.

#### October 2012

On 24 October 2012, Council resolved to revoke the Special Committee on 24 April 2014 or earlier if an alternate arrangement was established. Council's resolution was informed by the ENRC Flood Mitigation Inquiry recommendations which indicated it was probable the State Government would assign responsibility for drainage management to CMAs.

#### February 2013

Council made a submission to the ENRC Inquiry into Rural Drainage supporting recommendations from the Flood Mitigation Inquiry (see above).

#### May 2013

On 27 May 2013, Council received an update via Council's internal newsletter InfoSum article, on progress towards implementing the Council resolution.

#### June 2013

ENRC released its report from the Inquiry into Rural Drainage in Victoria, making 32 recommendations to the State Government.

#### August 2013

An InfoSum article was provided to Council advising of the impacts to Council from the Drainage Inquiry recommendations, including the possibility Council could be appointed responsible authority for the Corner Inlet Drainage Area.

#### January 2014

The State Government responded to the ENRC Inquiry into Rural Drainage (**Appendix 1**) and confirmed the responsibility for the support of local rural drainage committees, where beneficiaries are supported and prepared to fund schemes, will be consolidated with local government. For further detail please refer to **Appendix 1**, specifically the following recommendations:

- 4.1: local government will have overarching responsibility for rural drainage supported via legislative change and guidance documents.
- 4.3: landholders managing their own scheme may request local government assistance, including forming a Section 86 committee.
- 6.7: the State will consider ways to sensibly manage Council liability, however, advised that full immunity is rarely appropriate.
- 7.9: confirmed drainage committees, with beneficiaries and local government will determine how drainage charges will be set / collected.
- 7.10: the State confirmed it would not provide an initial capital injection for rural drainage.

### **Discussion**

The State Government response to the ENRC Inquiry into Rural Drainage indicates it will enact legislation which will see Council appointed the responsible authority for the Corner Inlet Drainage Area.

### **Options**

Council has two options:

1. Postpone the revocation of the Section 86 Committee, from 24 April 2014 till 30 November 2014.
2. To uphold the original Council resolution of 24 October 2012 to revoke the Special Committee on 24 April 2014 and to determine how to distribute the remaining balance raised by the former 2003 Special Charge Scheme to beneficiaries.

### **Proposal**

**Option 1** is recommended, as this avoids unnecessarily disbanding the Section 86 Committee, only to need to reinstate it. This also ensures the drainage area retains active management while the legislation is being finalised.

**Option 1** will allow time for Council to consider implications of the State Government's response, further liaise with stakeholders and present another Council report in November 2014 to determine appropriate actions.

**Option 2** is not recommended, as it results in the unnecessary revocation of the Committee and the drainage area being unmanaged in the interim.

## **FINANCIAL CONSIDERATIONS**

The financial implications of delaying the revocation of the Section 86 Committee are minimal, in that there is currently no cost to Council to beyond the effort to prepare relevant reports and administer the Committee. There is a current balance of \$20,048.66 raised by the 2003 Special Charge scheme to conduct required Seawall maintenance in the interim.

If Council is confirmed as the Responsible Authority, the costs for administering and maintaining the drainage area, are intended to be fully covered by beneficiaries raised by a special charge.

## **RISKS**

The risks of extending the Section 86 Committees revocation are minimal compared to the effort and community dissatisfaction with re-establishing the Committee if Council is confirmed the responsible authority. The risk of Council liability from Seawall failure in the interim is low, confirmed by a recent Condition Audit stating that the Seawall was in reasonable condition and is actively managed by the Section 86 Committee.

Further, the State Government has advised they 'will consider options to sensibly manage liability through the development of the VRDS'. However, under the Statutory Immunity Policy, immunity provisions are rarely appropriate as they remove the legal rights available to a person who has suffered loss. It is prudent for Council to seek insurance advice to ensure adequate coverage.

## **CONCLUSION**

It is recommended Council delay the revocation of the Section 86 Committee until 30 November 2014.

## **RECOMMENDATION**

That Council:

1. Delay the revocation of the Corner Inlet Drainage Area Advisory Committee (the Section 86 Special Committee) Instrument of Delegation, from 24 April 2014, as decided at the Ordinary Council Meeting 24 October 2012, until 30 November 2014;
2. Consider the State Government's response to the Environment and Natural Resources Committee (ENRC) Inquiry into Rural Drainage in Victoria (Appendix 1) and determine the implications to Council should it be confirmed as the Responsible Authority for the Corner Inlet Drainage Area;
3. Notify the Section 86 Special Committee of this decision and keep the Section 86 Special Committee informed of any developments in relation to this matter;
4. Further liaise with State Government, Municipal Association of Victoria, Insurers and Section 86 Special Committee to ensure legislation enacted is appropriate and adequate Council insurance is addressed; and
5. Receive another Council report, no later than the Council Meeting scheduled for 26 November 2014, to enable a further decision.

## **STAFF DISCLOSURE OF INTEREST**

Nil

**MOVED: Cr Harding**

**SECONDED: Cr Davies**

**THAT COUNCIL:**

- 1. DELAY THE REVOCATION OF THE CORNER INLET DRAINAGE AREA ADVISORY COMMITTEE (THE SECTION 86 SPECIAL COMMITTEE) INSTRUMENT OF DELEGATION, FROM 24 APRIL 2014, AS DECIDED AT THE ORDINARY COUNCIL MEETING 24 OCTOBER 2012, UNTIL 30 NOVEMBER 2014;**
- 2. CONSIDER THE STATE GOVERNMENT'S RESPONSE TO THE ENVIRONMENT AND NATURAL RESOURCES COMMITTEE (ENRC) INQUIRY INTO RURAL DRAINAGE IN VICTORIA (APPENDIX 1) AND DETERMINE THE IMPLICATIONS TO COUNCIL SHOULD IT BE CONFIRMED AS THE RESPONSIBLE AUTHORITY FOR THE CORNER INLET DRAINAGE AREA;**
- 3. NOTIFY THE SECTION 86 SPECIAL COMMITTEE OF THIS DECISION AND KEEP THE SECTION 86 SPECIAL COMMITTEE INFORMED OF ANY DEVELOPMENTS IN RELATION TO THIS MATTER;**
- 4. FURTHER LIAISE WITH STATE GOVERNMENT, MUNICIPAL ASSOCIATION OF VICTORIA, INSURERS AND SECTION 86 SPECIAL COMMITTEE TO ENSURE LEGISLATION ENACTED IS APPROPRIATE AND ADEQUATE COUNCIL INSURANCE IS ADDRESSED; AND**
- 5. RECEIVE ANOTHER COUNCIL REPORT, NO LATER THAN THE COUNCIL MEETING SCHEDULED FOR 26 NOVEMBER 2014, TO ENABLE A FURTHER DECISION.**

**CARRIED UNANIMOUSLY**

## **E.15 COUNCIL POLICY REVIEW - MAYOR, DEPUTY MAYOR AND COUNCILLOR ATTENDANCE AT FUNCTIONS POLICY AND ACCEPTANCE OF GIFTS AND DONATIONS POLICY**

Corporate Services Directorate

### **EXECUTIVE SUMMARY**

This report presents the following policies to Council for adoption as part of Council's Policy Review Timetable 2013/14:

1. The new C57 Mayor, Deputy Mayor and Councillor Attendance at Functions Policy (**Attachment 1**); and
2. The updated C1 Acceptance of Gifts and Donations Policy (**Attachment 2**).

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

- **Attachment 1** - Mayor, Deputy Mayor and Councillor Attendance at Functions Policy C57
- **Attachment 2** - Acceptance of Gifts and Donations Policy C1

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

Local Government Act 1989

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

Policy Review Framework

### **COUNCIL PLAN**

Outcome:	4.0	A Leading Organisation
Objective:	4.2	Pursue Best Practice In Organisational Development And Operations Of The Organisation
Strategy:	4.2.2	We will monitor corporate governance processes, including risk management and skills development with the aim of ongoing improvement



## **CONSULTATION**

The policies have been reviewed by the Executive Leadership Team and published in the Councillor internal newsletter InfoSum with a request for any feedback.

A review of the policies of other councils and consultation with Council's Community Strengthening Department, has informed the development of the Mayor, Deputy Mayor and Councillor Attendance at Functions Policy.

## **REPORT**

### **Background**

The Acceptance of Gifts and Donations Policy was last reviewed in October 2011. This policy:

- Provides guidance and requirements to Councillors and staff about the acceptance of gifts to avoid putting themselves in positions which are likely to create a conflict of interest;
- Provides transparency and accountability by the proper recording of significant gifts and donations made to Councillors and staff; and
- Adds to the existing requirements of the Local Government Act 1989 in respect of gifts and conflicts of interest.

This policy has only received slight edits and the following minor updates:

- The inclusion of additional relevant legislative provisions;
- The addition of the requirement to register a gift even if the gift is immediately passed on to the CEO; and
- Clarification that the gifts register is managed by the CEO's office.

The Mayor, Deputy Mayor and Councillor Attendance at Functions Policy is a new policy. The objective of this policy is to provide guidance to Councillors and staff about Councillors attending and representing Council at official functions, events or community events.

### **Discussion**

A Council Policy articulates a matter of public policy. It is a statement of Council's strategic direction in relation to decision making and guides its behaviour in matters affecting the wider community. It may also include guiding principles in the way Council deals with internal operations, other levels of Government, Government agencies and the business community.

## **Proposal**

It is proposed that:

- A new Mayor, Deputy Mayor and Councillor Attendance at Functions Policy (**Attachment 1**) is adopted; and
- The current Acceptance of Gifts and Donations Policy is revoked and a revised Acceptance of Gifts and Donations Policy (**Attachment 2**) adopted.

## **RISKS**

The Acceptance of Gifts and Donations Policy will minimise risk to reputation, enhance openness and transparency and assist in avoiding possible breaches of the Local Government Act 1989, other legislation and Council policies.

The Mayor, Deputy Mayor and Councillor Attendance at Functions Policy will ensure that the Council has representation at a level appropriate to the function attended.

## **CONCLUSION**

It is concluded that on the basis of ensuring good governance that both of these policies be adopted.

## **RECOMMENDATION**

That Council:

1. Adopt the new Mayor, Deputy Mayor and Councillor Attendance at Functions Policy C57 contained in Attachment 1;
2. Revoke the Acceptance of Gifts and Donations Policy C01 adopted by the Council on 26 October 2011; and
3. Adopt the revised Acceptance of Gifts and Donations Policy C01 contained in Attachment 2.

## **STAFF DISCLOSURE OF INTEREST**

Nil

**MOVED: Cr Newton**

**SECONDED: Cr Hill**

**THAT THE RECOMMENDATIONS IN ITEMS E.15 AND E.16 BE ADOPTED.**

**CARRIED UNANIMOUSLY**

## Attachment 1



South Gippsland Shire Council

### MAYOR, DEPUTY MAYOR AND COUNCILLOR ATTENDANCE AT FUNCTIONS

Policy Number	C57	Directorate	Corporate Services
Council Item No	TBA	Department	Governance Services
Council Adoption Date	19 March 2014	Primary Author	David Roche
Revision Date	19 March 2017	Secondary Author	June Ernst

COUNCIL POLICY

#### POLICY OBJECTIVE

The objective of this policy is to provide guidance to Councillors and staff about attending and representing Council at official functions, events or community events.

#### LEGISLATIVE PROVISIONS

Local Government Act 1989  
Victorian Charter of Human Rights and Responsibilities Act 2006

South Gippsland Shire Council policies

- Acceptance of Gifts and Donations
- Councillor Code of Conduct
- Civic and Mayoral Reception
- Councillor Support and Expenditure
- Mayoral and Deputy Mayor Role (due for adoption 30 June 2014)
- Communication and Consultation

COUNCIL POLICY

#### DEFINITIONS

**Function:** includes official functions and engagements (including civic and ceremonial), meetings, events or community activities organised by Council or external to Council to which a Councillor is formally invited to represent Council. Functions include those organised and managed by the Council where it is customary for the Mayor to be invited e.g. Music for the People, Sustainability Festival, Community Engagement Conference, opening of Council managed facilities; and those organised and managed by community organisations where the Mayor or Councillor is invited as a guest e.g. Arty Gras Festival, local Agricultural Shows, Daffodil Festival.

COUNCIL POLICY

#### POLICY STATEMENT

This policy applies to all Councillors including the Mayor and Deputy Mayor. This policy does not apply to functions open to all members of the public and where a Councillor attends in a private rather than in an official capacity.

The role of Mayor, in accordance with Section 73 of the Act, is to take precedence at all municipal proceedings within the municipal district.

In undertaking this role, the Mayor is deemed to be Council's principal Councillor appointed to attend key, strategic external (non-Council) events or functions.

The Mayor may decide to delegate the attendance of an external event or function to either a Deputy Mayor or a Councillor

COUNCIL POLICY



The general role of the Deputy Mayor is to deputise for the Mayor in providing a leadership and formal representational presence at civic, ceremonial and public engagement; and chair Council Meetings on occasions when the Mayor is unable or incapable to do so.

As the elected chair of Council, the Mayor is the principal representative of Council. All Councillors support the Mayor in representing Council at public occasions. Where the Mayor is unable to attend as the principal representative the Deputy Mayor should attend. However if the Mayor and Deputy Mayor cannot attend the Mayor will nominate Councillors to represent Council.

#### **Traditional Custodians**

If the Council representative is required to give a speech at a function within the South Gippsland Shire, the Councillor is encouraged to make an Acknowledgement of Country. The following form is recommended:

*"I would like to show my respect and acknowledge the traditional custodians of this land, of elders past and present, on which this event takes place."*

#### **Invitations**

Any invitations for events that fall within this policy that are received by Councillors other than those made in writing to the Mayor must be forwarded to the CEO as soon as practicable.

#### **Support for attending Councillor**

The Mayor and CEO will consider each invitation and decide whether an officer should accompany the nominated Councillor, whether a speech needs to be developed for the Mayor/Councillor, and whether the event should be used as an opportunity for a media release.

A request for Speech/Brief information will be sent by the CEO's office to the inviting organisation for completion and return to the CEO's Office two weeks prior to the event. Council staff from the Directorate primarily related to the event will provide assistance to the organising organisation to prepare the "Request for Speech/Brief Information".

In the event of the Mayor relinquishing attendance at a function to a Councillor, the CEO's Office will communicate with the nominated Councillor to ensure that the Councillor is aware of relevant issues, and is prepared for the function.

#### **Representatives**

The Deputy Mayor where practicable will substitute for the Mayor for a civic or ceremonial function of a Shire wide nature or importance where the Mayor is unable to attend. Where the Deputy Mayor cannot attend, the Mayor in consultation with the Deputy Mayor will nominate another Councillor, having regard to the following:

- Whether the function is associated with the Councillor's Ward.
- Whether the function is associated with a group or committee to which a Councillor has been appointed as Council's representative.
- Where the event relates to an issue relevant to a Ward, a designated Councillor from that Ward shall be the delegated attendee.





- Where the event is of relevance to a group or committee to which a Councillor has been appointed, then one of the appointed Councillors will be the designated representative.

In reaching a determination, the Mayor will have regard to whether the invitation is made to an individual Councillor or Councillors.

In the event that the nominated Councillor/s cannot attend, the Mayor may nominate a substitute representative.

#### **Information to assist Council representative**

Every effort should be made to obtain information from the host organisation to ensure that the Council representative is prepared for the event and therefore can represent Council well. A form to gather information is **Attachment 1**.

#### **RISK ASSESSMENT**

Council will have representation at a level appropriate to the occasion at functions.

#### **IMPLEMENTATION STATEMENT**

A copy of this policy will be provided to all Councillors and placed on Council's website.

After the election of each Mayor and Deputy Mayor, the CEO will brief both about this policy.

The CEO's office will provide the administrative support necessary to implement this policy.

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ATTACHMENT 1

**South Gippsland Shire Council Running Sheet for Mayor or Councillor  
Attendance at Community Events and Functions**

COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

Name of Inviting Organisation:	
Background of organisation and purpose of the function:	
Type of Function e.g. meeting, opening of event, presentation:	
Date:	
Starting Time:	
Councillor's partner invited?:	
Venue and address of venue:	
Person/s who will meet Council representative and where:	
Time of arrival of Council representative if different from above:	
Departure time of Council representative:	
Finishing Time if different from departure time of Council representative:	
Telephone number (including mobile) of organiser or their representative:	
Special guest attending e.g. MPs, dignitaries, other Councillors:	
Is a speech required: Yes/No If Yes then: Duration: e.g. 5 minutes Subject: Any matters that should be included in speech:	
Dress e.g. white tie, black tie, lounge suit, jacket and tie, jacket, casual:	

This form should be completed and returned to the CEO's office at least 5 working days before the event.



**Protocol for introductions based on the Victorian Table of Precedence for Introducing Government Dignitaries**

- I. The Governor
- II. The Premier
- III. The Mayor (when in own municipality e.g. South Gippsland Shire)
- IV. Victorian Parliamentary Ministers
- V. Federal Parliamentary Ministers
- VI. Victorian Members of Parliament
- VII. Federal Members of Parliament
- VIII. Councillors
- IX. Councillors (including Mayors) of other Councils

**Introductions of Mayor and Councillors**

1. When function attended by one Council representative  
"introducing the Mayor, Councillor ..." or "Councillor..."
2. When function attended by more than one Council representative  
"introducing the Mayor, Councillor ... and Councillors..."
3. When introducing a Councillor who is deputising for the Mayor  
"introducing Councillor... who is deputising for the Mayor in their absence"

COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY



## Attachment 2



South Gippsland Shire Council

### ACCEPTANCE OF GIFTS AND DONATIONS

Policy Number	CO1	Directorate	Corporate Services
Council Item No	E12	Department	Governance Services
Council Adoption Date	19 March 2014	Primary Author	June Ernst
Revision Date	19 March 2016	Secondary Author	David Roche

COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

#### POLICY OBJECTIVE

This policy:

- provides guidance and requirements to Councillors and staff about the acceptance of gifts to avoid putting themselves in positions which are likely to create a conflict of interest;
- provides a way of meeting the high level of community expectations in respect of transparency and accountability by the proper recording of significant gifts and donations made to Councillors and officers;
- adds to the existing requirements of the Local Government Act 1989 in respect of gifts and conflicts of interest; and
- replaces Council Policy Acceptance of Gifts and Donations 26 October 2011 with an updated policy.

This policy does not replace any of the requirements set out in legislation relating to conflicts of interest, gifts and electoral donations. This policy should be read in conjunction with these and as an aid to achieving best practice.

#### LEGISLATIVE PROVISIONS

- Local Government Act 1989 Division 1A
- Crimes Act 1958
- Conflict of Interest A Guide for Council staff October 2011 Department of Planning and Community Development
- Conflict of Interest A Guide for Councillors October 2011 Department of Planning and Community Development
- Councillor Code of Conduct
- Staff Code of Conduct
- Fraud Policy

#### DEFINITIONS AND EXPLANATIONS

**Gift** for the purpose of this policy means transfer/disposition of property, anything given, present, donation, non-monetary gift or service of a value of \$50.00 or greater.

This policy is additional to the requirements of Section 78C of the Local Government Act 1989 relating to 'applicable gifts' and Section 62 of the Local Government Act 1989 relating to 'election campaign donations'.

#### POLICY STATEMENT AND GUIDELINES

This policy is based on transparency and integrity principles that applies to every person in public office, that they should avoid putting themselves in positions which are likely to create a conflict of interest. This means that Councillors and staff do not



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seek or accept gifts from people where the receipt of the gift is likely to create a conflict with their public duty.

Councillors and staff are not prohibited from accepting gifts. However the Policy requires that Councillors and staff should avoid accepting gifts from people they know, or reasonably expect, will have dealings with the Council, and that as a Councillor or Officer they may be called upon to deal with these people in their official capacity.

Not accepting gifts from people and organisations that Councillors and staff have dealings with in an official capacity, can avoid the following consequences:

- The impression that the recipient is using their position for personal gain, rather than to serve the community, which reflects badly on the recipient and on the Council.
- It is likely to prevent the recipient from undertaking duties that the recipient has been elected, appointed or paid to perform, which may lead to a failing of responsibilities.
- Accepting a gift may constitute, or appear to constitute, a misuse of position or acceptance of a secret commission, which are serious offences under the Local Government Act 1989 and the Crimes Act respectively.

On occasions a Councillor or member of staff may be given a gift that cannot be politely refused. This typically occurs after a presentation at a function when a gift is given as an appreciation. If there is any risk that the gift may give rise to an indirect interest or otherwise compromise the recipient, it should be accepted on behalf of the Council and passed on to the CEO for use by the Council to avoid any personal conflict of interest.

A Councillor or staff member who receives a gift must immediately, after receipt of the gift, record details of the gift in Council's Gift Register that is held by the Chief Executive Office. This registration is required even if the gift is passed on to the CEO.

#### **RISK ASSESSMENT**

This policy:

- will minimise risk to reputation;
- enhance openness and transparency; and
- assist in avoiding possible breaches of the Local Government Act 1989, Crimes Act and other Council policies.

#### **IMPLEMENTATION STATEMENT**

This policy will be implemented by:

- The Chief Executive's Office maintaining the Council Gift Register that provides for the recording of gifts; including date of receipt of gift, gift giver, recipient of gift, value of gift, use to which the gift is put.
- Alerts regarding the existence of this policy to staff and Councillors in August/September each year (AFL finals, Racing Season, Christmas).
- Inclusion of policy in induction.
- Providing a copy of the Gift Register to the Audit Committee and Council every 12 months.

## **E.16 ADVISORY COMMITTEE REVIEW**

Corporate Services Directorate

### **EXECUTIVE SUMMARY**

This report provides the opportunity for Council to endorse recommendations from a procedural review of the six external Advisory Committees appointed by Council. It recommends:

1. Minor updates be made, to reflect the Committees current membership, Council officer title changes and meeting frequencies where required, to the Toora Railway Reserve Parkland Advisory Committee, the South Gippsland Regional Leisure Centre (SPLASH) Advisory Committee, the Access and Inclusion Advisory Committee, the Mossvale Park Advisory Committee and the Youth Council Terms of Reference (TOR) (**Attachments 1 to 5**);
2. Each TOR be next reviewed in March 2016;
3. The operation of the Leongatha Memorial Hall Advisory Committee be discontinued until any future request from the Community to re-activate the Committee is determined by the Council; and
4. Council, in consultation with each Committee, publically call for expressions of interest to join the Committees before 31 December 2014. All EOI's received to be provided to the Chief Executive Officer to determine appointments if considered necessary, in accordance with the Committees Terms of Reference.

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

- **Attachment 1** - Toora Railway Reserve Parkland Development Advisory Committee TOR
- **Attachment 2** - South Gippsland Regional Leisure Centre (SG SPLASH) Advisory Committee TOR
- **Attachment 3** - Access and Inclusion Advisory Committee TOR
- **Attachment 4** - Mossvale Park Advisory Committee TOR
- **Attachment 5** - Youth Council TOR
- **Attachment 6** - Leongatha Memorial Hall Committee TOR (Discontinued)

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

Local Government Act 1989, section 3 and 86

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## COUNCIL PLAN

Outcome:	4.0	A Leading Organisation.
Objective:	4.2	Pursue Best Practice in Organisational Development and Operations of the Organisation.
Strategy:	4.2.2	We will monitor corporate governance processes, including risk management and skills development with the aim of ongoing improvement.

## CONSULTATION

Council maintains regular consultation with each of the five active Advisory Committees at Committee meetings and in the provision of advice and support. Two members of the Leongatha Memorial Hall Advisory Committee were contacted and although the Committee has not met, these members advised that it is desirable that the TOR be retained on record for use in the event that the Committee becomes active in the future.

A Council briefing was conducted on the recommendations arising from this review on 20 November 2013.

## REPORT

### Background

In 2010 Council conducted a comprehensive review of the Advisory Committees. As a consequence the number of Advisory Committees was reduced from ten to six. Part of this review involved extensive community consultation and a review of each remaining Committee's TOR.

Each Committee continues to operate under a TOR approved by Council in 2011 which includes a provision for review every two years. Councillor Representatives are appointed to the Committees on an annual basis at the Special (Statutory) Meeting of Council.

Detail of each Committee is set out below:

Committee	Goal
Leongatha Memorial Hall Advisory Committee	To provide Council with advice on the management, maintenance, and long term objectives of the entire Leongatha Memorial Hall Complex (Hall), and to be active in promotional and fundraising (where appropriate) activities.
Toora Railway Reserve Parkland Development	To advise Council on the development and management/maintenance of the Toora Railway

Committee	Goal
Advisory Committee	Reserve Park.
South Gippsland Regional Leisure Centre (SG SPLASH) Advisory Committee	To advise Council on policies and strategies for improving the delivery of recreation, leisure and sporting services by South Gippsland Shire Council through the regional leisure centre complex (SG SPLASH).
Access and Inclusion Advisory Committee	To provide strategic advice to Council on disability issues, to promote inclusion, access and equity, and in the development and implementation of Council's Access and Inclusion Plan, other policies and plans.
Mossvale Park Advisory Committee	Contribute to the preservation and enhancement of Mossvale Park and environs as a public facility.
Youth Council	To advocate the needs and aspirations of young people within South Gippsland to the South Gippsland Shire Council.

## Discussion

All of the Committees with the exception of the Leongatha Memorial Hall Advisory Committee have met on a regular basis and provide reports to Council.

A copy of the minutes, that may contain correspondence, recommendations and decisions, are provided to the Council. Recommendations of the Committees are provided to a Council meeting for the consideration of the Council. Minutes of the Committee meetings are usually distributed to Councillors via Council's internal newsletter InfoSum. On some occasions the Councillor representative on the Committee reports back on the activities of the Committee in Councillor Reports section at a Council meeting.

### Leongatha Memorial Hall Committee

The role of the Leongatha Memorial Hall Committee is to provide Council with advice on the management, maintenance, and long term objectives of the Hall and to be active in promotional and fundraising activities.

The Committee however, has not met since its TOR was established on 25 May 2011 and it currently remains inactive as it has been unable to convene a meeting of members.

The day-to-day management and operation of the Hall is contracted out and supervised by the Council and it is considered that the absence of an operating Committee does not impact on the successful operation of the Hall.

As such it is recommended to discontinue the operations of the Leongatha Memorial Hall Advisory Committee. However, it is felt desirable not to lose the good work from 2010 in developing the Committee's TOR, even though the Committee has not met to date. This approach is supported by two spokespeople for the members originally appointed to the Committee.

It is therefore recommended for the TOR to be retained and re-used, should the Committee be re-activated by the Council in the future.

#### *The remaining active Committees*

During the review the following minor updates have been to the remaining active Committees existing TORs (**Attachments 1 - 5**) to bring them up to a current state:

1. Updates to the Committee Membership to reflect the current membership, as changes have been made over the previous two years to Councillor and Community members in accordance with each Committee TOR;
2. Updates to Council staff position titles due to organisational change; and
3. Updates the meeting frequencies to the following Committees:
  - Access and Inclusion Committee: from meeting three to nine times per year; and
  - Youth Council: from meeting monthly to quarterly.

Consideration was given also to make a minor change to each TOR to include an annual self-evaluation of the Committee's effectiveness similar to a recent change to Section 86 Committees Instruments of Delegation, however this is not recommended for Advisory Committees, because:

1. The activities of Advisory Committees are a much lower risk than Section 86 Committees as they have no delegated powers and only provide advice;
2. Their operations and functions are monitored and closely supported by Councillors who are members of each Committee, as well as Council officers; and

3. This would require further administrative effort for both volunteers and Council officers for little perceived benefit.

### **Options**

Council may wish to change or revoke the terms of reference, but this is not considered necessary beyond the minor changes proposed, because the Committees generally are operating effectively within their existing TOR and providing value to the Council and the community through their voluntary work.

### **Proposal**

It is proposed that as a consequence of this review of Advisory Committees that:

1. Only minor changes be made to the current TORs (**Attachments 1-5**) of the currently active Committees;
2. Each TOR be next reviewed in March 2016;
3. Council, in consultation with each Committee, publically call for expressions of interest to join the Committees before 31 December 2014. All EOI's received to be provided to the Chief Executive Officer to determine appointments if considered necessary to ensure the representation required in the TOR of each Committee is maintained and that periodic opportunities are publically advertised to join the Committees; and
4. Operation of the Leongatha Memorial Hall Advisory Committee be discontinued and existing members be notified. The TOR be retained until 31 December 2014 so that any future request from the Community to re-activate the Committee can be considered and determined by the Council after due consideration of the request.

### **FINANCIAL CONSIDERATIONS**

Staff resources are provided when required to assist the Advisory Committees, although it should be noted that in the main the Committees are largely self-supporting. It is considered that this limited support be continued, as no other financial support is provided to the Committees. Staff resourcing to the Committees is maintained in existing budgets for Corporate Services, Engineering Services and Community Services Directorates.

### **RISK FACTORS**

Council has an obligation to monitor the performance and operations of each Committee and to review the TOR of the Committees periodically to ensure their effective operation.



## **RECOMMENDATION**

That Council in respect of the Advisory Committees included in this report:

1. Make minor updates to the current Terms of Reference of the Toora Railway Reserve Parkland Advisory Committee, the South Gippsland Regional Leisure Centre (SPLASH) Advisory Committee, the Access and Inclusion Advisory Committee, the Mossvale Park Advisory Committee and the Youth Council contained in Attachments 1-5;
2. Review each Committee Terms of Reference as outlined in Recommendation 1 above, again in March 2016;
3. Consult with each of the Committees outlined in Recommendation 1 above, to arrange before 31 December 2014, for the public calling of expressions of interest to join the Committees and for any expressions of interest received to be provided to the Chief Executive Officer to determine appointments, if considered necessary, in accordance with the Committees Terms of Reference;
4. Congratulate the Committees outlined in Recommendation 1 above, on their good work via a letter from the Mayor;
5. Discontinue the operation of the Leongatha Memorial Hall Advisory Committee and notify the original members of the Committee that should a request from the Community to re-activate the Committee be received before 31 December 2014, that Council will consider and make a determination regarding the request for reinstatement; and
6. The Terms of Reference for the Leongatha Memorial Hall Advisory Committee (Attachment 6) be retained for future reference.

## **STAFF DISCLOSURE OF INTEREST**

Nil

**NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 179.**

**Attachment 1**  
**Toora Railway Reserve Parkland Development Advisory Committee**  
**Terms of Reference**



**Toora Railway Reserve Parkland Development**  
**Advisory Committee**  
**Terms of Reference**

(adopted by Council 19 March 2014)

**1. Goal**

To advise Council on the development and management/maintenance of the Toora Railway Reserve Park.

**2. Role of Committee**

- a) To advise and guide the implementation of the Toora Railway Reserve Parkland Management Plan 2006;
- b) To facilitate suggestions from the local community as to future development and maintenance of the Park for inclusion in the update of the Management Plan; and
- c) To provide a consensus view of the Toora community to Council on the planning, development and local community suggestions of the Toora Railway Reserve Park.

**3. Membership**

- a) The committee may have up to 18 members as follows:
  - i) Up to two members nominated by the Toora Progress Association (or successor body);
  - ii) Up to two members nominated by the Lions Club (or successor body);
  - iii) Up to two members nominated by the Toora Primary School;
  - iv) Up to two members nominated by the CFA Toora Brigade (or successor body);
  - v) Up to two members nominated by the Franklin River Landcare (or successor body);
  - vii) Up to two members nominated by the adjoining householders;



- viii) Up to two members nominated by Toora Traders (or successor body) or Business People;
- ix) A Promontory Ward Councillor; and
- x) Two members nominated from the general Toora community.

The Committee will be an active participant in the recruitment and induction of new members.

- b) Members of the Committee require endorsement by Council. Terms of appointment may be set by Council;
- c) Councillor representatives will be appointed or reappointed at the Special (Statutory) Council Meeting;
- d) In the case of casual vacancies, where the number of vacancies at a particular time is greater than the quorum number, then Council will be given the opportunity to appoint new members for any or all of the positions after consultation with the Committee;
- e) Members may be granted Leave of Absence and replaced by a nomination from the appropriate organisation or group for the period of the absence;
- f) A member shall cease to hold office if he or she is absent from four consecutive meetings without a Leave of Absence being granted;
- g) A member may have his or her term of office revoked by Council upon request by the Committee following a resolution carried by a two thirds majority vote of members of the committee;
- h) Council may at its discretion, revoke the membership of any member or the entire Advisory Committee at any time after consultation with the Committee;
- i) Council may disband the Advisory Committee at any time; and
- j) Copies of resignations are to be submitted to the Secretary Committee who will forward these to the Council.

#### **4. Committee Operations**

- a) The Committee will appoint the Chairperson, Deputy Chairperson (if required) and a Secretary for a term of one year;
- b) Council officers should be invited to attend at least two meetings of the Committee each year to provide technical and governance advice/assistance and to ensure a smooth flow of communication between Council and the Committee;



- c) The Committee does not have the power to direct any Council officer to undertake any work but may make recommendations to Council or its delegate through formal recommendations made by the Committee at Committee meetings;
- d) Council will offer training and development to the Committee as part of any training and development arranged for volunteers; and
- e) Council will reimburse "out of pocket" expenses for printing, stationary and postage incurred by the Committee in undertaking its role subject to these expenses being approved and provided by the Committee and upon the receipt by Council of tax invoices and/or receipts for approved expenses.

## **5. Proceedings**

### **5.1 Meetings**

- a) The Committee will meet at least three times per year or more often as required;
- b) The duration of each meeting should not generally exceed two hours;
- c) Meetings will follow standard meeting procedures. Council's Meeting Procedure Local Law No.3 will be used as a basis for determining these standards;
- d) The Secretary will prepare and distribute an agenda, at least seven days before a Committee meeting to all Committee members and Council's Governance Officer. The Secretary should liaise with the Chairperson when preparing the agenda, while other Committee members may also contribute to the matters for consideration; and
- e) Minutes from each meeting will be recorded by the Secretary, or if he / she is unavailable for a meeting then the Chairperson shall arrange for the minutes to be recorded by another member. Minutes will be distributed to all members and appropriate staff within the following week and will be stored in a minute folder maintained by the Secretary. A copy of all minutes with recommendations and decisions should be formally provided to Council via its Governance Officer. The Governance officer will ensure that all recommendations are presented to a Council meeting for the consideration of Council and the minutes are distributed to all Councillors.

### **5.2 Quorum**

- a) A majority of representation from at least five (5) of the represented groups constitutes a quorum; and





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

### **5.3 Voting**

- a) The Committee will make every effort to arrive at its decisions by consensus; and
- b) If consensus is not possible matters will be resolved by a majority of the votes of members present, and the Chairperson shall have the casting vote if the votes are equal.

## **6. Reporting**

- a) In reporting to Council, recommendations should, where possible, reflect a consensus view. Where a consensus cannot be reached, reports will clearly outline differing points of view;
- b) Reports to Council will be co-ordinated through the Governance officer;
- c) Reports about Advisory Committee meetings will be made by Council's representative to the next appropriate Council meeting;
- d) The members will present minutes to their affiliated organisations where applicable;
- e) The Committee will disseminate information about its activities to the broader Toora community on a regular basis;
- f) The Committee will provide an annual report on its activities each year to Council; and
- g) The Committee can expect a response from Council to recommendations made by the Committee to the Council within 45 days of the making of the recommendation/s.

## **7. Term of Committee, Evaluation and Review**

The term of the Committee will be until completion/implementation of the Toora Railway Reserve Parklands Management Plan 2006 or until disbanded by Council.

However Council will undertake a review of the Committee and its Terms of reference every two years or sooner if deemed necessary by Council.



The Committee will reflect upon its role and its effectiveness as part of this process and be an active participant in any review.

**8. Conflicts of Interest**

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

**9. Confidentiality**

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

**10. Misconduct**

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

**11. Dispute resolution and grievance procedure**

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

**Membership as at 17 February 2014**

Toora Progress Association – Kathy Whelan and Angela Nuttall  
Franklin River Landcare Group – Judy Bacon and Bruce Knee  
Toora Traders – Irene Spooner and Nick Di Maria  
Toora Primary School – vacant  
Adjoining households – Patricia Doran and Leslie Osborne  
Toora CFA – Ray Argento  
Toora Community Representative – Peter Lee  
Cr Jeanette Harding – Promontory Ward Councillor (appointed by Council)

## Attachment 2

### South Gippsland Regional Leisure Centre (SG Splash) Advisory Committee Terms of Reference



#### South Gippsland Regional Leisure Centre (SG SPLASH) Advisory Committee

##### Terms of Reference

(adopted by Council 19 March 2014)

**1. Goal**

To advise Council on policies and strategies for improving the delivery of recreation, leisure and sporting services by South Gippsland Shire Council through the regional leisure centre complex (SG SPLASH).

**2. Role of Committee**

- a) To provide advice to Council with the objective of increasing participation, patronage and use of SG SPLASH;
- b) To provide advice that is representative of the views of both users and the broader community regarding SG SPLASH;
- c) To liaise with Council about the ongoing development of SG SPLASH;
- d) To assist Council in seeking and securing funding for the ongoing development of SG SPLASH;
- e) To provide advice that informs the development of broader Council policies, strategies and plans for example Health & Wellbeing Plan and Access & Inclusion Plan, and the role SG SPLASH can play in achieving the associated outcomes;
- f) To provide user perspective feedback about the operation of SG SPLASH on a quarterly basis; and
- g) To network with other swimming pools/aquatic facilities within the Shire to share and promote good practice in the operation of these facilities.

**3. Membership**

- a) The Committee may have up to:
  - i) Seven community representatives with preferably a range representation from various Council wards and user groups; and

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Email: [council@southgippsland.vic.gov.au](mailto:council@southgippsland.vic.gov.au) Website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)





- ii) One nominated Councillor.

Ideally the SG SPLASH Advisory Committee will comprise of community representatives from a demographic cross section of the Shire and a range of background interests and experiences in, but not exclusive to, business, management, recreation, sport and leisure pursuits.

The Contractor's SG SPLASH centre manager will provide administrative support to the committee;

- b) Members of the Committee require endorsement by Council. Terms of appointment may be sent by Council;
- c) In the case of casual vacancies where the number of vacancies at a particular time is less than the quorum number, new members may be appointed, by the Committee, for a term not exceeding the date set down for the expiry of the term of office of the retiring member;
- d) In the case of casual vacancies, where the number of vacancies at a particular time is greater than the quorum number, then Council will be given the opportunity to appoint new members for any or all of the positions after consultation with the Committee;
- e) Councillor representatives will be appointed / reappointed as soon as practicable after Council elections and on an annual basis at the Special (Statutory) Council Meeting;
- f) Members may be granted Leave of Absence and replaced by secondment for the period of absence with the agreement of the Chairperson;
- g) A member shall cease to hold office if he or she is absent from four consecutive meetings without a leave of absence with the agreement of the Chairperson;
- h) A member may have his or her term of office revoked by Council upon request by the Committee following a resolution carried by a two thirds majority vote of members of the committee;
- i) Council may at its discretion, revoke the membership of any member or the entire Advisory Committee at any time after consultation with the Committee;
- j) Council may disband the Advisory Committee at any time; and
- k) Copies of resignations are to be submitted to Council.

#### **4. Committee Operations**



- a) The Committee will appoint the Chairperson and Deputy Chairperson (if required);
- b) Council officers should be invited to attend at least two meetings of the Committee each year to provide technical and governance advice/assistance and to ensure a smooth flow of communication between Council and the Committee;
- c) The Committee does not have the power to direct any Council officer to undertake any work but may make recommendations to Council or its delegate through formal recommendations made by the Committee at Committee meetings; and
- d) Council will offer training and development to the Committee as part of any training and development arranged by volunteers.

## **5. Proceedings**

### **5.1 Meetings**

- a) The Committee will meet at least quarterly (four times) each year;
- b) The duration of each meeting should not generally exceed two hours;
- c) Meetings will follow standard meeting procedures. Council's Meeting Procedure Local Law No.3 will be used as a basis for determining these standards;
- d) The contractor's centre manager or Council's Recreation Co-ordinator will prepare and distribute an agenda, at least seven days before a Committee meeting and in doing so should liaise with the Chairperson when preparing the agenda, while other Committee members may also contribute to the matters for consideration; and
- e) Minutes from each meeting will be recorded by the contractor's centre manager or Council's Recreation Coordinator, or if he / she is unavailable for a meeting then the Chairperson shall arrange for the minutes to be recorded by another member. Minutes will be distributed to all members and appropriate staff within the following week and will be stored in a minute folder maintained by the Secretary. A copy of all minutes with recommendations and decisions should be formally provided to Council via its Governance officer. If one Councillor or more is present at the meeting the meeting is deemed an Assembly of Councillors. Council will provide the Committee with a template for and advice about reporting back to Council that will enable the Chief



Executive Officer to keep a written record of the meeting if it is an Assembly of Councillors.

### **5.2 Quorum**

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

### **5.3 Voting**

- a) The Committee will make every effort to arrive at its decisions by consensus; and
- b) If consensus is not possible matters will be resolved by a majority of the votes of members present, and the Chairperson shall have the casting vote if the votes are equal.

## **6. Reporting**

- a) In reporting to Council, recommendations should, where possible, reflect a consensus view. Where a consensus cannot be reached, reports will clearly outline differing points of view;
- b) Reports to Council to Council will be co-ordinated through the Governance officer;
- c) Reports about Advisory Committee meetings will be made by Council's representative to the next appropriate Council meeting;
- d) The members will present minutes to their affiliated organisations where applicable;
- e) The Committee will provide an annual report on its activities each year to Council; and
- f) The Committee can expect a response from Council to recommendations made by the Committee to Council within 45 days of the making of these recommendations.

## **7. Terms of Committee, Evaluation and Review**

Council will undertake a review of the Committee and its Terms of Reference every two years or sooner if deemed necessary by Council.





The Committee will reflect upon its role and its effectiveness as part of this process and be an active participant in any review.

**8. Conflicts of Interest**

The Committee members are to disclose any conflict of interest to the Chairperson (or nominated Councillor in the case of the Chairperson) if they consider they have in any matter to be considered by the Committee. The conflict of interest may be of a direct or indirect nature.

The disclosure should be made at the commencement of the meeting and the committee member should leave the meeting when the matter is being considered. The committee member may return to the meeting immediately after the matter is decided. Committee members should be guided by the Conflict of Interest legislation and guidelines as they apply to Councillors. A copy of this legislation and guidelines can be obtained from Council's Governance Officer.

**9. Confidentiality**

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

**10. Misconduct**

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

**Membership as at 21 February 2014**

Melanie Ryan  
Sandra Casbolt  
Tom Saario  
Peter Western  
Philomena Smith  
Councillor Lorraine Brunt

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**Attachment 3**  
**Access and Inclusion Advisory Committee**  
**Terms of Reference**

**South Gippsland Shire Council**  
**Access and Inclusion Advisory Committee**  
**Terms of Reference**

**Adopted by Council 19 March 2014**

**1. Goal**

To provide strategic advice to Council:

- on disability issues, to promote inclusion, access and equity; and,
- in the development and implementation of Council's Disability Action Plan, other policies, strategies and plans.

**2. Role of Committee**

The Committee will:

- a) provide advice to Council on issues, policy and documents relating to the access and inclusion of people with a disability
- b) assist Council to implement the key policy statement and strategic objectives contained in Council's Disability Action Plan
- c) provide advice to Council on disability related issues that may require the advocacy of Council
- d) assist in educating the community to create greater awareness of disability related issues, and
- e) provide community leadership opportunities for Committee members.

**3. Membership**

- a) The Advisory Committee will ideally reflect the diversity of the community and comprise up to twelve (12) members as follows:
  - i) up to 8 community representatives (minimum of 5)
  - ii) up to 4 service provider representatives (minimum of 2) and
  - iii) nominated Councillor(s).
- b) Members of the Advisory Committee require endorsement by Council. Terms of appointment may be set by Council
- c) Councillor representatives will be appointed/reappointed at the Special (Statutory) Council Meeting
- d) Advisory Committee vacancies will be filled at the discretion of Council
- e) Members may be granted Leave of Absence and replaced by an appropriate substitute for the period of the absence
- f) A member shall cease to hold office if he or she is absent from 4 consecutive meetings without a Leave of Absence, as agreed with the Chairperson
- g) A member may have his or her term of office revoked by Council upon request by the Committee following a resolution carried by a two thirds majority vote of members of the Committee
- h) Council may revoke the membership of any member or the entire Advisory Committee at any time
- i) Council has the power to terminate the services of the Advisory Committee at any time after consultation with the Committee, and
- k) Copies of resignations are to be submitted to the Chairperson who will forward these to Council.

The Advisory Committee will be an active participant in the recruitment and induction of new members. The Rural Access Project Officer and the Manager Community Strengthening (or delegate) will attend the meetings, but they will not have voting rights.

Membership of the Advisory Committee: as at 27 February 2014

Linda Lloyd	Daniel Poynton
Blair Donaldson	Nicholas Peck
Graeme Ireland	Darren Bone
Phillip Bayre	Vince Sgaroto
Jo Brailey	Linda Lloyd

Councillor Bob Newton                      Councillor Lorraine Brunt  
Councillor Kieran Kennedy (Substitute)

**4. Committee Operations**

- a) The Advisory Committee will appoint the Chairperson and Deputy Chairperson (if required) for the period of 1 year
- b) Council Officers should be invited to attend at least two meetings annually to discuss developments and initiatives relevant to the Access and Inclusion Plan and broader disability related issues
- c) Council will offer relevant training and development to the Advisory Committee
- d) The Advisory Committee can approve the reimbursement of out of pocket expenses incurred by Committee members for agreed activities, subject to funds being available. Any expenses must be agreed with the Rural Access Project Officer prior to expenditure. All reimbursements must be supported by receipts, and
- e) Council's Community Strengthening Department will provide administrative support to the Advisory Committee, as appropriate.

**5. Proceedings**

**5.1 Meetings**

- a) The Advisory Committee will meet at least nine times per year, or more often as required, usually on the last Friday of the month except January and December.
- b) The duration of each meeting should not exceed 2 hours
- c) Meetings will follow standard meeting procedures, as in Council's Meeting Procedure Local Law No.3
- d) The agenda will be prepared by the Rural Access Project Officer and distributed to Advisory Committee members and Council's Governance Officer at least 7 days before the meeting. Committee members are encouraged to contribute agenda items, and
- e) Minutes will be taken for each meeting and distributed to all members and appropriate staff during the following week. Hard copies of the minutes will be stored in a folder maintained by Council's Community Strengthening Department. A copy of all minutes, recommendations and decisions should be formally provided to Council's Governance Officer. The Governance Officer will ensure that all recommendations are presented to a Council meeting for the consideration of Council and the minutes are distributed to all Councillors. If one Councillor or more is present at the meeting the meeting is deemed an Assembly of Councillors.



Council will provide the Committee with a template for and advise about reporting back to Council that will enable the Chief Executive Officer to keep a written record of the meeting if it is an Assembly of Councillors.

**5.2 Quorum**

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

**5.3 Voting**

- a) The Advisory Committee will make every effort to arrive at its decisions by consensus, and
- b) If consensus is not possible matters will be resolved by a majority of the votes of members present. The Chairperson shall have the casting vote if the votes are equal.

**6. Reporting**

- a) In reporting to Council, recommendations should reflect a consensus view. Where a consensus cannot be reached, reports will clearly outline differing points of view
- b) Reports to Council will be coordinated through the Governance Officer
- c) Reports about Advisory Committee meetings will be made by Council's representative at the next appropriate Council meeting
- d) Members will present minutes to their affiliated organisations, where applicable
- e) The Advisory Committee will provide information about its activities to the broader community on a regular basis
- f) The Advisory Committee will provide an annual report on its activities each year to Council, and
- g) The Advisory Committee can expect a response from Council within 45 days of the making any recommendations.

**7. Terms of Committee, Evaluation and Review**

The term of the Advisory Committee will be until the end date of Council's Access and Inclusion Plan or until disbanded by Council.

Council will undertake a review of the Advisory Committee and its Terms of Reference every two years, or sooner as appropriate.

The Advisory Committee will reflect upon its role and effectiveness as part of this process and be an active participant in any review.

**8. Conflicts of Interest**

Advisory Committee members are to disclose any conflict of interest to the Chairperson (or nominated Councillor in the case of the Chairperson). The conflict of interest may be of a direct or indirect nature.

The disclosure must be made at the beginning of the meeting and the Advisory Committee member should leave the meeting when the matter is being considered. The Committee member may return to the meeting immediately after the matter is decided.

Advisory Committee members should be guided by the Conflict of Interest legislation and guidelines as they apply to Councillors. A copy of this legislation and guidelines can be obtained from Council's Governance Officer.

**9. Confidentiality**

The Advisory Committee may deal with items of a confidential nature. This requires confidentiality, discretion and sensitivity. If there are members of the public (that are not members of the Committee) in attendance they should be asked to leave during such discussions.

**10. Misconduct**

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

**11. Dispute resolution and grievance procedure**

Should a dispute or grievance arise, the Advisory Committee should attempt to resolve the matter. If unable to resolve the matter, it should be referred to Council's Director Corporate Services who will arrange guidance and an appropriate dispute resolution, as necessary.

## Attachment 4 Mossvale Park Advisory Committee Terms of Reference



### Mossvale Park Advisory Committee

#### Terms of Reference

(adopted by Council 19 March 2014)

**1. Goal**

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

**2. Role of Committee**

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

**3. Membership**

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



- h) A member may have his or her term of office revoked by Council upon request by the Committee following a resolution carried by a two thirds majority vote of members of the committee;
- i) Council may at its discretion, revoke the membership of any member or the entire Advisory Committee at any time after consultation with the Committee;
- j) Council may disband the Committee at any time;
- k) Copies of resignations are to be submitted to the Committee who will forward these to Council: and
- l) The Committee will be an active participant in the recruitment and induction of new members.

#### **4. Committee Operations**

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

#### **5. Proceedings**

##### **5.1 Meetings**

- a) The Committee will meet at least two times per year;





- b) The duration of each meeting should not generally exceed two hours;
- c) Meetings will follow standard meeting procedures. Council's Meeting Procedure Local Law No. 3 will be used as a guide for determining these standards;
- d) The Secretary will prepare and distribute an agenda, at least seven days before a Committee meeting. The Secretary should liaise with the Chairperson when preparing the agenda, while other Committee members may also contribute to the matters for consideration; and
- e) Brief minutes from each meeting will be recorded. Minutes with all recommendations will be distributed to all members and appropriate staff within the following week and will be stored in a minute folder maintained by the Governance Officer. A copy of all minutes with recommendations and decisions should be formally provided to Council via its Governance Officer. The Governance Officer will ensure that all recommendations are presented to a Council meeting for the consideration of Council and the minutes are distributed to all Councillors.

#### **5.2 Quorum**

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

#### **5.3 Voting**

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

#### **6. Reporting**

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



- e) The Committee can expect a response from Council to recommendations made by the Committee to the Council within 45 days of the making of the recommendations.

**7. Term of Committee, Evaluation and Review**

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

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

**8. Conflicts of Interest**

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

**9. Confidentiality**

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

**10. Misconduct**

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

**11. Dispute resolution and grievance procedure**

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



**Membership as of 21 February 2014:**

John Smallman  
Rodney Emmerson  
Phil Piper  
Jean Carnell  
Les Hutchinson  
Jill Vella

Suzanne Wightman  
Richard Allen  
Kate Williams  
Richard Lester  
Coral Hughes  
Cr Don Hill





## Attachment 5 South Gippsland Youth Council Terms of Reference



### South Gippsland Youth Council

#### Terms of Reference

(adopted by Council 19 March 2014)

#### 1. Goal

To advocate the needs and aspirations of young people within South Gippsland to the South Gippsland Shire Council.

##### 1.1 Mission Statement

The Youth Council will provide an opportunity for young people to express their ideas and views, and encourage youth development and participation throughout the Shire.

The group will advocate on behalf of young people in the wider community with the goal of improving the lifestyle for young people in South Gippsland.

#### 2. Role of Committee

Youth Council is an advisory committee of the South Gippsland Shire Council.

Youth Council aims to listen to and represent young people and their views and to communicate these views to Council and the wider community.

Youth Council will maintain a strong commitment to the following:

- a) To provide a forum for young people to regularly meet and express their views on issues affecting them and their peers;
- b) To develop a strong positive image and profile of young people within the community and increase young people's participation within the community;
- c) To increase opportunities for young people to have input into South Gippsland Shire Council planning, strategies, policy and program decisions and provide an opportunity for Council representatives to liaise with young people;

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Telephone: (03) 5662 9200 Facsimile: (03) 5662 3754  
Email: [council@southgippsland.vic.gov.au](mailto:council@southgippsland.vic.gov.au) Website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)



- d) To develop a partnership between the South Gippsland Shire Council and the Youth Council;
- e) To encourage Youth Council members to represent other local young people as they attend youth events and Regional, State and National Youth Forums;
- f) To develop Youth Council members' confidence, communication and leadership skills and experience; and
- g) To provide input, advice and support within the boundaries of these terms of reference to bodies and individuals external to the South Gippsland Shire Council.

From time to time issues and opportunities outside these Terms of Reference may arise and Youth Council may refer these to other appropriate organisations.

### **3. Role of Council**

South Gippsland Shire Council will:

- a) Provide resources allowing Youth Council to carry out their role;
- b) Actively engage Youth Council when seeking community input to planning, strategies, policy and program decisions;
- c) Provide Youth Council with the information required to fulfil its role;
- d) Work collaboratively with Youth Council to pursue relevant grant funding opportunities through its Grants Officer; and
- e) Acknowledge and respond to formal recommendations made by Youth Council.

### **4. Membership**

- a) Youth Council will have up to 20 people including:
  - i. 18 community representatives between the ages of 12-25 years; and
  - ii. One Councillor;
- b) Application for Membership of Youth Council by a community representative (as defined in point 4 a i) is made by self-nomination. Nominees will require endorsement from two other members of the South Gippsland community;
- c) Council may call for a review of the membership of the Youth Council where it does not appear to equitably represent the overall spread of the youth population or the interests of the young people in the South Gippsland Shire;
- d) Members can serve for a term of two years after which they will need to reapply;



- e) In the case of casual vacancies at a particular time being less than the number required for full membership, new members shall be appointed, by the Chief Executive Officer for a term not exceeding the date set down for the expiry of the term of office of the retiring member;
- f) Where the number of applicants at a particular time is greater than the number of vacancies the Chief Executive Officer will determine the most suitable applicants for appointment and appoint;
- g) Councillor Representatives will be appointed / reappointed as soon as practicable after Council elections and on an annual basis at the Special (Statutory) Council Meeting;
- h) Members may be granted Leave of Absence and replaced by secondment for the period of absence with the agreement of the Chairperson;
- i) If an appointed member of the Youth Council is absent for four consecutive meetings without leave (apology) of the Youth Council given prior to the meeting, that member may forfeit his/her membership;
- j) A member may have his or her term of office revoked by Council upon request by the Youth Council following a resolution carried by a two thirds majority vote of members of the Youth Council;
- k) Council may at its discretion, revoke the membership of any member or the entire Youth Council at any time;
- l) Council has the power to terminate the services of the Youth Council at any time; and
- m) Copies of resignations are to be submitted to the Governance & Corporate Planning Department at the Council.

## **5. Committee Operations**

- a) The Youth Council will appoint a Chairperson and Minute Taker at each meeting; the role of Minute Taker will normally be undertaken by the responsible Council Officer present, with the opportunity for Youth Council members to undertake this task if desired;
- b) A Council officer will be present at each meeting, and
- c) The Youth Council does not have the power to direct any Council officer to undertake any work but may make recommendations to Council, which may be the body of Councillors or the Chief Executive Officer as delegate.

## **6. Proceedings**

### **6.1 Meetings**

- a) The Youth Council will meet once a quarter. The Youth Council may meet more frequently as the need arises. From





time to time issues may arise in between meetings that require attention by Youth Council, in this instance the Youth Council Facebook page may be used for information transfer and decisions;

- b) Because of the distances involved in attending meetings, Youth Council members will be assisted where possible to attend meetings and other activities;
- c) Youth Council meetings will normally be held between 4pm and 6pm;
- d) Whilst the Council offices will be the base for Youth Council meetings, Youth Council meetings may occasionally be held in other areas of the Shire;
- e) Meetings will follow standard meeting procedures. Council's Meeting Procedure Local Law No 3. will be used as a basis for determining these standards;
- f) The responsible Council Officer will prepare and distribute an Agenda at least five days prior to the meeting. All Youth Council members will have the opportunity to contribute matters for consideration via the Youth Council Facebook page or through direct discussion with the Council Officer; and
- g) Minutes from each meeting will be recorded by the responsible Council Officer or if he / she is unavailable for a meeting then the Chairperson shall arrange for the minutes to be recorded by another member. Minutes will be distributed to all members and appropriate staff within the following fortnight and will be stored in a minute folder maintained by the responsible Council Officer. A copy of all minutes should be formally provided to Council via its Governance Services Department.

## **6.2 Quorum**

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

## **6.3 Voting**

- a) The Youth Council will make every effort to arrive at its decisions by consensus; and



- b) If consensus is not possible matters can be resolved by a majority of the votes of members present. In the event members may not be physically present at the Youth Council meeting, an opportunity to vote via the Youth Council Facebook page will be available for a period of two days post meeting. The Chairperson shall have the casting vote if the votes are equal.

#### **7. Reporting**

- a) In reporting to Council, recommendations should, where possible, reflect a consensus view. Where a consensus cannot be reached, reports will clearly outline differing points of view;
- b) Technical reports to Council will be co-ordinated through the relevant Council Officer;
- c) Minutes of all Youth Council meetings will be reported by attending Councillors as a Council report at the next appropriate Council meeting;
- d) The Youth Council will disseminate information about its activities to the broader community on a regular basis; and
- e) The Youth Council can expect a response from Council to recommendations made by the Youth Council to the Council within 45 days of the making of the recommendations.

#### **8. Evaluation**

In order to monitor and evaluate the effectiveness of the Youth Council there will be an annual evaluation process undertaken by the Youth Council members with assistance from Council Officers. The results of the evaluation will be reported to Council.

#### **9. Council Review**

Council will undertake a review of the operations and Terms of Reference of the Youth Council every two years.

#### **10. Conflicts of Interest**

Youth Council members are to disclose any conflict of interest to the Chairperson (or nominated Councillor in the case of the Chairperson). The conflict of interest may be of a direct or indirect nature.

The disclosure must be made at the beginning of the meeting and the Youth Council member should leave the meeting when the matter is being considered. The Youth Council member may return to the meeting immediately after the matter is decided.



Youth Council members should be guided by the Conflict of Interest legislation and guidelines as they apply to Councillors. A copy of this legislation and guidelines can be obtained from Council's Governance Officer.

**11. Confidentiality**

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

**12. Misconduct**

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

**13. Dispute Resolution**

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

**14. Assembly of Councillors**

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

**Membership as at 17 February 2014:**

Councillor - Andrew McEwen  
Substitute Councillor – Mohya Davies  
Lauren Trani  
Daniel O'Flaherty  
Dean Eddy  
David McAlpine  
Callum Missen  
Eleanor McKenzie  
Fasika Sommerville Smith  
Redeit Sommerville Smith



**Attachment 6  
Leongatha Memorial Hall Advisory Committee  
Terms of Reference**



**Leongatha Memorial Hall Advisory Committee**

**Terms of Reference (Discontinued – 19 March 2014)**

**(originally adopted by Council 25 May 2011 and discontinued by Council 19 March 2014 – to be retained on file until any Council decision to re-establish the Committee)**

**1. Goal**

To provide Council with advice on the management, maintenance, and long term objectives of the entire Leongatha Memorial Hall Complex (Hall), and to be active in promotional and fundraising (where appropriate) activities.

**2. Role of Committee**

The role of the committee is to:

- a) Provide advice to Council that reflects the needs and aspirations of the South Gippsland community and in particular the patrons, potential users and user groups of the Hall;
- b) Provide advice to Council on the future development of the Hall Complex and strategic planning for the hall in a way that recognises the need to preserve the heritage aspects of the hall as a 'Memorial Hall';
- c) Undertake activities and make recommendations that would promote the use of the Hall;
- d) Work with Council and its officers to pursue funding opportunities for capital improvements to the Hall;
- e) Provide advice to Council on the operations and proposed capital improvements to the Hall;
- f) Advocate on behalf of the Community and reporting to the Community; and,
- g) Participate actively in the recruitment and induction of new members to the Committee.

The Committee acknowledges that the day to day operations are the responsibility of Council staff and contractor engaged to manage the Hall.

9 Smith Street (Private Bag 4) Leongatha 3953 – DX 94026 Leongatha  
Telephone: (03) 5662 9200 Facsimile: (03) 5662 3754  
Email: [council@southgippsland.vic.gov.au](mailto:council@southgippsland.vic.gov.au) Website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)



### 3. The Role of Council

- a) Council will provide the Committee with relevant information to enable it to perform its role including:
  - i. maintenance undertaken and scheduled every six months;
  - ii. proposed capital improvements every six months;
  - iii. a report on the breakdown of the Hall user statistics, income and expenditure every six months;
  - iv. grant opportunities as they are identified; and
  - v. works for the Hall proposed in the Council budget every year;
- b) Council officers and contractor engaged to manage the Hall will have a standing invitation to attend and participate in committee meetings. Council officers may attend the Committee meetings of their own accord;
- c) Council (through its Grants Officer) will work collaboratively with the Committee to pursue grant funding opportunities that are identified as being of benefit to the improvement of the Hall;
- d) Council will reimburse "out of pocket" expenses for printing, stationary and postage incurred by the Committee in undertaking its role subject to these expenses being approved and provided by the Committee and upon the receipt by Council of tax invoices and/or receipts for approved expenses;
- e) Council will offer training and development to the Committee as part of any and training and development opportunities/requirements arranged for volunteers;
- f) Council will offer to manage the records of the Committee in accordance with the Public Records Act 1973 because of the significance of the Hall to the community. In this regard the Committee will make arrangements with Council's Corporate Information Management Co-ordinator to have this undertaken on a quarterly basis.

### 4. Membership

- a) The committee may have up to 18 members as follows:
  - i. up to 11 members nominated by the following groups of their successor body:
    - Citizens Advice Bureau;
    - Leongatha Historical Society;
    - Leongatha RSL;
    - Leongatha Rotary Club;
    - Leongatha Horticultural Society;



- Leongatha Chamber of Commerce and Industry;
  - Leongatha Progress Association; and
  - Leongatha Arts & Crafts Society;
- ii. up to three Councillors; and
  - iii. up to four members nominated from the general community.
- b) Members of the Committee require endorsement by Council. Terms of appointment may be set by Council.;
  - c) In the case of casual vacancies where the number of vacancies at a particular time is less than the quorum number of 10, new members shall be appointed, by the Committee, for a term not exceeding the date set down for the expiry of the term of office of the retiring member;
  - d) In the case of casual vacancies, where the number of vacancies at a particular time is greater than the quorum number, then Council will be given the opportunity to appoint new members for any or all of the positions after consultation with the Committee;
  - e) Councillor representatives will be appointed / reappointed as soon as practicable after Council elections and on an annual basis at the Special (Statutory) Council Meeting;
  - f) Members may be granted Leave of Absence and replaced by secondment for the period of absence with the agreement of the Chairperson;
  - g) A member shall cease to hold office if he or she is absent from 4 consecutive meetings without a leave of absence with the agreement of the Chairperson;
  - h) A member may have his or her term of office revoked by Council upon request by the Committee following a resolution carried by a two thirds majority vote of members of the committee;
  - i) Council may at its discretion, revoke the membership of any member or the entire Advisory Committee at any time after consultation with the Committee;
  - j) Council has the power to terminate the services of the Advisory Committee at any time; and
  - k) Copies of resignations are to be submitted to the Secretary of the Committee who will forward these to the Council.

#### **5. Committee Operations**





- a) The Committee will appoint the Chairperson, Deputy Chairperson (if required) and a Secretary for a term of one year;
- b) Council Officers may be invited to meetings of the Committee to provide technical and governance advice/assistance and to ensure the smooth flow of communication between Council and the Committee; and
- c) The Committee does not have the power to direct any Council officer to undertake any work but may make recommendations to Council or its delegate through formal recommendations made by the Committee at Committee meetings.

## **6. Proceedings**

### **6.1 Meetings**

- a) The Committee will meet at least three times per year or more often as required;
- b) The duration of each meeting should not generally exceed two hours;
- c) Meetings will follow standard meeting procedures. Council's Meeting Procedure Local Law No.3 will be used as a basis for determining these standards;
- d) The Secretary will prepare and distribute an agenda, at least seven days before a Committee meeting to all Committee members and Council's Governance Officer. The Secretary should liaise with the Chairperson when preparing the agenda, while other Committee members may also contribute to the matters for consideration; and
- e) Minutes from each meeting will be recorded by the Secretary, or if he / she is unavailable for a meeting then the Chairperson shall arrange for the minutes to be recorded by another member. Minutes will be distributed to all members and appropriate staff within the following week and will be stored in a minute folder maintained by the Secretary. A copy of all minutes with correspondence, recommendations and decisions (and supporting information where appropriate) should be formally provided to Council via its Governance Officer. The Governance Officer will ensure that all recommendations are presented to a Council meeting for the consideration of Council and the minutes are distributed to all Councillors.

### **6.2 Quorum**

- a) A majority (is a half of the formal Committee members plus one) of members constitutes a quorum; and
- b) If at any meeting of the Committee a quorum is not present within 30 minutes after the time appointed for the meeting, the meeting will not be



able to make any binding decisions. The notes from this meeting can be ratified at the next meeting, provided of course a quorum is present at that meeting.

### **6.3 Voting**

- a) The Committee will make every effort to arrive at its decisions by consensus, and
- b) If consensus is not possible matters will be resolved by a majority of the votes of members present, and the Chairperson shall have the casting vote if the votes are equal.

### **6.4 Communication**

The Committee will take advantage of electronic communication to facilitate communication about the business of the committee outside of formal meetings times.

The Secretary will ensure that all members of the committee have access to information.

All discussions will be clarified, summarised and ratified at meetings.

### **7. Reporting**

- a) In reporting to Council, recommendations should, where possible, reflect a consensus view. Where a consensus cannot be reached, reports will clearly outline differing points of view;
- b) Reports to Council will be co-ordinated through the Governance officer;
- c) Reports about Advisory Committee meetings will be made by Council's representative to the next appropriate Council meeting;
- d) The members will present minutes to their affiliated organisations where applicable;
- e) The Committee will disseminate information about its activities to the broader Leongatha community on a regular basis;
- f) The Committee will provide an Annual Report on its activities each year to Council, including its achievements and outcomes against the goals and role of the Committee; and
- g) The Committee can expect a response from Council to recommendations made by the Committee to the Council within 45 days of making the recommendation/s.

### **8. Term of Committee, Review and Evaluation**





The term of the Committee will continue for a term of two years from the adoption of this Terms of Reference. Thereafter Council will undertake a review of the Committee and its Terms of reference every two years or sooner if deemed necessary by Council.

The Committee will reflect upon its role and its effectiveness as part of this process and be an active participant in any review.

#### **9. Conflicts of Interest**

The Committee members are to disclose any conflict of interest to the Chairperson (or nominated Councillor in the case of the Chairperson) if they consider they have in any matter to be considered by the Committee.

The conflict of interest may be of a direct or indirect nature. The disclosure should be made at the commencement of the meeting and the committee member should leave the meeting when the matter is being considered. The committee member may return to the meeting immediately after the matter is decided. Committee members should be guided by the Conflict of Interest legislation and guidelines in the Local Government Act as they apply to Councillors. A copy of this legislation can be obtained from Council's Governance Officer.

#### **10. Confidentiality**

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

#### **11. Misconduct**

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

#### **12. Dispute resolution and grievance procedure**

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

**Proposed Membership**  
**TBD if committee is reinstated.**



## 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.

**RECOMMENDATION:**

**That Item F.1 – CONTRACTUAL MATTER be dealt with as a matter of urgent business in Closed Session because it cannot be adequately dealt with at the next Ordinary Meeting of Council and relates to a matter specified under section 89(2)(d) of the Local Government Act 1989.**

**MOVED: Cr Davies**

**SECONDED: Cr Hill**

**THAT ITEM F.1 – CONTRACTUAL MATTER BE DEALT WITH AS A MATTER OF URGENT BUSINESS IN CLOSED SESSION BECAUSE IT CANNOT BE ADEQUATELY DEALT WITH AT THE NEXT ORDINARY MEETING OF COUNCIL AND RELATES TO A MATTER SPECIFIED UNDER SECTION 89(2)(d) OF THE LOCAL GOVERNMENT ACT 1989.**

**CARRIED UNANIMOUSLY**

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

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

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**Mr Paul Norton addressed Council by asking questions about leasing details associated with Apex Park car park, Leongatha and Long Street, Leongatha pedestrian path.**

***The Questions were taken on notice and will be addressed at the next appropriate Council Meeting.***

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

**Nil**

## **CLOSED SESSION**

### **Consideration of confidential matters under the Local Government Act 1989, Section 89(2).**

According to Section 89 of the Local Government Act 1989 (the Act), Council may consider items in closed session. There must be a resolution to move 'In Committee' stating the reasons why the matter(s) need to be considered in this way. The reasons provided for within the Act are matters concerning personnel, personal hardship, industrial issues, contracts, proposed developments, legal advice or any other matter that Council considers would be prejudicial, to it or any other person.

Once 'In Committee' discussions and debate have concluded, a further resolution to resume open Council is required.

### **ITEM 1 CONTRACTUAL MATTER**

#### **RECOMMEDATION**

That Council close the meeting to the public to allow for consideration of a contractual matter pursuant to section 89(2)(d) as provided for by the Local Government Act 1989.

**MOVED: Cr Harding**

**SECONDED: Cr Davies**

**THAT COUNCIL CLOSE THE MEETING TO THE PUBLIC TO ALLOW FOR CONSIDERATION OF A CONTRACTUAL MATTER PURSUANT TO SECTION 89(2)(d) AS PROVIDED FOR BY THE LOCAL GOVERNMENT ACT 1989.**

**CARRIED UNANIMOUSLY**

**ITEM 1 AWARD TENDER SGC14/11 PROVISION OF BUILDING PROGRAMMED MAINTENANCE, REACTIVE MAINTENANCE AND ESSENTIAL SAFETY MEASURES**

**THAT COUNCIL:**

- 1. AWARD THE TENDER SGC14/11 PROVISION OF BUILDING PROGRAMMED AND REACTIVE MAINTENANCE AND ESSENTIAL SAFETY MEASURES INSPECTIONS AND MAINTENANCE TO MASKELL'S MAINTENANCE SERVICES PTY LTD FOR A 5 YEAR TERM FOR THE LUMP SUM AND SCHEDULE OF RATES AS OUTLINED IN THEIR TENDER SUBMISSION PLUS ANNUAL CONSUMER PRICE INDEX (CPI).**

## **SECTION H - MEETING CLOSED**

### **NEXT MEETING**

The next Ordinary Council Meeting open to the public will be held on Wednesday, 16 April 2014 commencing at 2pm in the Council Chambers, Leongatha.

**The Meeting closed at 3.40pm.**

**CONFIRMED:.....**

**CR JAMES FAWCETT – MAYOR**

**Date:.....**