



South Gippsland
Shire Council

Come for the beauty, Stay for the lifestyle

COUNCIL AGENDA PAPERS

26 February 2014

**ORDINARY MEETING NO. 377
COUNCIL CHAMBERS, LEONGATHA
COMMENCING AT 2PM**

MISSION

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

SOUTH GIPPSLAND SHIRE COUNCIL

**NOTICE IS HEREBY GIVEN THAT ORDINARY MEETING NO. 377
OF THE SOUTH GIPPSLAND SHIRE COUNCIL WILL BE HELD ON
26 FEBRUARY 2014 IN THE COUNCIL CHAMBERS, LEONGATHA
COMMENCING AT 2PM**

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Tim Tamlin
Chief Executive Officer

SECTION A - PRELIMINARY MATTERS

A.1 WELCOME

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

A.2 OPENING PRAYER

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

Amen

A.3 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

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

A.4 APOLOGIES

A.5 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the South Gippsland Shire Council Ordinary Meeting No. 376, held on 18 December 2013 in the Council Chambers, Leongatha and the Minutes of the Special Meeting of Council held on Friday 10 January 2014 in the Council Chambers, Leongatha be confirmed.

A.6 REQUESTS FOR LEAVE OF ABSENCE

A.7 DECLARATION OF CONFLICT OF INTEREST FOR COUNCILLORS

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

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

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

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

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

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

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

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

Privacy

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

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

A.8 DECLARATION OF CONFLICT OF INTEREST FOR STAFF

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

A.9 PETITIONS

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

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

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

A.10 COUNCILLOR REPORTS

SECTION B - NOTICES OF MOTION AND/OR RESCISSION

Nil

SECTION C - COMMITTEE REPORTS

Nil

SECTION D – PROCEDURAL REPORTS

D.1 QUARTERLY PERFORMANCE REPORT OCTOBER TO DECEMBER 2013

Corporate Services Directorate

EXECUTIVE SUMMARY

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

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

This report does not capture every achievement during the quarter. However, it focuses on key achievements that contribute to the delivery of the corporate priorities. The contents summarise the performance for the quarter and the status of the Annual Plan and Key Strategic Activities as at 31 December 2013.

The organisational Quarterly Performance Report October to December is provided in **Appendix 1**.

Document/s pertaining to this Council Report

- **Appendix 1** - Quarterly Performance Report October to December 2013

A copy of **Appendix 1 - Quarterly Performance Report October to December 2013** is available on Council's website:

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

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989, Sections 125, 127 and 223

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

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

COUNCIL PLAN

Outcome:	4.0	A Leading Organisation
Objective:	4.2	Pursue best practice in organisational development and operation of the organisation.
Strategy:	4.2.4	We will create an environment for people to be their best, to optimise the performance of the organisation and to deliver quality outcomes for the community.

CONSULTATION

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

The community was consulted during the preparation of the 2013/2014 Annual Plan.

Background

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

Discussion

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

Of the 79 Annual Plan commitments 8 were achieved, 70 are currently progressing on track and 1 is delayed.

There are eight KSA's of which 2 are complete and 6 activities have are on target.

A number of significant highlights during the October to December 2013 period include:

1. A grant of \$20,280 was provided by the Transport Accident Commission (TAC) for a new Visual Messaging Service (VMS) mobile road safety and communication trailer board. This new equipment will be used for road safety initiatives, warnings and emergency information. The new equipment will be able to be updated remotely or manually and will enhance Council's ability to support key road safety initiatives, assist community events with traffic management issues and warn road users of specific issues.
2. The Aged and Disability team were proud finalists in the LGPro Aged and Disability 2013 Awards for:

- a. SGSC Home and Community Care Consultative Group. This is a group of clients, primary carers and volunteers who meet to discuss and advise on planning and delivery of current services and suggestions for improvement; and
 - b. From the 'Garden to the Plate' Improving Liveability for Older People Project. This project was designed to increase cooking skills, nutrition and connectedness of older people.
 3. Following the announcement by UnitingCare Gippsland to withdraw from managing the children's centres at Foster and Mirboo North Council has been working closely with the affected communities. In December YMCA Ballarat was announced as the preferred Service Provider for St Andrew's Child Care Centre at Mirboo North and the Corner Inlet community was united in pursuing a community based model of service delivery.
 4. Council applied successfully to the competitive stream of the Victorian Adaptation & Sustainability Partnerships funding program to deliver a climate adaptation and opportunity seminar and mentoring program to agricultural and small holder community members. The program will be delivered over 3 years in partnership with Bass Coast Shire Council and has attracted \$86,091 government funding (Total Project cost \$126,255).
 5. Korumburra Town Centre Framework Plan consultation concluded. Over 300 submissions for all stages were received representing considerable community interest. The Korumburra Town Centre Framework Plan was adopted by Council and a Planning Scheme Amendment to implement the recommendations has commenced.
 6. The Anne Frank exhibition profiling Korumburra and Coal Creek with over 1,000 people visiting the exhibition.
 7. Draft General Local Law 1 adopted by Council for public exhibition at the November Council Meeting.
 8. Completed the Korumburra Traffic and Drainage Study on 20 December 2013.
 9. Commenced the direct management of the Long Jetty Foreshore Caravan Park in November 2013.
 10. The Community Engagement and Evolving Vision Steering Committee has instigated engagement activities to inform the Annual Plan, commencing with a small Community Focus Group held in November. Insights gained from this forum will inform engagement activities and further research in the new year.
 11. Council's Rating Strategy Steering Committee has been formed with seven community representatives and three Councillors. The
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Committee is preparing a Rating Strategy Discussion Paper to take to Council and the community in February.

12. The Financial Sustainability Steering Committee has reviewed the capital works program, the long term financial strategies and commenced the zero based service reviews. Further work on the reviews will continue throughout January.
13. Launched the 'Repairing Our Roads' Campaign and Survey to lobby Government for increased funding to repair the South Gippsland road network.
14. Special Committees completed the review of Foster Swimming Pool, Korumburra Pool, Toora Pool and Mirboo North Pool.
15. Coordinated the Local Government Investigations and Compliance Inspectorate audit to assess Council's compliance against the Victorian Local Government Act 1989.
16. Completed the procurement for replacement printer and multifunction devices with the project delivering improved functionality with an estimated saving of \$120,000 per annum in the cost of producing print media.
17. Updated the proposed Bushfire Management Overlay in Council's Geographic Information System (GIS) to assist in identifying impacted properties within the Shire.

FINANCIAL CONSIDERATIONS

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

The weighted average of 5 key financial ratios (including indebtedness, underlying working capital ratio, self-financing, investment gap and underlying result for the 2013/2014 Budget) is 106% at 31 December 2013.

RISK FACTORS

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

CONCLUSION

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

RECOMMENDATION

That Council receive and note the organisational Quarterly Performance Report (Appendix 1) for the period October to December 2013.

STAFF DISCLOSURE OF INTEREST

Nil

D.2 COUNCILLOR EXPENDITURE REPORT - 31 DECEMBER 2013

Corporate Services Directorate

EXECUTIVE SUMMARY

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

Document pertaining to this Council Report

- **Attachment 1** - Councillor Expenditure

LEGISLATIVE/ ACTION PLANS/ STRATEGIES/ POLICIES

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

COUNCIL PLAN

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

REPORT

Background

The Councillor Expenditure Report (**Attachment 1**) provides Council with an update on Councillor expenditure from 1 July 2013 to 30 December 2013.

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

FINANCIAL CONSIDERATIONS

Overall Expenditure is in line with budget.

RISK FACTORS

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

RECOMMENDATION

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

STAFF DISCLOSURE OF INTEREST

Nil

Attachment 1

Councillor Expenditure										
From 1 July 2013 to 31 December 2013										
Councillor	Travel Expenditure			Other Expenditure					Total	
	Car	Fuel Cost *	Other travel reimbursements **	Mobile Phone	Phone/Fax/ Modem	Accommodation/Parking	Councillor Allowance	Remoteness Allowance		
Cr. Robert Newton	Council	\$ 405	\$ -	\$ 168	\$ -	\$ 496	\$ 14,007	\$ -	\$ 15,076	
Cr. Lorraine Brunt	Council	\$ 607	\$ -	\$ 505	\$ -	\$ 30	\$ 14,007	\$ -	\$ 15,149	
Cr. Andrew McEwen	Personal	\$ -	\$ 6,130	\$ 216	\$ -	\$ 488	\$ 14,007	\$ -	\$ 20,841	
Cr. Kieran Kennedy	Council	\$ 926	\$ -	\$ 456	\$ -	\$ 1,280	\$ 32,039	\$ -	\$ 34,701	
Cr. Mohya Davies	Council	\$ 549	\$ -	\$ 450	\$ 32	\$ 154	\$ 14,007	\$ -	\$ 15,192	
Cr. Jeanette Harding	Council	\$ 368	\$ -	\$ 278	\$ -	\$ 725	\$ 14,007	\$ 320	\$ 15,698	
Cr. Nigel Hutchinson Brooks	Council	\$ 603	\$ -	\$ 228	\$ -	\$ -	\$ 14,007	\$ -	\$ 14,838	
Cr. Don Hill	Personal	\$ -	\$ 1,937	\$ 385	\$ 271	\$ 351	\$ 14,007	\$ -	\$ 16,951	
Cr. James Fawcett	Personal	\$ -	\$ -	\$ 301	\$ -	\$ -	\$ 25,306	\$ -	\$ 25,607	
Total Actual (Year to date December 2013)		\$ 3,458	\$ 8,067	\$ 2,987	\$ 303	\$ 3,524	\$ 155,394	\$ 320	\$ 174,053	
Total Budget (Year to date December 2013)		\$ 5,700	\$ 6,300	\$ 3,510	\$ 4,614	\$ 12,940	\$ 162,371	\$ 246	\$ 195,681	
Variance		\$ 2,242	\$ -1,767	\$ 523	\$ 4,311	\$ 9,416	\$ 6,977	\$ 74	\$ 21,628	

* Fuel Costs for Councillors with council vehicles represents cost of fuel from 1 July 2013 to 31 December 2013.
** Travelling expenditure for Councillors using private vehicles is at the prescribed rate of reimbursement. Reimbursements also include actual public transport costs.
Travel reimbursements for Councillors with council vehicles are for the period of the year when they did not have a council vehicle or for actual cost of fuel or transport paid of their private vehicles.

D.3 REPORT ON ASSEMBLY OF COUNCILLORS - DECEMBER 2013 AND JANUARY 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 November, December 2013 and January 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

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 20 November 2013		
Australia Day Awards Selection Panel	<p>Councillors Attending: Crs Fawcett, Harding and Davies.</p> <p>Conflict of Interest: Cr Fawcett left the room with a conflict of interest.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Australia Day Awards Selection
Thursday 28 November 2013		
Korumburra Round Table Community Meeting	<p>Councillors Attending: Crs McEwen and Newton.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Terms of Reference review • Membership nomination consideration • Meeting dates 2014 • Media presence at meetings • Korumburra Town Centre Framework Plan
Friday 29 November 2013		
Access and Inclusion Advisory Committee (AIAC)	<p>Councillors Attending: Cr Newton.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Committee Membership • Tarwin Lower / Venus Bay shop access • Rural Access update • Gippsport update • AIAC member position description • Terms of Reference • Calender 2014 • Christmas Function
Wednesday 4 December 2013		
Financial Sustainability Steering Committee	<p>Councillors Attending: Crs Fawcett, Davies, Hill, Hutchinson-Brooks, Harding, Newton, Kennedy and McEwen.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Financial Strategies proposed 2014 - 2015 review • Capital Works program review • Review of three Service Reviews

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 4 December 2013		
Venus Bay Open Spaces	<p>Councillors Attending: Crs Davies, Hill, Hutchinson-Brooks, Harding, Fawcett, Newton, McEwen and Kennedy.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Discuss Open Space and Public Open Space in Venus Bay • Community Discussion paper
Resource for Social Community Infrastructure	<p>Councillors Attending: Crs Davies, Hutchinson-Brooks, Harding, Fawcett, Newton, McEwen and Kennedy.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Proposed dedicated resource to the Social Community Infrastructure project
Expression of Interest for Childcare Services in Mirboo North and Foster	<p>Councillors Attending: Crs Davies, Hill, Hutchinson-Brooks, Harding, Fawcett, Newton, McEwen and Kennedy.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Update Council on expressions of interest • Inform Council of the development of a project plan to pursue a community based committee of management for Prom Coast Centre for Children • Inform community in a timely manner of progress
Information on Diploma of Local Government (MAV)	<p>Councillors Attending: Crs Davies, Hill, Hutchinson-Brooks, Harding, Fawcett, Newton, McEwen and Kennedy.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • MAV / BRACE jointly developed Diploma of Local Government
Council Plan Actions and Timetable for December – February 2014	<p>Councillors Attending: Crs Davies, Hill, Hutchinson-Brooks, Harding, Newton, McEwen and Kennedy.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Council Plan Actions • Draft Timetable Dec – Feb 2014

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 4 December 2013		
Rating Strategy Steering Committee	<p>Councillors Attending: Crs Hill and Fawcett.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Development of draft rating strategy principles and land categories to inform the draft rating strategy • Consideration given to 6 models from previous discussions on the principles
Executive Update	<p>Councillors Attending: Crs Davies, Hill, Hutchinson-Brooks, Harding, Fawcett, Newton, McEwen and Kennedy.</p> <p>Conflict of Interest: Cr Fawcett left the room with a conflict of interest.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Poowong Loch Nyora Sewerage Scheme Update • Mirboo North Bushland Reserve • Update Leongatha Heavy Vehicle Alternate Route • Nyora development proposal
Wednesday 11 December 2013		
Council Agenda Topics 18 December 2013	<p>Councillors Attending: Crs Davies, Hutchinson-Brooks, Harding, Fawcett, and Newton.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Council Agenda Topics 18 December 2013
Visitor Information Centre Korumburra Relocation Update	<p>Councillors Attending: Crs Davies, Hutchinson-Brooks, Harding, Fawcett, McEwen and Newton.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Implications of the relocation of the Korumburra Visitor Information Centre from Coal Creek
Prom Country Regional Tourism (PCRT) - Update	<p>Councillors Attending: Crs Hutchinson-Brooks, Harding, Fawcett, McEwen and Newton.</p> <p>Conflict of Interest: Cr Davies declared a conflict of interest and did not attend this session.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • PRCT achievements over the last 12 months and overview of the Prom Country brand
Executive Update	<p>Councillors Attending: Crs Davies, Hutchinson-Brooks, Harding, Fawcett, Newton and McEwen.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Rural Council's Summit – March 2014 • Pools and Recreation Reserve – 15 year budget • Childcare in South Gippsland update • Community Workshop

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 11 December 2013		
<p>Greenhouse Gas reduction plan – Update</p> <p>OPEN SESSION</p>	<p>Councillors Attending: Crs Davies, Hutchinson-Brooks, Harding, Fawcett, Newton and McEwen.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Rural Council’s Summit – March 2014
<p>Audit Committee Annual Council Brief</p> <p>OPEN SESSION</p>	<p>Councillors Attending: Crs Davies, Hutchinson-Brooks, Harding, Fawcett, Newton and McEwen.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Dr Craig Nisbet, Audit Committee Chair provided a report to Council about the activities of the Audit Committee for the period 1 July 2012 to 30 June 2013</p>
<p>Public Presentations</p> <p>OPEN SESSION</p>	<p>Councillors Attending: Crs Davies, Hutchinson-Brooks, Harding, Fawcett, Newton, Kennedy and McEwen.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Presentations were made to Council by the following community members:</p>
<p>Mr Bruce Stanfield, committee member and representing Council’s Section 86 – Foster Showgrounds presented the Foster Showgrounds Master Plan.</p> <p>Ms Jenny O’Sullivan, representing Tarwin Recreation Reserve presented the Tarwin Lower Recreation Reserve Master Plan.</p> <p>Mr Clive Hope regarding VicRoads Advocacy Campaign.</p> <p>Mr Brian Hess regarding Council Agenda Item E.7 PROPOSAL FOR SOUTH-WEST GIPPSLAND INTEGRATED TRANSPORT STRATEGY.</p> <p>Mr Don Fairbrother representing the community and introducing Ms Cheryl Wragg, Chief Advisor Industry and Energy to Senator John Madigan regarding Council Agenda Item E.1 PETITION - TO PROTECT RESIDENTS FROM NUISANCE CAUSED BY OPERATIONAL NOISE FROM BALD HILLS, SOUTH GIPPSLAND WIND FARM.</p> <p>Mr Alan Winterhalter regarding Council Agenda Item E.4 PLANNING SCHEME AMENDMENT C52 REZONE FARM ZONE TO RESIDENTIAL 1 ZONE KORUMBURRA - SPLIT AMENDMENT INTO 2 PARTS AND ADOPT PART 1.</p>		
<p>Council Agenda Topics 18 December 2013 and Executive Update</p>	<p>Councillors Attending: Crs Davies, Hutchinson-Brooks, Harding, Fawcett, Hill, Newton, Kennedy and McEwen.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Council Agenda Topics 18 December 2013 • Roadside weeds • Rating Strategy Steering Committee update

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 18 December 2013		
Council Agenda Topics 18 December 2013	<p>Councillors Attending: Crs McEwen, Newton, Fawcett, Harding, Hutchinson-Brooks and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Council Agenda Topics 18 December 2013
Executive Updates	<p>Councillors Attending: Crs McEwen, Newton, Fawcett, Harding, Hutchinson-Brooks and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • New name for amalgamated operation of Child Care and Kindergarten Services in Korumburra • Child Care in Gippsland update • International Relations • Councillor Bus Tour itinerary • Future meeting attendance • Developer Contributions – consideration of retrospective contributions • Service levels reviews
Wednesday 18 December 2013		
<p>Public Presentation Session</p> <p>OPEN DAY SESSION</p> <p>Mr Greg Harrison representing the O’Neil Family who are the owners of subject property in Council Agenda Item E.5 PLANNING SCHEME AMENDMENT C96 - REZONING AND DEVELOPMENT PLAN OVERLAY AT 35-65 KORUMBURRA - WARRAGUL ROAD, KORUMBURRA.</p> <p>Mr Neil Travers regarding Council Agenda Item E.9 TARWIN VALLEY BRANDING PROPOSAL.</p> <p>Mr Terence Steele regarding Council Agenda Item E.4 PLANNING SCHEME AMENDMENT C52 REZONE FARM ZONE TO RESIDENTIAL 1 ZONE KORUMBURRA - SPLIT AMENDMENT INTO 2 PARTS AND ADOPT PART 1.</p> <p>Ms Wilma Western regarding Council Agenda Item E.1 PETITION - TO PROTECT RESIDENTS FROM NUISANCE CAUSED BY OPERATIONAL NOISE FROM BALD HILLS, SOUTH GIPPSLAND WIND FARM.</p>	<p>Councillors Attending: Crs McEwen, Newton, Fawcett, Harding, Hutchinson-Brooks and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Presentations were made to Council by the following community members:</p>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 18 December 2013		
Council Agenda Topics 18 December 2013	<p>Councillors Attending: Crs Kennedy, McEwen, Newton, Fawcett, Harding, Hutchinson-Brooks, Davies and Hill.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Council Agenda Topics 18 December 2013
Executive Updates	<p>Councillors Attending: Crs McEwen, Newton, Fawcett, Harding, Hutchinson-Brooks, Davies and Hill.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Planning – developer discussions • Minister Announcement – Bushfire Overlays • TAFE Funding Cuts
Wednesday 8 January 2014		
Financial Sustainability Steering Committee and Executive Update	<p>Councillors Attending: Crs Fawcett, Davies, Hill, Hutchinson-Brooks, Harding, Newton, Kennedy, McEwen and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Service Level Reviews • Uniting Care Children’s Service Update
Rating Strategy Steering Committee	<p>Councillors Attending: Crs Fawcett, Hill and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Development of draft rating strategy principles and land categories to inform the draft rating strategy • Consideration given to new models arising from previous discussions on the principles
Monday 13 January 2014		
Rating Strategy Steering Committee	<p>Councillors Attending: Crs Fawcett, Hill and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Development of draft rating strategy principles and land categories to inform the draft rating strategy • Consideration given to new models arising from previous discussions on the principles

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 15 January 2014		
Financial Sustainability Steering Committee	<p>Councillors Attending: Crs Fawcett, Davies, Hill, Hutchinson-Brooks, Harding, Newton, Kennedy, McEwen and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Vehicle Fleet • Libraries • Recreation • Home and Community Care • Strategic Planning • Procurement and Contracts • Information Systems and Support • Parks and Gardens • Routine Maintenance • Economic Development • Tourism • Coal Creek • Caravan Parks
Executive Update	<p>Councillors Attending: Crs Fawcett, Davies, Hill, Hutchinson-Brooks, Harding, Newton, Kennedy, McEwen and Brunt.</p> <p>Conflict of Interest: Cr Fawcett left the room with a declared conflict of interest.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Planning enforcement matter • Australia Day Award Ceremony • Councillor Bus Tour • Nyora Development update • VCAT decision on Telecommunications Tower
Tuesday 21 January 2014		
Councillor and Executive Tour – Day 1	<p>Councillors Attending: Crs Fawcett, Davies, Newton, Kennedy, McEwen, Hutchinson-Brooks, Brunt, Hill and Harding.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed -</p> <p>Tour sites included:</p> <ol style="list-style-type: none"> 1. Mirboo North Old Shire offices 2. Children Services facilities in Mirboo North 3. Koonwarra Transfer Station and Landfill 4. Leongatha Airport 5. Hannah Rise and Melville Avenue Korumburra 6. Carinya Lodge Korumburra 7. Visitor Access Centre Korumburra 8. Korumburra Recreation Centre 9. Nyora Township 10. Jeetho Hall

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 22 January 2014		
Councillor and Executive Tour – Day 2	<p>Councillors Attending: Crs Fawcett, Davies, Newton, Kennedy, McEwen, Hutchinson-Brooks, Brunt and Hill.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed -</p> <p>Tour sites included:</p> <ol style="list-style-type: none"> 1. Venus Bay – first and second estates 2. Bald Hills Wind Farm 3. Walkerville development site 4. Tour of Sandy Point Community Centre 5. Foster Swimming Pool 6. Toora Swimming Pool 7. Franklin River Reserve
Thursday 23 January 2014		
Korumburra Round Table community meeting	<p>Councillors Attending: Crs McEwen and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Terms of Reference finalised • Communications and media strategies • Planning overview • Korumburra Towncentre Framework Plan • Strategic Planning • Amendment C74 VicRoads Highway Realignment - Korumburra
Wednesday 29 January 2014		
Financial Sustainability Steering Committee	<p>Councillors Attending: Crs Fawcett, Davies, Harding, Newton, Kennedy and McEwen.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Executive Update - Officers attending stakeholder's workshop for Loch & Poowong Sewerage solution. • Community engagement options discussed to gain community information to inform the Budget

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 29 January 2014		
Executive Update	Councillors Attending: Crs Fawcett, Davies, Harding, Newton, Kennedy and McEwen. Conflict of Interest: Cr Fawcett left the room with a declared conflict of interest.	Topics Discussed: <ul style="list-style-type: none">• Stakeholders workshop for Loch and Poowong Sewerage solution• Community engagement options discussed to inform the Budget
Rating Strategy Steering Committee	Councillors Attending: Crs Fawcett, Hill and Brunt. Conflict of Interest: Nil disclosed.	Topics Discussed: <ul style="list-style-type: none">• Review of final models and principles• Recommendations drafted in readiness for report to Council

RECOMMENDATION

That Council receive and note this report.

STAFF DISCLOSURE OF INTEREST

Nil

D.4 COUNCILLOR DISCRETIONARY FUND ALLOCATION REPORT

Corporate Services Directorate

EXECUTIVE SUMMARY

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

This report details Councillors allocations for the period between 22 November 2013 and 30 January 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 22 November 2013 and 30 January 2014:

- Foster Chamber of Commerce & Industry Inc.: to assist with the costs of cleaning the roofs in Foster CBD in preparation for the tourist season.

Cr Mohya Davies - \$500

- Meeniyan and Stony Creek Fire Brigade: purchase of printed shirts for members to promote the organisation.

Cr Lorraine Brunt - \$200

- Australian Volunteer Coast Guard Association - Port Welshpool: sponsorship towards the opening of the 2014 Sea Days Festival by the Deputy Premier.

Cr Mohya Davies - \$400

Cr Lorraine Brunt - \$250

Cr Bob Newton - \$250

Cr Kieran Kennedy - \$200

- Stony Creek Football Netball Club: sponsorship towards 2014 Stony Creek Rodeo.

Cr Mohya Davies - \$200

Cr Lorraine Brunt - \$250

Cr Bob Newton - \$250

Cr Andrew McEwen - \$250

Mayoral (Cr Fawcett) - \$50

- Corner Inlet Blackberry Action Group: assist with costs of producing a publication for managing blackberries.

Cr Mohya Davies - \$400

Cr Jeanette Harding - \$400

Mayoral (Cr Fawcett) - \$200

- Kongwak Community Group: to assist with the costs of purchasing a new refrigerator.

Cr Lorraine Brunt - \$200

Cr Robert Newton - \$200

- Carols in the Drome Committee: to assist with the costs associated with running the Carols in the Drome.

Cr James Fawcett - \$250

Cr Don Hill - \$250

Cr Nigel Hutchinson Brooks - \$250

Mayoral (Cr Fawcett) - \$250

- Allambee South Community Centre: to assist with costs of purchasing a vacuum cleaner.

Cr James Fawcett - \$206

Cr Don Hill - \$206

Cr Nigel Hutchinson Brooks - \$206

- Venus Bay Community Centre Inc.: to assist with the cost associated with running the Venus Bay Summer Beach Shuttle Service - 2014.

Mayoral (Cr Fawcett) - \$100

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 30 January 2014 are as follows:

- Cr Mohya Davies - \$1,100
- Cr Jeanette Harding - \$1,250
- Cr Kieran Kennedy - \$1,000
- Cr Lorraine Brunt - \$2,850
- Cr Robert Newton - \$2,290
- Cr Andrew McEwen - \$2,750
- Cr James Fawcett - \$2,494
- Cr Don Hill - \$2,819
- Cr Hutchinson-Brooks - \$2,819
- Mayoral Fund - \$200

RECOMMENDATION

That Council receive and note this report.

STAFF DISCLOSURE OF INTEREST

Nil

D.5 DOCUMENTS SEALED AND CONTRACTS AWARDED UNDER CHIEF EXECUTIVE OFFICER DELEGATION - DECEMBER 2013 AND JANUARY 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 months of December 2013 and January 2014.

1. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 2055 Meeniyan Mirboo North Road, Mardan relating to a two lot subdivision - Seal Applied 3 December 2013.
2. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 28 Bayside Drive Walkerville North relating to a single dwelling and out building - Seal Applied 3 December 2013.
3. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 24 Peart Street Leongatha relating to a three lot subdivision and certification (SPEAR) - Seal Applied 3 December 2013.
4. Lease Agreement between South Gippsland Shire Council and the Dumbalk and District Progress Association Inc. relating to the lease of 20 Millar Street, Dumbalk - Seal Applied 3 December 2013.
5. Road discontinuance and transfer of land between South Gippsland Shire Council and Mountain View Retirement Leongatha for Dale Drive Leongatha as resolved by Council on the 27 February 2013 - Seal Applied 19 December 2013.
6. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 40 Outlook Drive Venus Bay relating to a single dwelling and vegetation removal - Seal Applied 20 December 2013.
7. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 8595 Bass Highway Leongatha and 75 Andersons Road Leongatha relating to a boundary realignment (house lot excision) and associated works - Seal Applied 20 December 2013.

8. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 55 Sweeneys Road Dumbalk relating to a 2 lot subdivision (boundary realignment) - Seal Applied 20 December 2013.
9. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 57 Jumbunna Road Korumburra relating to a change from Farming Zone to Residential 1 Zone - Seal Applied 24 December 2013.
10. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 61 Jumbunna Road Korumburra relating to a change from Farming Zone to Residential 1 Zone - Seal Applied 24 December 2013.
11. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 35-65 Korumburra-Warragul Road Korumburra relating to a change from Farming Zone to Residential 1 Zone - Seal Applied 24 December 2013.
12. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 565 Outtrim Leongatha Road Outtrim relating to a re-subdivision of existing lots to excise dwelling - Seal Applied 7 January 2014.
13. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 2 Stevens Road Korumburra relating to use and develop the land for a dwelling, creation of carriageway easement and removal of native vegetation - Seal Applied 7 January 2014.
14. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 120 Jupiter Boulevard Venus Bay relating to construction of a carport over an easement - Seal Applied 16 January 2014.
15. Boundary Road Agreements specifying each Council's Obligations and Rights for the appropriate Boundary Assets between South Gippsland Shire Council and Bass Coast Shire Council - Seal Applied 23 January 2014.
16. Boundary Road Agreements specifying each Council's Obligations and Rights for the appropriate Boundary Assets between South Gippsland Shire Council and Baw Baw Shire Council - Seal Applied 23 January 2014.
17. Boundary Road Agreements specifying each Council's Obligations and Rights for the appropriate Boundary Assets between South Gippsland Shire Council and Cardinia Shire Council - Seal Applied 23 January 2014.

18. Boundary Road Agreements specifying each Council's Obligations and Rights for the appropriate Boundary Assets between South Gippsland Shire Council and Latrobe Shire Council - Seal Applied 23 January 2014.
19. Boundary Road Agreements specifying each Council's Obligations and Rights for the appropriate Boundary Assets between South Gippsland Shire Council and Wellington Shire Council - Seal Applied 23 January 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 months of December 2013 and January 2014.

RECOMMENDATION

That Council note this report.

STAFF DISCLOSURE OF INTEREST

Nil

SECTION E - COUNCIL REPORTS

E.1 TARWIN LOWER RECREATION RESERVE MASTER PLAN

Community Services Directorate

EXECUTIVE SUMMARY

The Tarwin Lower Recreation Reserve is managed by a Crown appointed Committee of Management on Crown land.

The Committee recently engaged the services of Hands on Community Solutions to develop a Master Plan for Tarwin Lower Recreation Reserve.

The final plan was presented by the Committee to Council at a Public Presentation Session held on 11 December 2013.

At the request of Councillor Kieran Kennedy, this report is being presented to Council.

The Tarwin Lower Recreation Reserve Committee seeks Council to acknowledge this report by formally receiving and noting the Master Plan. The Committee believe that this process will assist the Committee to attract external funds to assist with implementing the Master Plan.

Document/s pertaining to this Council Report

- **Appendix 1** - Tarwin Lower Recreation Reserve Master Plan

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

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Nil

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Recreation Strategy 2007

COUNCIL PLAN

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

CONSULTATION

The Tarwin Lower community were widely consulted during the development of the Plan. Stakeholder interviews were conducted with all current user groups, State Government departments, community organisations and Council. A range of workshops were also held to inform the Plan.

Further consultation was sought on the draft plan once developed.

REPORT

Background

The Tarwin Lower Recreation Reserve is the major facility for formal recreation activities for the Tarwin Lower, Venus Bay, Middle Tarwin and Walkerville districts. The main users of the reserve are the Tarwin Football Netball Club, Tarwin Lower Bowls Club, Tarwin Lower Pony Club and Fish Creek Tarwin Cricket Club.

The reserve is utilised on a daily bases for a range of sporting activities including equestrian events, and for informal recreation such as walking group, individual fitness programs and physical exercise.

The facilities are also used for community events and meetings, schools and has been identified as a potential Emergency Relief Centre.

The Reserve Committee receives an annual maintenance grant from Council. The current allocation is \$11,040 per annum. The Reserve Committee also seeks Community Grants from Council from time to time. The Master Plan was funded by a successful Community Grant.

Discussion

The Committee of Management is actively seeking support to progressively implement the Master Plan. The committee is working with Council where appropriate, particularly in relation to accessing state government grants. However, the committee is also keen to independently pursue other funding sources including philanthropic groups, and believe that formal acknowledgment of this Master Plan will add weight to applications they make to external organisations.

Significant maintenance of the reserve has been completed by volunteers with a limited budget. There is an identified need to upgrade major equipment used to service the facility, as well as improve infrastructure at the Reserve.

Consultation identified the linking of the recreation reserve by pathway to the Tarwin Lower residential area as a need. Council staff are currently assessing opportunities to fund this project, in conjunction with the Committee.

Proposal

It is proposed that Council note and receive the Tarwin Lower Recreation Reserve Master Plan developed by the Committee of Management.

FINANCIAL CONSIDERATIONS

Noting this report does not commit Council to any further expenditure.

RISK FACTORS

Nil

RECOMMENDATION

That Council receive and note the Tarwin Lower Recreation Reserve Plan (refer Appendix 1) tabled by the Committee of Management during the Public Presentation Session on 11 December 2013.

STAFF DISCLOSURE OF INTEREST

Nil

E.2 TRANSFER OF LAND FROM KONGWAK COMMUNITY GROUP INCORPORATED TO SOUTH GIPPSLAND SHIRE COUNCIL AND LEASE TO KONGWAK COMMUNITY GROUP

Engineering Services Directorate

EXECUTIVE SUMMARY

The purpose of this report is to discuss the approach to Council by the Kongwak Community Group Incorporated regarding transferring its land that comprises the Kongwak Tennis Courts to Council. The report seeks approval from Council to proceed with the transfer of ownership and also grant a lease back to the Kongwak Community Group Incorporated to secure their ongoing use of the Tennis Courts and Tennis Pavilion located on the adjoining Council land.

Document/s pertaining to this Council Report

- **Attachment 1** - Locality Plan
- **Attachment 2** - Transfer of Land

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Religious and Successory Trust Act 1958
- Transfer of Land Act 1958, Section 45
- Local Government Act 1989, Section 190

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Land Ownership Policy 2011

COUNCIL PLAN

Outcome:	3.0	Integrated Services and Infrastructure.
Objective:	3.1	Deliver affordable modern community facilities through an integrated approach to planning and infrastructure development.
Strategy:	3.1.3	We will plan for the service needs of the Shire's changing demographic.

CONSULTATION

External consultation on the request to transfer the land comprising the Kongwak Tennis Courts (the Land) to Council has been ongoing since 2010 and has included discussions between the Kongwak Community Group Incorporated (the Incorporation), Councillor Newton and the Council's Property Department.

Due to the complex nature of the ability of the Incorporation to transfer the land to Council, the Incorporation's legal adviser and Council's solicitor have provided legal advice to assist in the decision making.

Internal consultation on the transfer of the Land to Council has been held with personnel with responsibilities in the following areas:

- Recreational Planning.
- Assets and Building Maintenance.
- Parks and Gardens Maintenance.

All are supportive of the transfer of the Land to Council given its existing community use.

REPORT

Background

In 1963, two farmers residing in Kongwak (Alexander George McRobert and Richard John Scott) and one farmer residing in Lance Creek (Colin Richards) purchased the Land which is identified on the locality plan at **Attachment 1**.

To secure the ongoing use of the Land by the Kongwak Tennis Club (the Club), and the residents of Kongwak and surrounding district, these three gentlemen formed a Trust known as the Kongwak Tennis Club Trust (the Trust) and registered a Trust Deed on the Certificate of Title to the Land. This meant the Trust is the owner of the Land.

In or around 2000, the Club was unfortunately disbanded due to lack of participation. As a result, the Incorporation agreed to become "caretakers" of the Land, until there was sufficient interest in the reforming of the Club.

In May 2010, the Incorporation approached Council to confirm that the Club had reformed and request that Council take on the responsibility of ownership of the Land whilst the Club would continue with the day to day maintenance. This would mean a transfer of the Land to Council.

As the Land was owned by the Trust, approval was needed by the Trustees. There is only one surviving Trustee being Richard John Scott. Council discussed Council's requirements and transfer process with Mr Scott which was acceptable to him.

Discussion

Legal Status of the Land

The Land is registered in the ownership of the Trust. It is comprised in Certificate of Title 8435 Folio 806. Ownership of the land by a Trust brings with it complex issues when considering a transfer of land. In particular, the

creation of the Trust pursuant to the Religious and Successory Trust Act 1958 and the ability of the Land to be transferred where the Register of Successory Trusts has not been updated to capture deceased and surviving trustees.

Council and the Incorporation sought legal advice from its lawyers in order to understand the issues and facilitate an outcome for the transfer of the Land. It meant the Incorporation had to update the Register of Successory Trusts and transfer the Land to the Incorporation. This has been attended to and as such the Incorporation is now able to proceed to transfer the Land to Council.

The Transfer of Land is included in **Attachment 2**. It is required to be signed by both parties and registered at the Land Registry. Council will be responsible for the registration fees and legal costs. A new certificate of title will then be issued in Council's ownership and the tennis courts will become a Council asset.

Once Council becomes the owner of the Land, a lease will need to be entered into in order to capture the use of the Land by the Club.

Adjoining Council land - R N Scott Memorial Park

Adjoining the Land is land owned by Council known as R N Scott Memorial Park (the Park) and is used by the Club. This is also identified on the attached Locality Plan at **Attachment 1**. There is a building (used by the Club), public toilets and a barbeque located on the Park. The Club have no formal tenure arrangements in place for use of the building.

Maintenance of the Park and the Land

- Council provides financial support to the Incorporation to clean and supply consumables for the toilets and clean the barbeque on the Park.
- The grounds of the Park are maintained by Council's Parks and Gardens team.
- The building on the Park is maintained by Council and included on Council's Building Asset Maintenance Register. Works proposed for this financial year include replacing cracked concrete skirting and replacing and painting a section of facia.
- The Incorporation has agreed to continue with the day to day maintenance of the Land including maintaining the tennis courts, pavilion, toilets and barbeques utilising the financial support of Council.

Ongoing Tenure Arrangements

With Council becoming the owner of the Land, the Incorporation and the Club will have no formal rights to use the Land. In addition, they have no formal rights for use of the building on the Park. This will be addressed by negotiating a lease agreement between Council and the Incorporation.

Proposal

It is proposed that Council agree to the transfer of the Land and attend to finalising the necessary legal documents to secure the transfer and ongoing use of the Land and Park by the Incorporation and Club. Ongoing use can be secured with a lease or license document. Also, it is proposed that Council recognise the generous contribution of the Trustees of the Kongwak Tennis Courts by funding a plaque to be placed on the Land.

FINANCIAL CONSIDERATIONS

Legal costs associated with the transfer of the Land including lodging fees at the Land Registry will be funded from the Property Department's budget. As there is no purchase price (consideration) on the transfer of land, the lodging and registration fees are minimal.

The rental for the lease of the building on the Park and Land will be a community rental of \$104.00 per annum + GST.

Council's breakdown maintenance budget should allow for increased financial assistance to the Incorporation from the current \$720.00 per annum to \$1,000.00 per annum for cleaning of the toilets and barbeques.

RISK FACTORS

Legal

As a Council asset, the Land will be included on Council's global insurance policy. As part of the lease agreement, the tenant will be required to have public liability insurance cover for the sum of \$10,000,000 to mitigate the risk to Council as owner. There is minimal legal risk.

Financial

There is minimal financial risk to Council from an operational perspective as the majority of maintenance of the Park and Land will be managed by the Kongwak Community Group Incorporated.

There may be a potential risk with costs for capital works in the longer term which will be managed by monitoring the asset and assisting the Kongwak Community Group Incorporated to apply for community and government grants.

CONCLUSION

The creation of Trust Deeds such as this were once a common way to protect the ongoing use of land for a specific purpose. In today's legal system and creation of planning scheme's to control uses on land, such an ownership structure is not necessary.

Council's ownership of the Land is supported by the Land Ownership Policy. Given the history and existing use of the Land for recreational purposes along with it adjoining Council land, it is appropriate for Council to progress the transfer.

RECOMMENDATION

That Council:

- 1. Agree to the Transfer of Land, being Certificate of Title Volume 8435 Folio 806 from the Kongwak Community Group Incorporated to South Gippsland Shire.**
- 2. Negotiate the terms of a lease to the Kongwak Community Group Incorporated for the use of the building on the R N Scott Memorial Park as well as the tennis courts on Certificate of Title Volume 8435 Folio 806 as referred to in item 1 above.**
- 3. Authorise the Chief Executive Officer or delegate to sign all documentation in relation to the Transfer of Land and Lease.**
- 4. Erect a plaque at the site of the tennis courts, acknowledging the generous contribution of the Trustees of the Kongwak Tennis Club to the Shire.**

STAFF DISCLOSURE OF INTEREST

Nil



Attachment 1 Locality Plan



Attachment 2 Transfer of Land

Transfer of Land Section 45 Transfer of Land Act 1958	Privacy Collection Statement The information from this form is collected by the Registrar of Titles under statutory authority and is used for the purpose of maintaining publicly searchable registers and indexes.
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1. Land/s <i>Land Title</i> Volume 8435 Folio 806	9. Signing The transferor at the direction of the directing party (if any) transfers to the transferee the estate and interest specified in the land described for the consideration expressed and subject to the encumbrances affecting the land including any created by dealings lodged for the registration before the lodging of this transfer.
--	--

2. Estate and Interest FEE SIMPLE	Transferor The common seal of the Kongwak Community Group Inc was affixed in the presence of the authorised person(s) Vice President Full Name Usual Address  Signature of Secretary Full Name Usual Address  Signature of
3. Transferor/s <i>Transferor</i> Kongwak Community Group Inc No. A0031822Y	
4. Transferee/s <i>Transferee</i> South Gippsland Shire Council	
5. Manner of Holding SOLE PROPRIETOR	



6. Address/es of Transferee/s <i>Address of Transferee</i> 9 Smith Street Leongatha, Victoria 3953
--

7. Directing Party None
8. Consideration \$1.00

Approval Number: 3371111R	THE BACK OF THIS FORM MUST NOT BE USED	Page 1 of 2
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LCAP Legal Software 63551

Attachment 2 Transfer of Land

<h1>Transfer of Land</h1> <p>Section 45 Transfer of Land Act 1958</p>	<p>Privacy Collection Statement The information from this form is collected by the Registrar of Titles under statutory authority and is used for the purpose of maintaining publicly searchable registers and indexes.</p>	
<p><i>Transferee</i></p> <p>Executed by the South Gippsland Shire Council by its Chief Executive Officer pursuant to the delegate of the South Gippsland Shire Council made 28 August 2013:</p> <p>Full Name Usual Address</p> <p> Signature of</p> <p>Full Name Usual Address</p> <p> Signature of</p>	<p>You may lodge this form in two ways:</p> <p>1. In person</p> <p>Land Registration Services Land Victoria Level 9, 570 Bourke Street Melbourne Vic 3000</p> <p>2. By mail (extra fee applies)</p> <p>Land Registration Services Land Victoria PO Box 500 East Melbourne Vic 8002 Or DX 250639 Melbourne</p>	
<p>10. Date</p> <p>Date: (DD/MM/YYYY) / /</p> <p>11. Lodging Party</p> <p>Customer Code</p> <p>Reference</p>	<p><i>Duty Use Only</i></p> <div style="border: 1px solid black; height: 100px; width: 100%;"></div>	
<p>Approval Number: 207111108</p>	<p>THE BACK OF THIS FORM MUST NOT BE USED</p>	<p>Page 2 of 2 LEAP Legal Software 6/2011</p>

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

Development Services Directorate

EXECUTIVE SUMMARY

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

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

Document/s pertaining to this Council Report

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

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

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Planning and Environment Act 1987
- South Gippsland Planning Scheme

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

South Gippsland Heritage Study 2004

COUNCIL PLAN

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

CONSULTATION

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

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

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

REPORT

Background

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

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

Below is a table indicating the locations:

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

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

- *To ensure that the future conservation, development and management of heritage places is guided by the reasons for their significance as set out in the South Gippsland Heritage Study (2004)*
- *To ensure that the cultural significance of heritage places identified by the South Gippsland Heritage Study (2004) is not diminished by:*
 - *the loss of any fabric which contributes to the significance of the heritage place*
 - *inappropriate new development*
- *To promote the conservation of heritage places in accordance with the principles and procedures recommended by the Australian ICOMOS Charter for the Conservation of Places of Cultural Significance (the Burra Charter)*

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

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

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

Discussion

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

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

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

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

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

Benefits of HO application

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

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

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

Exhibition approach

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

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

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

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

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

Heritage policy development

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

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

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

Proposal

It is proposed that Council:

1. Proceeds with the next step for C92 by requesting the Minister for Planning to authorise preparation of C92 (Volunteer Heritage Overlay), with a partial exemption from giving notice under s.20 (1) as described above.
2. Undertakes exhibition of Planning Scheme Amendment C92 in accordance with any authorisation received; and
3. Directs officers to develop a Heritage Policy for Council's consideration in six months' time.

FINANCIAL CONSIDERATIONS

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

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

RISKS

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

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

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

CONCLUSION

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

RECOMMENDATION

That Council:

- 1. Request the Minister for Planning for Authorisation to prepare Planning Scheme Amendment C92 - Volunteer Heritage Overlay, Jeetho and others.**
- 2. Request the Minister for Planning for exemption from giving notice of the amendment to landowners and occupiers adjoining or adjacent to the volunteer HO sites where it is not proposed to activate the prohibited use option in the Schedule to the heritage Overlay.**
- 3. Formally exhibits Planning Scheme Amendment C92 - Volunteer Heritage Overlay, Jeetho and others, after receipt of relevant Authorisation from the Minister for Planning.**
- 4. Split off any properties from the amendment if there are any objections that cannot be mediated in relation to those properties.**

STAFF DISCLOSURE OF INTEREST

Nil

**Attachment 1
Proponent's request for Heritage Overlay amendment**

Beveridge Williams

OUR REF: 1201141

RETURN OFFICE: LEONGATHA

16 October 2013

Planning Department
South Gippsland Shire Council
Locked Bag 4
LEONGATHA VIC 3953

Attention: Ms Fiona Mottram

Dear Madam

**RE: PROPOSED AMENDMENT TO SOUTH GIPPSLAND PLANNING SCHEME.
ADDITION OF 250 JEEETHO ROAD JEETHO ONTO THE HERITAGE OVERLAY**

We refer to the above mentioned matter and to the site visit last Thursday 10 October 2013 at 250 Jeetho Road, Jeetho.

As the matter seems to be moving forward in a positive manner we now on behalf of our client formally request South Gippsland Shire Council commence a planning scheme amendment to include the historic dwelling at 250 Jeetho Road, Jeetho within the Heritage Overlay.

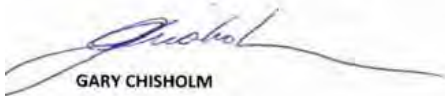
We confirm that this request is conditional upon a subsequent planning permit being issued by Council allowing the dwelling to be excised and the balance lot being unencumbered by a s173 agreement prohibiting the construction of a dwelling.

Upon receipt of the final heritage citation from David Helms and finalisation of the plan of subdivision we would expect to lodge all the necessary amendment documentation with Council shortly after.

As requested in your email of 12 September 2013 we enclose the requisite fee for this request.

We look forward to this matter moving forward in the same positive manner and should you have any enquiries please do not hesitate to contact the undersigned on 5662 2630.

Yours faithfully
BEVERIDGE WILLIAMS & CO PTY LTD



GARY CHISHOLM

Enc: Cheque

DOCUMENT1

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& Co Pty Ltd**

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Bairnsdale Vic 3875
ph: 03 5152 4708

Ballarat

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Ballarat Vic 3350
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Bakery Hill Vic 3354
ph: 03 5327 2000

Geelong

52 Brougham St
Geelong Vic 3220
ph: 03 5222 6563

Leongatha

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Leongatha Vic 3953
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Sale

45 Macalister St
Sale Vic 3850
ph: 03 5144 3877

Traralgon

18 Hotham St
PO Box 684
Traralgon Vic 3844
ph: 03 5176 0374

Wonthaggi

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Wonthaggi Vic 3595
ph: 03 5672 1505

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Attachment 2
Schedule to the Heritage Overlay - track changes showing

SOUTH GIPPSLAND PLANNING SCHEME

SCHEDULE TO THE HERITAGE OVERLAY

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

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3c	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Plan under Clause 43.01-2c	Aboriginal heritage place?
	ALLAMBEE & DISTRICT								
HO23	Allambee East Cemetery (former) Grand Ridge Road, Allambee East	no	no	no	no	no	no		no
HO24	Allambee South State School No. 3075 (former) Grand Ridge Road, Allambee South	no	no	yes	no	no	no		no
	BENA & DISTRICT								
HO25	Bena Primary School (former) No 3062 40 Greens Road, Bena	no	no	no	no	no	yes		no
	BERRY'S CREEK & BOORoola								
HO28	Berry's Creek Honour Avenue, Berry's Creek Road, Berry's Creek	no	no	yes	no	no	no		no
HO3	Mossvale Park Road, Berry's Creek The heritage place comprises the Algerian Oak (Quercus Canariensis) situated next to the sound shell, Oriental Plane (Platanus Orientalis) next to the rear gate leading to private land, Chestnut Leaved Oak (Quercus Castaneifolia), near toilet block, London Plane (Platanus x Acerifolia), next to sound shell, the	no	no	yes	no	no	no		no

HERITAGE OVERLAY - SCHEDULE
Page 1 of 17

SOUTH GIPPSLAND PLANNING SCHEMES

PS-Map-Ref	Heritage Place	External- Paint- Controls- Apply? ^a	Internal- Alteration- Controls- Apply? ^a	Tree- Controls- Apply? ^a	Outbuildings- or-fences- which-are-not- exempt-under- Clause-43.01-3c	Included-on- the-Victorian- Heritage- Register- under-the- Heritage-Act- 1995? ^a	Prohibited- uses-may- be- permitted? ^a	Name-of- Incorporated- Plan-under- Clause-43.01-2c	Aboriginal- heritage- place? ^a
	concrete block shelter, brick toilet block, ruins of original timber bridge on river bank, and other mature trees including English Elms (Ulmus procera), other Oaks, Planes, Copper Beech, and the Variegated Elm (Ulmus Minor Variegata) situated on pasture land on east facing slope behind park.	no	no	no	no	no	no		
	DOLLAR & DISTRICT								
HO32	Dollar State School No. 3473 (formerly Dollar Hall). The heritage place comprises the school, the adjacent shelter shed and surrounding land to a minimum extent of 5m.	no	yes	no	yes	no	no		no
	FISH CREEK & DISTRICT								
HO13	Bank of Australasia (formerly 19 Falls Road, Fish Creek	yes	yes	no	no	no	yes		no
HO14	Greenfields 915 Falls Road, Fish Creek The heritage place comprises the dwelling and the surrounding land to a minimum extent of 2m.	no	no	no	no	no	no		no
HO14	Bosley Farm 425 Harding-Lawson Road, Fish Creek The heritage place comprises the dwelling and	no	no	no	no	no	no		no

SOUTH GIPPSLAND PLANNING SCHEME

P.S. Map Refo	Heritage Placeo	External Paint Controls Apply?o	Internal Alteration Controls Apply?o	Tree Controls Apply?o	Outbuildings or fences which are not exempt under Clause 43.01-3o	Included on the Victorian Heritage Register under the Heritage Act 1995?o	Prohibited uses may be permitted?o	Name of Incorporated Plan under Clause 43.01-2o	Aboriginal heritage place?o
	the surrounding land to a minimum extent of 2m.								
	FOSTER & DISTRICT								
HO15o	Victory Mine and Kaffir Hill Reserve, Foster	yes	no	yes	no	no	no		no
HO16o	Exchange Hotel, 43 Main Street, Foster	yes	yes	no	no	no	yes		no
HO38o	South Gippsland Historical Society Museum, Main Street, Foster The heritage place comprises the Foster Post Office (former) and the former Agnes State School No. 3043.	no	yes	no	no	no	no		no
HO39o	Foster World War 1 Soldiers Memorial, Main Street, Foster The heritage place comprises the memorial and surrounding land to a minimum extent of 1m.	no	no	no	no	no	no		no
HO40o	Foster Court House and Police Stables (former), 33 Station Road, Foster	no	no	no	no	no	no		no
HO41o	Wiggs (dwelling), 59 Station Road, Foster	no	no	no	no	no	no		no
HO42o	Foster Recreation Reserve, Pavilion, Station Road, Foster	no	no	no	yes	no	no		no
	HEDLEY & DISTRICT								

SOUTH GIPPSLAND PLANNING SCHEME

PS-Map-Ref	Heritage Place	External- Paint- Controls- Apply?	Internal- Alteration- Controls- Apply?	Tree- Controls- Apply?	Outbuildings- or-fences- which-are- exempt-under- Clause-43.01-3a	Included-on- the-Victorian- Heritage- Register- under-the- Heritage-Act- 1996?	Prohibited- uses-may- be- permitted?	Name-of- Incorporated- Plan-under- Clause-43.01-2a	Aboriginal- heritage- place?
HO44a	Hedley- Public- South-Gippsland-Highway, Hedleya	no	no	no	no	no	no		no
a	JEETHOa								
HO46a	Shire-of-Poowong-&Jeetho-Offices-&Halls- (former)- Jeetho-Road, Jeethoa	yes	yes	no	no	no	yes		no
HO42a	Wrigwell- 250-Jeetho-Road, Jeetho The heritage place comprises the dwelling, stables and trees along the former carriage drivea	no	no	yes - trees along former carriage drive	yes - stables only	no	no		no
a	JUMBUNNAa								
HO47a	Brick- Lynn-Streets, Jumbunna	no	no	no	no	no	no		no
a	KARDELLAa								
HO48a	Kardella- Avenue- of- Kardella-Road, Kardella	no	no	yes	no	no	no		no
HO49a	Boer-War-Memorial- Kardella-Road, Kardella	no	no	yes	no	no	no		no
a	KONGWAKa								
HO4a	Kongwak-Co-operative-Butter-&Cheese- Factory- (former)	yes	yes	no	no	no	yes		no

SOUTH GIPPSLAND PLANNING SCHEME

P.S. Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3a	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2k	Aboriginal heritage place?
	Korumburra-Wonthaggi Road, Kongwak								
HO50a	Kongwak Avenue of Honour Korumburra-Wonthaggi Road, Kongwak	no	no	yes	no	no	no		no
	KOONWARRA & DISTRICT								
HO51a	Three Railway Bridges over Tarwin River South Eastern Railway, Koonwarra	no	no	no	no	no	no		no
HO52a	Clunie (former Linsfield, Lyrebird Mound) 390 Koonwarra-Inverloch Road, Koonwarra	no	no	yes	yes	no	no		no
	KORUMBURRA & DISTRICT								
HO53a	Korumburra Post & Telegraph Office (former) 24-26 Bridge Street, Korumburra	yes	yes	no	yes - timber outbuilding	no	no		no
HO54a	Coal Creek Heritage Park South Gippsland Highway Korumburra The heritage place comprises the former Korumburra Court House, Kilcunda Road State School No 3337 (former) and the Wattle and Daub Cottage.	yes	yes	no	no	no	no		no
HO57a	Korumburra Drill Hall & Charles Street, Korumburra	no	no	no	no	no	no		no
HO59a	Korumburra Strzelecki Memorial Korumburra-Warragul Road (Cnr. Old Bena Road). The heritage place comprises the memorial and surrounding land to a minimum extent of	no	no	no	no	no	no		no

SOUTH GIPPSLAND PLANNING SCHEME

PS-Map-Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3c	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2c	Aboriginal heritage place?
	2m								
HO61	Korumburra Baptist Church Mine Road, Korumburra	no	yes	no	no	no	no		no
HO62	Korumburra World War 1 Soldiers Memorial (Coleman Queen Street, Korumburra)	no	no	no	no	no	no		no
HO63	Korumburra Comfort Station for Women (former) Radwick Street, Korumburra	no	no	no	no	no	no		no
HO5	Part of Korumburra Railway Station Complex Station Street, Korumburra	no	no	no	no	no	no		no
HO18	Korumburra Railway Station complex Station Street, Korumburra	-	-	-	-	yes Ref: H1571	no		no
HO143	14 Bridge Street, Korumburra Dwelling	no	no	no	no	no	yes		no
HO144	23 Bridge Street, Korumburra Dwelling	no	no	no	no	no	yes		no
HO145	Lismore 48 Bridge Street, Korumburra <u>The heritage place comprises the dwelling and land to a depth of 25m from the lot frontage</u>	no	no	no	no	no	no		no
HO146	1A Victoria Street, Korumburra	no	no	no	no	no	no		no

SOUTH GIPPSLAND PLANNING SCHEME

P.S. Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3a	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2a	Aboriginal heritage place?
	<u>Dwelling</u> The heritage places comprises the dwelling and land to a depth of 25m from the lot frontage								
	LEONGATHA, KOOROOMAN & DISTRICT								
HO26	Leongatha - South State School No. 3251 (former) 7975 Bass Highway, Leongatha - South	no	no	no	no	no	no		no
HO64	Springdale 190 Gwyther Siding Road, Leongatha - South The heritage place comprises the house designed by Harold Desbrowe-Anneer and constructed in 1905 and surrounding land to a minimum extent of 10m.	no	yes	no	no	no	no		no
HO65	South Gippsland Water Purification Plant Harveys Road, Leongatha The heritage place comprising the Ronald M Scott designed brick building (constructed 1958-60) and one metre around the building, excluding plant equipment.	yes	no	no	no	no	no		no
HO66	Koorooman Avenue of Honour Hydes Road, Koorooman	no	no	yes	no	no	no		no
HO67	Leongatha Railway Station Long Street, Leongatha	yes	yes	yes	no	no	yes		no
HO68	Leongatha Strzelecki Memorial	no	no	no	no	no	no		no

SOUTH GIPPSLAND PLANNING SCHEME

P.S. Map Refo	Heritage Placeo	External Paint Controls Apply?o	Internal Alteration Controls Apply?o	Tree Controls Apply?o	Outbuildings or fences which are not exempt under Clause 43.01-3o	Included on the Victorian Heritage Register under the Heritage Act 1995?o	Prohibited uses may be permitted?o	Name of Incorporated Plan under Clause 43.01-2o	Aboriginal heritage place?o
	Long Street, Leongathao								
HO69o	Canary Island Palms (Phoenix-Casaniensis) Apex Park, McCartin Street, Leongathao	noo	noo	yeso	noo	noo	noo	o	noo
HO70o	Leongatha Court House (former) 2 McCartin Street, Leongathao	yeso	yeso	noo	noo	noo	noo	o	noo
HO71o	Leongatha Post & Telegraph Office 4 McCartin Street, Leongathao	yeso	noo	noo	noo	noo	noo	o	noo
HO7o	Memorial Hall & Woorsyl Shire Offices (former) 6-8 McCartin Street, Leongathao	yeso	yeso	noo	noo	noo	yeso	o	noo
HO6o	Leongatha Mechanics Institute & Free Library (former) 10 McCartin Street, Leongathao	yeso	yeso	noo	noo	noo	yeso	o	noo
HO72o	Leongatha Secondary College (former) Leongatha Agricultural College Nerrena Road, Leongathao	o	o	o	o	yes Ref. H0949o	no yeso	o	noo
HO138o	Part Leongatha Secondary College Nerrena Road, Leongathao	noo	noo	noo	noo	noo	noo	o	noo
HO10o	Knox's Rockhill Farm complex 530 Nerrena Road, Leongathao	yeso	yeso	noo	noo	noo	yeso	o	noo
HO76o	Leongatha Showgrounds Grandstand and Gates Leongatha Recreation Reserve Roughhead Street, Leongathao	yeso	noo	noo	noo	noo	noo	o	noo

SOUTH GIPPSLAND PLANNING SCHEME

PS- Map- Ref	Heritage Place	External- Paint- Controls- Apply?	Internal- Alteration- Controls- Apply?	Tree- Controls- Apply?	Outbuildings- or-fences- which-are-not- exempt-under- Clause-43.01-3c	Included-on- the-Victorian- Heritage- Register- under-the- Heritage-Act- 1995?a	Prohibited- uses-may- be- permitted?a	Name-of- Incorporated- Plan-under- Clause-43.01-2c	Aboriginal- heritage- place?a
HO77a	Leongatha World War 1 Memorial Avenue of Honour Wild Dog Valley Road & Yarragon Road, Leongatha	no	no	yes	no	no	no		no
HO8a	Hayes' (PA) Dunne's) Store (formerly) 4 Roughhead Street, Leongatha	yes	yes	no	no	no	yes		no
HO8a	Leongatha Butter and Cheese Factory (former), corner Strzelecki Highway and Roughhead Streets	yes	yes, limited to the hexagonal terracotta floor tiles	no	no	no	yes		no
HO147a	42 Brown Street, Leongatha Dwelling The heritage places comprises the dwelling and land to a depth of 30m from the lot frontage	no	no	no	no	no	no		no
HO148a	Egerton 37 Jeffrey Street, Leongatha Dwelling and stables	no	no	no	yes - stables	no	no		no
HO149a	McGuinness House (later Lamont House) 19 Long Street, Leongatha Dwelling and former boarding house/stable The heritage places comprises the dwelling	no	no	no	yes - stables	no	yes		no

SOUTH GIPPSLAND PLANNING SCHEME

P.S. Map Ref#	Heritage Place#	External-Paint-Controls-Apply?#	Internal-Alteration-Controls-Apply?#	Tree-Controls-Apply?#	Outbuildings-or-fences-which-are-not-exempt-under-Clause-43.01-3#	Included-on-the-Victorian-Heritage-Register-under-the-Heritage-Act-1995?#	Prohibited-uses-may-be-permitted?#	Name-of-Incorporated-Plan-under-Clause-43.01-2#	Aboriginal-heritage-place?#
	and land to a depth of 35m from the lot frontage#								
α	LOCH#	α	α	α	α	α	α	α	α
HO2#	Chestnut-Leaved-Oaks (Quercus Castaneifolia)↙ Victoria Road, Loch The heritage place the Oaks in the paddock at the rear of the Loch Catholic Church.α	noα	noα	yesα	noα	noα	yesα	α	noα
HO83#	Loch Primary School No. 2912 Victoria Road, Lochα	noα	noα	noα	noα	noα	noα	α	noα
α	MEENYAN & DISTRICT#	α	α	α	α	α	α	α	α
HO88#	Railway Bridge over Tarwin River South-Eastern Railway, Meeniyanaα	noα	noα	noα	noα	noα	noα	α	noα
HO90#	Meeniyana Public Hall Whitelaw Street, Meeniyanaα	noα	noα	noα	noα	noα	noα	α	noα
HO91#	Meeniyana & Stony Creek World War 1 Memorial↙ Whitelaw Street, Meeniyana↙ The heritage place comprises the memorial and surrounding land to the edge of the median strip.α	noα	noα	noα	noα	noα	noα	α	noα
α	MIRBOO & DISTRICT#	α	α	α	α	α	α	α	α
HO22#	Mirboo on Tarwin-Hall 285 Mirboo South Road, Mirbooα	-α	-α	-α	-α	yes-Ref-H1973α	No-yesα	α	noα

South Gippsland Planning Scheme

P.S. Map Ref	Heritage Place	External Alteration Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3c	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2c	Aboriginal heritage place?
	MIRBOO & DISTRICT								
HO22	Mirboo on Terwin Hall 285 Mirboo South Road, Mirboo	no	no	no	no	yes Ref: H1973	yes		no
HO95	Mirboo Shire Hall and Offices (former) 30 Ridgway, Mirboo North	no	yes	no	no	no	no		no
HO97	Mirboo North Railway Station (former) Ridgway, Mirboo North The heritage place comprises the Station building and platform and surrounding land to a minimum extent of 10m.	no	yes	no	no	no	no		no
HO98	Mirboo North Strzelecki Memorial Ridgway, Mirboo North	no	no	no	no	no	no		no
HO151	Clestron (Ogilvy homestead site and trees) 600 Boolsara South Mirboo North Road, Mirboo North The heritage place comprises a circle with a diameter of 7.5m containing the group of trees surrounding the former Ogilvy homestead	no	no	yes	no	no	no		no
HO152	60 Ridgway, Mirboo North Colonial Bank of Australasia (former) and residence	no	no	no	no	no	yes		no
	NERRENA & DISTRICT								
HO102	Nemena Public Hall	no	no	no	no	no	no		no

SOUTH GIPPSLAND PLANNING SCHEMES

P.S. Map Ref	Heritage Places	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3c	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2:	Aboriginal heritage place?
	Nerrens Hall Road, Narnens								
	NYORA & DISTRICT								
HO103	Nyora Railway Station Mitchell Street, Nyora	yes	yes	no	no	no	yes		no
	POOWONG & DISTRICT								
HO1	Wesleyan Church (former) 35 Nyora Road, Poowong	yes	yes	no	no	no	yes		no
HO21	Notched Log Cottage 920 Nyora Poowong Road, Poowong					yes	Ref: H1987		no
HO104	Poowong World War 1 Soldiers Memorial Nyora Road, Poowong The heritage place comprises the memorial and surrounding land to a minimum extent of 3m.	no	no	no	no	no	no		no
	PORT WELSHPOOL & DISTRICT								
HO17	'Crescent' Tumbull Street, Port Welshpool	yes	yes	no	no	no	yes		no
	STONY CREEK & DISTRICT								
HO111	'Woodlands' 280 Stony Creek Dollar Road, Stony Creek The heritage place comprises the two-room house constructed c.1905 and the main homestead constructed in 1924 and surrounding land to a minimum extent of 10m.	no	no	no	no	no	no		no

SOUTH GIPPSLAND PLANNING SCHEME

P-S-Map-Ref	Heritage Place	External- Paint- Controls- Apply?	Internal- Alteration- Controls- Apply?	Tree- Controls- Apply?	Outbuildings- or-fences- which-are-not- exempt-under- Clause-43.01-3c	Included-on- the-Victorian- Heritage- Register- under-the- Heritage-Act- 1995?	Prohibited- uses-may- be- permitted?	Name-of- Incorporated- Plan-under- Clause-43.01-2c	Aboriginal- heritage- place?
HO112	Stony Creek Mechanics' Institute & Free Library Main Street, Stony Creek	yes	no	no	no	no	yes		no
	STRZELECKI								
HO113	Strzelecki Avenue of Honour Korumburra-Warragul Road, Strzelecki	no	yes	no	no	no	no		no
HO153	Strzelecki railway line (former) - engine turntable site 2 Wild Dog Road, Strzelecki The heritage place comprises a circle with a diameter of 20m located over the turntable bed remains.	no	no	no	no	no	no		no
	TARWIN LOWER & DISTRICT								
HO117	John Simpson Memorial River Drive, Tarwin The heritage place comprises the memorial and surrounding cast iron fence and surrounding land to a minimum extent of 2m.	no	no	no	no	no	no		no
HO118	Tarwin Lower Memorial Hall (Former Mechanics' Institute & Free Library) River Drive, Tarwin Lower	yes	no	no	no	no	no		no
	TOORA & DISTRICT								

South Gippsland Planning Scheme

PS-Map-Ref	Heritage Place	External- Paint- Controls- Apply?	Internal- Alteration- Controls- Apply?	Tree- Controls- Apply?	Outbuildings- or-fences- which-are-not- exempt-under- Clause-43.01-3a	Included-on- the-Victorian- Heritage- Register- under-the- Heritage-Act- 1996?	Prohibited- uses-may- be- permitted?	Name-of- Incorporated- Plan-under- Clause-43.01-2a	Aboriginal- heritage- place?
HO14	Tin Mines Toora-Creekmey Valley Road & Woomera Creek Road, Toora	no	no	no	no	no	no		no
HO120	Toora Avenue of Honour Grip Road, Toora	no	no	yes	no	no	no		no
HO123	Toora State School Jubilee Gates-33 Gray Street, Toora The heritage place comprises the memorial gates, the surrounding land to a minimum extent of 2m and all of the land between the gates and the Grey Street School building frontage.	no	no	no	no	no	no		no
HO127	Toora World War 1 Soldiers Memorial Welshpool Road, Toora The heritage place comprises the memorial and surrounding land to a minimum extent of 5m.	no	no	no	no	no	no		no
HO154	Bank of Victoria (former) and residence 35 Stanley Street, Toora The heritage place comprises the entire lot (Lot 1-TP577245)	no	no	no	no	no	yes		no
HO155	Ingliside (later Gully Humfrey) 46 Scannel Road, Toora North The heritage place comprises the two	no	no	no	no	no	no		no

SOUTH GIPPSLAND PLANNING SCHEME

P.S. Map- Refo	Heritage Place	External Paint Controls Apply? a	Internal Alteration Controls Apply? a	Tree Controls Apply? a	Outbuildings or fences which are not exempt under Clause 43.01-3c	Included on the Victorian Heritage Register under the Heritage Act 1995? a	Prohibited uses may be permitted? a	Name of Incorporated Plan under Clause 43.01-2z	Aboriginal heritage place? a
	<u>dwellings and the surrounding land to a minimum extent of 2 m. a</u>								
	<u>TRIDAs</u>								Form
HO156	<u>1780 Grand Ridge Road, Tindal</u> <u>The heritage place comprises the dwelling and the surrounding land to a minimum extent of 2 m. a</u>	no	no	no	no	no	no		no
	<u>TURTON'S CREEK & DISTRICT</u>								Form
HO11	Turton's Creek Goldfield, Turton's Creek	no	no	no	no	no	no		no
	<u>WALKERVILLE & WARATAH BAYS</u>								
HO128	Walkerville North Public Hall, Bayside Drive, Walkerville	no	no	no	no	no	no		no
HO129	Walkerville Lime Kilns (former), Foreshore reserve, off Bayside Drive, Walkerville South	-	-	-	-	yes: Ref: H2043	no		no
HO130	Bell Point Lime Kilns (former), Foreshore reserve, off Walkerville South Road, Bell Point	-	-	-	-	yes: Ref: H2068	no		no
HO132	The Gap, Gale Street & Fish Creek Waratah Road (Cnr.), Waratah Bays	no	no	yes	no	no	no		no

SOUTH GIPPSLAND PLANNING SCHEME

P.S. Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3c	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2c	Aboriginal heritage place?
	WELSHPOOL								
HO133	Welshpool Avenue of Honour The heritage place comprises the rows of Elm trees planted on the sides of Main Road, Port Welshpool Road & Woorarra Road, Welshpool	no	no	yes	no	no	no		no
HO134	Norfolk Island Pine Avenue Port Welshpool Road, Welshpool The heritage place comprises the Norfolk Island Pines on either side of Port Welshpool Road south of Welshpool	no	no	yes	no	no	no		no
HO135	Welshpool World War 1 Soldiers Memorial Welshpool Road, Welshpool The heritage place comprises the memorial and surrounding landscape plantings	no	no	yes	no	no	no		no
	WONGA & DISTRICT								
HO12	Shearing Shed, Wongalee Wongalee	yes	yes	no	no	no	yes		no
	WOOREEN & DISTRICT								
HO137	Wooreen Avenue of Honour Leongatha-Yarragon Road, Wooreen	no	no	yes	no	no	no		no
	WILSONS PROMONTORY								
HO139	Refuge Cove-Wilsons Promontory Wilsons Promontory National Park	no	no	no	no	yes Ref. H1729	no		no

SOUTH GIPPSLAND PLANNING SCHEME

P.S. Map Refs	Heritage Places	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3a	Included on the Victorian Heritage Register under the Heritage Act 1995?	yes: Ref: H1842a	No: Ref: H2019a	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2a	Aboriginal heritage place?
HO19a	Wilson's Promontory National Park Lightstation Park	-a	-a	-a	-a	yes: Ref: H1842a	No: Ref: H2019a	-a	-a		noa
HO20a	Sealers Cove National Park Wilson's Promontory National Park	-a	-a	-a	-a	yes: Ref: H2019a	No: Ref: H2019a	-a	-a		noa

Attachment 3 Explanatory report - authorisation

Planning and Environment Act 1987

SOUTH GIPPSLAND PLANNING SCHEME AMENDMENT C92 EXPLANATORY REPORT

Who is the planning authority?

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

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

Land affected by the amendment

The amendment applies to 16 sites across the Shire as detailed in the below table. For precise details of the application of the Heritage Overlay (HO) see the official HO exhibition maps.

Location of Heritage Feature	Extent of application of the Heritage Overlay (HO) on subject land.	HO Item No.
Fish Creek		
Greenfields (dwelling) 915 Falls Road (Lot 1 TP112894)	Dwelling and immediate surrounds as per exhibition map.	HO140
Bosley Farm (dwelling) 425 Harding – Lawson Road (CP171155)	Dwelling and immediate surrounds as per exhibition map.	HO141
Jeetho		
Glenorchy (dwelling) 250 Jeetho Road, (Lot 1 TP346336)	Dwelling, stables and immediate surrounds. Trees along former carriage drive.	HO142
Korumburra		
Dwelling, 14 Bridge Street (CA Allot 7 Sec 4 Parish of Korumburra)	Entire lot	HO143
Dwelling, 23 Bridge Street (Lot 1 TP247677)	Entire lot	HO144
Lismore (dwelling) 48 Bridge Street (Lot 1 TP319533)	Area of dwelling - 25m depth from lot frontage.	HO145
Dwelling, 1A Victoria Street (Lot 1 TP319533)	Area of dwelling - 25m depth from lot frontage.	HO146
Leongatha		
Dwelling, 42 Brown Street (Lot 2 LP128228)	Area of dwelling – 30m depth from lot frontage	HO147
Egerton (dwelling) 37 Jeffrey Street (Lot 1 TP444868)	Entire lot	HO148
McGuinness House (former) 19 Long Street (Lot 1 & 2)	Dwelling boarding house / stable – 35m depth from Long Street frontage	HO149

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

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

What the amendment does

The amendment includes 16 additional features (mostly dwellings) in the Heritage Overlay of the South Gippsland Planning Scheme. All landowners agree to the inclusion of their heritage building / feature in the HO.

The amendment:

- Updates the Schedule to Clause 43.01 (Heritage Overlay) to include heritage listings for the additional 16 features to be protected.
- Updates and includes new Heritage Overlay maps to identify the geographic extent of the heritage controls on the 16 features.
- Updates the Schedule to Clause 61.03 (list of Planning Scheme maps) to acknowledge the inclusion of new HO maps.

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required to include 16 additional features (as listed above) in the Heritage Overlay (HO) of the South Gippsland Planning Scheme. The heritage significance of the features is recognised in heritage studies however these studies do not provide statutory protection for the features. Inclusion of the features in the HO provides statutory

protection from building and works that may diminish, damage or destroy the heritage feature.

The amendment initially commenced with an approach to Council from the owner of the dwelling (Glenorchy) at 250 Jeetho Road, Jeetho to include their dwelling, outbuilding and trees in the HO. Council was aware of other privately owned heritage features where the landowners were favourably disposed to the inclusion of their heritage feature (mostly dwellings) in the HO. Council contacted these landowners and provided a press release to local newspapers requesting feedback from other landowners interested in voluntary inclusion in the HO as part of the Glenorchy amendment request. A positive response was received resulting in 16 additional parties agreeing to the inclusion of their heritage features in the HO.

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

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

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

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

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

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

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

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

Does the amendment address relevant bushfire risk?

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

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

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

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

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

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

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

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

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

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

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

The amendment supports Local Planning Policy.

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

Settlement:

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

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

Clause 21.09-1 Heritage

Overview

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

Objectives and strategies

Objective 1

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

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

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

The majority of the 16 features identified for inclusion in the Heritage Overlay were identified as heritage significant in the South Gippsland Heritage Study 2004. Features that were not identified in the 2004 study were separately investigated in January 2014 and found to justify inclusion in the HO. Inclusion of the features in the HO is consistent with the abovementioned provisions of the SPPF and the Local Planning Policy Framework.

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

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

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

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

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

The views of other agencies are not required. The amendment is straightforward and does not introduce any new referral requirements.

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

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

Resource and administrative costs

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

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

Where you may inspect this Amendment

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

Council's standard display locations...Council reception, Council's web site and geographically relevant libraries and community houses in the Shire, details to be advised.

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 TBA.

A submission must be sent to: Fiona Mottram – Strategic Planner, South Gippsland Shire Council, Private Bag 4, Leongatha, 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: TBA
- panel hearing: TBA

E.4 GRAY STREET, LEONGATHA - INITIATION OF SPECIAL CHARGE SCHEME

Engineering Services Directorate

EXECUTIVE SUMMARY

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

Document/s pertaining to this Council Report

- **Attachment 1** - "Proposed Declaration of Special Charge" with attached Schedule 1 (Plan of Scheme Area) and Schedule 2 (Listing of rateable properties and amounts payable by special charge contributors).
- **Attachment 2** - Notice of Intention to Declare a Special Charge for the Construction of Gray Street, Leongatha.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989, Section 163

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Special Charge Scheme Policy 2010

COUNCIL PLAN

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

CONSULTATION

- Councillor Briefing Session on 2 May 2012.
- Public Meeting with residents and Ward Councillors on 19 June 2012.
- Council Meeting 27 June 2012 – Petition tabled from residents objecting the proposed scheme.
- Confidential Briefing Session on 3 July 2013.
- Public Meeting with residents and Ward Councillors on 19 November 2013.

REPORT

Background

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

During the more recent history of the project, a presentation was made to the previous Council in a Confidential Briefing Session on 2 May 2012 which included details of the recommended cost apportionments for the proposed reconstruction of Gray Street, Leongatha. Following that meeting, letters were sent to residents dated 9 May 2012 inviting individual discussion. A meeting between affected residents, Council Officers and all Tarwin Valley Ward Councillors was then held on 19 June 2012.

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

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

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

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

Discussion

1. Scenarios Assessed

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

External Benefits

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

Manner of Apportionment

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

2. Statutory Process

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

- a. Initiate the Special Charge Scheme at the 26 February 2014 Council Meeting.
- b. Letters to be sent to affected property owners immediately after the 26 February 2014 Council Meeting enclosing a copy of the Public Notice and amongst other things, advising the amount for which the property owner will be liable.

- c. Public Notices placed in the Great Southern Star and South Gippsland Sentinel Times on 4 March 2014.
- d. Period for submissions closes on 2 April 2014.
- e. Persons who wish to speak to their submission (if any are received) to be heard at a Special Meeting of Council on 7 May 2014 at 11.15 am.
- f. In the event of no submissions, Council to consider the Final Declaration of the Special Charge Scheme at the 28 May 2014 Council meeting.
- g. Special Charge Scheme commences 1 July 2014 for a period of five years.

Included in **Attachment 1** is a draft copy of the “Proposed Declaration of Special Charge” and associated Schedules 1 and 2. **Attachment 2** includes a copy of the “Notice of Intention to Declare a Special Charge for the Construction of Gray Street, Leongatha” which will be sent to the owners of the properties forming a part of the Proposed Declaration of Special Charge and will also be placed in the Great Southern Star and South Gippsland Sentinel Times on 4 March 2014.

Options

The options available to Council are to:

- 1. Initiate the special charge scheme for Gray Street, Leongatha.
- 2. Do not initiate the special charge scheme for Gray Street, Leongatha.

Proposal

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

FINANCIAL CONSIDERATIONS

The Council has prioritised the reconstruction of Gray Street between Sapphire Court and Allison Street. The Project is included in the Capital Works Program with a projected expenditure of \$617,563 in the 2014/15 financial year and an expected income of \$290,510 which results in a net contribution of \$327,053.

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

The apportionment proposed in May 2012 was based on the minimum contribution by Council of one third of the total cost of the scheme (\$216,116 Council c/f \$419,511 Property Owners) in accordance with Council's Special Charge Scheme Policy pursuant to Section 163 of the Local Government Act. This is because external benefits from traffic and drainage were assessed at less than this level.

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

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

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

$$R \times C = S$$

R is the benefit ratio

C is the total cost

S is the maximum total levy

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

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

Current Budget	
Current Budget	\$617,563
Budgeted Income	\$290,510
Council Contribution	\$327,053

Proposed Budget	
Expenditure	
Revised Engineers Estimate	\$599,300
Income	
Apportionment to abutting properties	\$144,828
Net Income	\$144,828
Revised Engineers Estimate	\$599,300
Net Income	\$144,828
Council Contribution	\$454,472
Council Contribution	
Revised Council Contribution	\$454,472
Current Council Contribution	\$327,053
Additional Council Contribution	\$127,419

The recommended option will result in a Council Contribution of \$454,472 with the remaining \$144,828 being recouped from the abutting properties. As noted in the table above, on the basis of the proposed apportionment, Council will need to source \$127,419 in additional funding to compensate for the reduced revenue compared to budgeted revenue to complete these works. Finance confirms that Council will not need to borrow to fund this deficit and it is proposed that the Capital Works Program will be reviewed to accommodate these additional funds.

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

requirements. Owners have been provided details of this option in the letter dated 21 November 2013.

RISK FACTORS

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

CONCLUSION

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

RECOMMENDATION

That Council:

- 1. Commence the statutory process under the Local Government Act 1989 (Act) to declare a Special Charge Scheme for the purposes of defraying the cost of constructing Gray Street, Leongatha between Sapphire Court and Allison Street and providing any ancillary works including drainage, kerb & channel and footpaths.**
- 2. In accordance with Sections 163 (1A) of the Act, directs that public notices be given in the Great Southern Star, the South Gippsland Sentinel Times and on Council's website of the intention of Council to declare a Special Charge at its Ordinary Meeting to be held on or after 28 May 2014 in accordance with the proposed declaration of Special Charge in the form of the attachment to this resolution (Proposed Declaration of Special Charge – Attachment 1), such Special Charge to be for the purposes of defraying the cost of constructing the Road; and that copies of the proposed declaration are available for inspection at the Council Office.**
- 3. Direct that in accordance with Section 163 (1C) of the Act, that within three working days of the day on which the public notice is published, separate letters enclosing a copy of the public notice be sent to the owners of the properties referred to and set out in the schedule of properties forming a part of the Proposed Declaration of Special Charge, advising of the intention of Council to declare the Special Charge at its Ordinary Meeting to be held on 28 May 2014, the amount for which the property owner will be liable, the basis of the calculation and distribution of the Special Charge and notifying such persons that submissions in writing in relation to the Proposed Declaration of Special Charge will be considered and/or taken into account by Council in accordance with Sections 163A and 223 of the Act.**

- 4. Advise in the public notice that a person may make a submission to this proposal under Section 223 of the Local Government Act 1989 no later than 2 April 2014 (not less than 28 days after the public notice) addressed to the Chief Executive Officer, South Gippsland Shire Council, 9 Smith Street, Leongatha Victoria 3953, and that any person making a submission is entitled to state in the submission that he or she wishes to appear in person, or to be represented by a person specified in the submission.**
- 5. Call a Special meeting of Council for 7 May 2014 at 11.15am in the Council Chambers Leongatha.**
- 6. Fix the time, date and place for hearing persons who wish to be heard in support of their submission at the Special Meeting of Council on 7 May 2014 at 11.15 am in the Council Chamber, Leongatha and include these details in the public notice.**
- 7. Advise those persons who wish to be heard in support of their submission of the date, time and place of the hearing of submissions as soon as possible.**
- 8. Authorise the Manager Engineering & Projects or the person for the time being acting in that position to carry out any and all other administrative procedures necessary to enable Council to carry out its functions under section 163A and section 163(1A), (1B) and (1C) and sections 163B and 223 of the Act.**

STAFF DISCLOSURE OF INTEREST

Nil

Attachment 1 Proposed Declaration of Special Charge

1. South Gippsland Shire Council (**Council**) proposes to declare a Special Charge (**Special Charge**) under section 163 (1) of the Local Government Act (**Act**) for the purposes of defraying expenses incurred or to be incurred by Council in relation to the construction of Gray Street between Sapphire Court and Allison Street in Leongatha and the provision of any ancillary works including drainage, kerb & channel and footpaths (**Road** or **Scheme**).
2. The criteria that form the basis of the proposed declaration of the Special Charge are the ownership of rateable land in the area of the Scheme which, based on scheme benefit units and calculated by frontage as to 50% and area as to 50%, has and enjoys an abuttal to or access from the Road, and having regard to:
 - a. zoning and existing and potential use, including subdivision potential;
 - b. frontage of the lands to the proposed works;
 - c. area of the lands; and
 - d. accessibility of the works to the lands

which rateable land is situated within the geographical area in which the properties described in paragraphs 7 and 8 of this proposed declaration are included.
3. In proposing the declaration of the Special Charge, Council is performing functions and exercising powers in relation to the peace, order and good government of the municipal district of the Shire of South Gippsland, in particular the provision of proper, safe and suitable roads and property services within the area for which the proposed Special Charge is to be declared.
4. The total cost of the performance of the function and the exercise of the power by Council (in relation to the provision of proper, safe and suitable roads and property services in the area for which the proposed Special Charge is to be declared) is \$599,300 being the estimated cost of the works to be undertaken.
5. The total estimated amount to be levied under the Scheme as the Special Charge is \$144,827.91.
6. The Special Charge will commence on 1 July 2014 and remain in force for a period of five years.

Attachment 1
Proposed Declaration of Special Charge

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

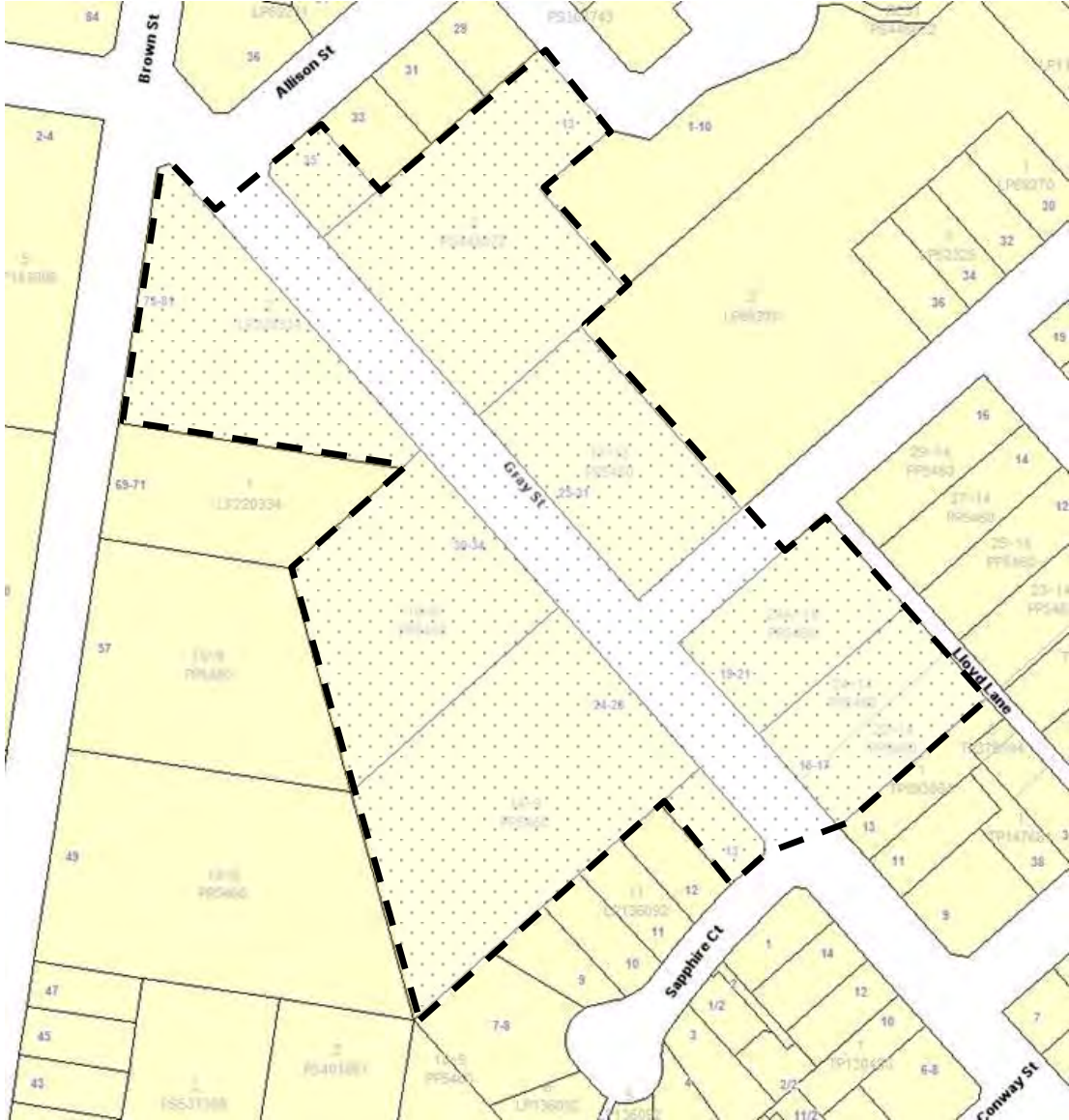
Attachment 1 Proposed Declaration of Special Charge

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

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

**Attachment 1
Proposed Declaration of Special Charge**

SCHEDULE 1 - SPECIAL CHARGE SCHEME AREA PLAN



LEGEND



Properties included in Special Charge Scheme Area

Attachment 1
Proposed Declaration of Special Charge

SCHEDULE 2 - LISTING OF RATEABLE PROPERTIES

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

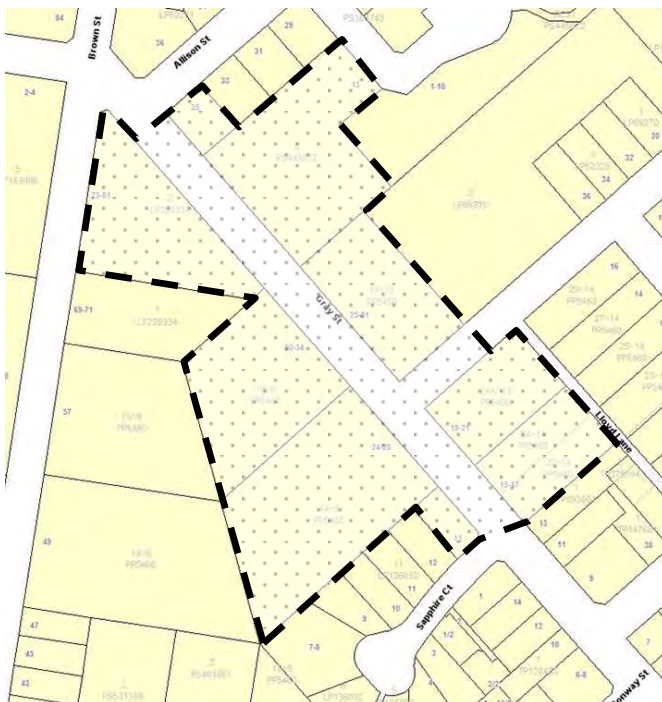
Attachment 2 Notice of Intention to Declare a Special Charge

In accordance with a resolution of the South Gippsland Shire Council (Council) made at its ordinary meeting on 26 February 2014, notice is given that at the Ordinary Meeting of the Council to be held on 28 May 2014, it is the intention of the Council to declare a Special Charge (Special Charge) under section 163 (1) of the Local Government Act 1989 (Act) for the purposes of defraying expenses incurred or to be incurred by Council in relation to the construction of Gray Street, Leongatha between Sapphire Court and Allison Street in Leongatha and the provision of any ancillary works including drainage, kerb & channel and footpaths (Road or Scheme). A plan of the Scheme area appears below.

The criteria which form the basis of the Special Charge are the ownership of rateable land in the area of the Scheme which, based on scheme benefit units and calculated by frontage as to 50% and area as to 50%, has and enjoys an abuttal to or access from the Road, and having regard to:

- zoning and existing and potential use, including subdivision potential;
- frontage of the lands to the proposed works;
- area of the lands; and
- accessibility of the works to the lands.

The Council considers that each rateable property included in the Scheme area that is required to pay the Special Charge will receive a special benefit through the provision of proper, safe and suitable roads and property services.



Attachment 2 Notice of Intention to Declare a Special Charge

In performing functions and exercising powers in relation to the provision of proper, safe and suitable roads and property services in the area for which it is proposed the Special Charge will be declared, the Council intends to spend an amount of \$599,300 being the estimated cost of the works to be undertaken and to levy by way of the Special Charge an amount of \$144,827.91.

The Special Charge will commence on 1 July 2014 and will remain in force for a period of five years.

For the period of the Scheme, the Special Charge will be assessed by calculating a Special Charge that is based on the length of the frontage (as to 50%) and the area (as to 50%) which a property in the Scheme has to the Road.

The Special Charge will be levied by the Council sending a one-off or quarterly notice of levy to the persons who are liable to pay the Special Charge.

Because the performance of the function and the exercise of the power in respect of which the Special Charge is to be declared and levied relates to capital works, the Special Charge will be levied on the basis of a one-off total contribution payment or an instalment plan being given to ratepayers which will require:

- a one-off total contribution payment made at the commencement of the Scheme; or
- quarterly instalments to be paid over a five year period, or other period as negotiated; and
- the quarterly instalments will include a component for reasonable interest costs, the total of which will not exceed the estimated borrowing costs for Council in respect of the construction of the Road by more than 1%.

Council will consider cases of financial and other hardship and may reconsider other payment options for the Special Charge. There will be no incentives given for payment of the Special Charge before the due dates for payment.

For the purposes of having determined the total amount of the Special Charge to be levied under the Scheme, the Council considers and formally determines for the purposes of sections 163(2)(a), 2(A) and 2(B) of the Act that the estimated proportion of total benefits of the Scheme to which the performance of the function and the exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to all of the persons who are liable to pay the Special Charge is in a ratio of 24:76 (or 24%). This is on the basis that, in the opinion of the Council, there are properties in the Scheme area which will receive a special benefit but which are not included in the Scheme (because Council considers the

Attachment 2 Notice of Intention to Declare a Special Charge

special benefits received by the properties are marginal and do not warrant including the properties in the Scheme) and community benefits are considered to exist in circumstances where the works will provide tangible and direct benefits to people in the broader community.

Copies of the proposed declaration of Special Charge and a detailed plan of the Scheme area are available for inspection at the offices of the South Gippsland Shire Council, 9 Smith Street, Leongatha 3953 during normal business hours for a period of at least 28 days after the publication of this notice.

Any person may make a written submission to the Council under sections 163A and 223 of the Act.

Written submissions to be submitted to the Council under section 223 of the Act must be received by the Council by 5.00 pm on 2 April 2014. Submissions must be in writing and addressed and sent by mail to the Chief Executive Officer, South Gippsland Shire Council, 9 Smith Street, Leongatha 3953.

Any person who has made a written submission under Section 223 of the Act and has requested to be heard in support of their written submission is entitled to appear in person or to be represented by a person specified in the submission before a Committee appointed by the Council to hear submissions under Section 223 of the Act on Wednesday 7 May 2014 at 11.15am.

Any person making a written submission under Section 223 of the Act is advised that under regulation 11 of the Local Government (General) Regulations 2004, the Council is required to make available for public inspection all submissions (including personal information) received in accordance with Section 223 of the Act during the previous 12 months. Details of submissions may also be included within the official Council Agendas and Minutes which are public documents and which may also be made available on the Council's website.

Council will consider any written submissions and take into account any objections in accordance with Sections 163A and 223 of the Act.

Any person requiring further information concerning the proposed declaration of Special Charge should in the first instance contact John Moylan, Manager Engineering & Projects on 5662 9301, facsimile 5662 3754 or email john.moylan@southgippsland.vic.gov.au.

**TIM TAMLIN
CHIEF EXECUTIVE OFFICER**

E.5 LEASE TO THE CORNER INLET MOTORCYCLE CLUB: 2746 MEENIYAN PROMONTORY ROAD, YANAKIE

Engineering Services Directorate

EXECUTIVE SUMMARY

The purpose of this report is to seek Council's approval to negotiate a new lease with Corner Inlet Motorcycle Club Incorporated (CIMCI) as the current lease is due to expire on the 31 August 2014.

Document/s pertaining to this Council Report

- **Attachment 1** – Locality Plan.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989, Sections 190 and 223

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Land Ownership Policy.

COUNCIL PLAN

Outcome:	3.0	Integrated Services and Infrastructure.
Objective:	3.1	Deliver affordable modern community facilities through an integrated approach to planning and infrastructure development.
Strategy:	3.1.3	We will plan for the service needs of the Shire's changing demographic.

CONSULTATION

External consultation has been ongoing with representatives of the CIMCI regarding various matters and in particular engineering inspections and advice on acoustics, siltation and dust suppression.

REPORT

Background

The former Shire of South Gippsland purchased 2746 Meeniyan Promontory Road, Yanakie (the Site) just after the Second World War and extracted gravel from the Site until the early 1970s.

When the gravel extraction process ceased, large areas of bare ground were left behind. It became a dumping ground for dead cows, rubble and weeds.

In 1973 the CIMCI formed and in 1975 applied to use the Site on a trial basis.

About that same time, a local fisherman and his two companions were drowned in a boating accident at Waratah Bay. The CIMCI was asked to search the beaches from Darby River to Walkerville. In appreciation of their efforts the CIMCI received a letter of commendation from the Shire for their services during the search and were offered the Site to operate its activities. In 1983 the track on the Site was expanded and with Shire grants, the CIMCI improved the fencing and toilets were constructed.

Accordingly, the CIMCI have used part of the Site since the early 1970's and with a formal lease since 2004.

Discussion

The Site

The Site is located at 2746 Meeniyan Promontory Road, Yanakie. It is Lot 1 on TP 887244 H comprised in Certificate of Title Volume 8171 Folio 293 registered in the name of The President Councillors and Ratepayers of the Shire of South Gippsland. It is identified on the attached Locality Plan at Attachment 1.

Leased Area

The CIMCI lease part of the Site being that part where the track is located and is shown on the attached Locality Plan at Attachment 1 (the Leased Area).

Non-leased Area

That part of the Site **not** leased to CIMCI is also identified on the locality plan at Attachment 1. A small part of this area will be leased to NBN Co Ltd and has been the subject of previous reports to Council on 19 December 2012 and 27 March 2013.

NBN Co Ltd have agreed to provide the CIMCI with access to a power pit for electricity connection.

Current Lease

The current lease commenced on the 31 December 2004 and is due to expire on the 31 August 2014. It contains an overholding clause which will provide the CIMCI with the ability to remain on the Leased Area on a month-to-month basis should the new lease not be negotiated by 31 August 2014.

The current rental is \$100.00 per annum plus GST.

Issues with Current Lease

There have been a number of issues with the terms of the current lease that have required investigation including:

- Siltation.

- Dust suppression.
- Noise emissions.
- Track usage frequency.
- Vegetation Management.

Unfortunately, at the time the current lease was drawn up, obligations and methods for the tenant to address the above issues were not captured. In addition, there were no EPA guidelines for the operation of a motorcycle track and noise monitoring controls.

The CIMCI have commenced work towards addressing these issues. For example:

- Reducing the usage of the track from 50 times a year to 27 times a year. This has contributed to a significant reduction in the complaints from the adjoining property owner.
- Planting 1,000 tube stock as part of the revegetation schedule in their current Management Plan.
- Implementing the new rules and regulations that have been introduced by Motorcycle Victoria to reduce the noise remissions from bikes by mandatory random testing of bikes before events. The CIMCI have purchased a noise meter and had training on the use on the 8 February 2014.

New Lease

A new lease provides the opportunity to include obligations and methods for ongoing control of the issues identified in the current lease.

The following terms would form the starting point of negotiations for a new lease.

- Term: 10 years
- Rental: \$104.00 per annum + GST
- Public Liability: \$10,000,000
- Calendar of Use: To be set and circulated to the adjoining owners by the end of January each year.
- Lease review: To be conducted every 3 years to ensure the lease complies with current legislation, policies and motor industry regulations.
- Schedule attaching new rules and regulations introduced by Motorcycle Victoria and requirement for noise monitoring.

Community Support

At its Ordinary Meeting held on 22 February 2012, a petition with 700 signatures was tabled. It requested Council to:

- Demonstrate support for the CIMCC and the ongoing use and protection of the motor cross track at Yanakie.
- Recognise the benefits of having a controlled, supervised motorcycling environment for our local youth and families and importance to the community.

The recommendations of that report were adopted by Council and were as follows:

“That Council:

1. *Note receipt of the petition; and,*
2. *Inform the CIMCC that appropriate community consultation will occur when the lease is due for renewal in 2014.”*

Adjoining landowners

Whilst the above community support has been demonstrated, complaints have also been received from adjoining landowners which needs to be recognised. A summary is provided below:

- The majority of adjoining land is vacant land. There is one permanent residence.
- In early 2010, some adjoining landowners wrote to Council expressing various concerns with the operations of the CIMCI.
- The concerns were immediately raised with the CIMCI who were proactive in addressing them. For example:
 - Consultation with EPA regarding noise levels and subsequently, monitoring the noise levels and removing motorcycles whose engines exceeded noise levels.
 - Obtaining the use of a water tanker to water the track prior to and during events.
 - Diverting the overflow from the main dam to other dams on the Site to address the issue of silt impacting adjoining properties.
 - Installing hay bales at various points along the waterways flowing into dams on the Site.
 - Excavating and installing new storm water pipes.

- Filling and levelling of areas of the course where pooling of stagnant water is evident.
- Providing Schedule of Events to adjoining landowners.

As a result of the above actions, the concerns of the adjoining landowners have been reduced but not completely eliminated (noise complaint).

- Recent complaints have related to receipt of an up to date Calendar of Events.

The complaints of the adjoining landowners are taken seriously and any new lease securing the ongoing use by the CIMCI will be strictly monitored to ensure minimal disruption to adjoining landowners and their rights to quiet enjoyment and privacy.

Options

1. End the lease agreement.
2. Negotiate the terms of a new lease with CIMCI.

Proposal

It is proposed to proceed with option 2 above and negotiate the terms of a new lease to CIMCC. Once negotiations are finalised the proposed lease and its terms will be publicly advertised via Section 190 of the Local Government Act, 1989.

FINANCIAL CONSIDERATIONS

As the maintenance of the Motorcycle track and facilities will be the responsibility of the CIMCI there is minimal financial risk to Council from an operational perspective.

RISKS FACTOR

As a Council asset, the Site is included on Council's global insurance policy. As a condition of the lease agreement, the tenant will be required to have a public liability insurance cover for \$10,000,000 per annum to mitigate the risk to Council as the owner and to neighbours.

CONCLUSION

The approval to negotiate a new lease with the CIMCI will ensure continued provision of an important recreational and tourism activity on the Site.

RECOMMENDATION

That Council:

- 1. Agree to proceed to negotiate the terms of a proposed new lease to the Corner Inlet Motorcycle Club Incorporated for part of the Council land located at 2746 Meeniyan-Promontory Road, Yanakie and being part of Certificate of Title Volume 8171 Folio 293.**
 - 2. Approve the commencement of the statutory procedures pursuant to Section 190 and Section 223 of the Local Government Act 1989 for the proposed new lease as described in Recommendation 1 above.**
 - 3. Give public notice in the week commencing 3 March 2014 of the proposal in accordance with Sections 190 and 223 of the Local Government Act 1989.**
 - 4. In the public notice clearly state:**
 - a. A person may make a submission to the proposal no later than 5.00pm on 2 April 2014 addressed to the Chief Executive Officer, South Gippsland Shire Council, Private Bag 4, Leongatha 3953 or delivered to the Council Office, 9 Smith Street, Leongatha.**
 - b. Any person making a written submission is entitled to state in their submission that he or she wishes to appear in person, or be represented by a person specified in the submission, at a meeting to be heard in support of their submission.**
 - c. Copies of submissions (including submitters' names and addresses) will be made available at the Council or Special Committee meeting at which the proposals are considered and Council is required to make submissions available for public inspection for a period of 12 months.**
 - d. The time, date and place for hearing of submissions.**
 - 5. Fix the time, date and place for hearing of persons who wish to be heard in support of their submission at the 223 Hearing Session as 9 April 2014 at 12.45pm in the Council Chamber, Leongatha and include these details in the public notice.**
 - 6. Appoint the Promontory Coast Ward Councillors plus one other Councillor as the committee to hear these submissions.**
 - 7. Advise those persons who wish to be heard in support of their submission of the date, time and place of the hearing of submissions as soon as possible.**
-

STAFF DISCLOSURE OF INTEREST

Nil

Attachment 1 Locality Plan



LEGEND	
The Site
National Broadband Network Co	★
Leased Area	□
Non Leased Area	▨

E.6 STRATEGIC REVIEW OF LAND HOLDINGS PROJECT - REVISED EVALUATION MATRIX AND COMMUNICATION MATRIX

Engineering Services Directorate

EXECUTIVE SUMMARY

This report addresses recommendations of the notice of rescission presented to Council on 23 October 2013 regarding preparation of a further report to Council to include a rigorous evaluation exercise and community engagement strategy for the Strategic Review of Land Holdings.

In addressing the recommendations of the notice of rescission, this report discusses:

1. Information on what the Project is (as this was a question raised during the initial community consultation at the Venus Bay Community Centre in June 2013).
2. The process that was followed during the initial assessment of Council's land assets including the Evaluation Matrix, preparation of a Community Plan and Communication Matrix.
3. A revised Evaluation Matrix and Communication Matrix.
4. Information on cost of ownership whilst considering current Council plans, strategies and initiatives.

Document/s pertaining to this Council Report

- **Attachment 1** - Evaluation Matrix.
- **Attachment 2** - Communication Plan.
- **Attachment 3** - Communication Matrix.
- **Attachment 4** – List of Strategies and Initiatives

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989 (Sections 189 and 223)

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Land Ownership Policy 2011
- Communication & Consultation Policy 2008

COUNCIL PLAN

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

CONSULTATION

Previous consultation regarding the Strategic Land Review is consistent with the Communication Plan adopted by Council on 24 April 2013 and included:

1. Correspondence to surrounding landowners and presiding Progress Associations to inform them of Council's intention and the submission process.
2. Correspondence to submitters acknowledging receipt of their submission.
3. Advertising the public notices in the local papers.
4. Publication of information in 'Matter of Fact'.
5. Posting information on Council's website.
6. Attending a meeting of Beach and River Business Association of Venus Bay and Tarwin Lower.
7. Attending a public meeting at the Venus Bay Community Hall.
8. Attending individual meetings (enquiries at reception).
9. Correspondence and provision of information to Councillors via e.mail, Council Briefing Sessions and Infosum.
10. Discussions with internal departments of Council regarding strategic and statutory planning, biodiversity and infrastructure issues.

REPORT

Background

A report to Council's Special Meeting on 18 September 2013 heard submissions pursuant to Section 223 of the Local Government Act 1989 opposing Council's proposed sale of land as part of the Strategic Review of Land Holdings project (the Project). The recommendations of that report were to proceed with land sales. However, Council resolved the following alternate motion:

"That Council:

1. *Sell the Public Open Spaces (POS) at 8 June Court, Venus Bay and 1a Noble Street, Venus Bay;*
2. *Remove all other Public Open Spaces (POS) in Venus Bay from sale;*
3. *Rezone all remaining Public Open Spaces in Venus Bay to Public Park and Recreation Zone (PPRZ); and*
4. *Rezone all remaining Council owned vacant land in Venus Bay to Public Park and Recreation Zone (PPRZ)."*

A notice of rescission was lodged with Council's Chief Executive Officer to rescind the above alternate motion. This was considered and adopted at Council's Ordinary Meeting on 23 October 2013 and read as follows:

"That Council:

1. *Receive two Reports prior to or for the February 2014 Ordinary Council Meeting that set out:*
 - a. *Report One: The present purpose, scope, resources required and timelines to complete the Social Community Infrastructure Project as a matter of priority; which will assist in the determination of surplus Council owned land with infrastructure assets; and*
 - b. *Report Two:*
 - i. *A rigorous evaluation of Council's owned vacant land (excluding road reserves) that have not been previously resolved for sale by Council, that has regard to specific attributes for individual land holdings such as: public use and access, community linkages, environmental, historical, cultural & other matters and details the risks and costs of ownership referring to current Council Plans, Policies, Strategies, Planning frameworks and legislative requirements;*
 - ii. *An appropriate process for engagement and consultation on the evaluation criteria and the strategic review of land holdings.*
 - c. *Defer consideration of further land sales other than, previously resolved Council land for sale and 8 McDonald Street, Meenyan that has been advertised in accordance with section 223 of the Act until the two Reports have been received and considered with a recommendation to move forward."*

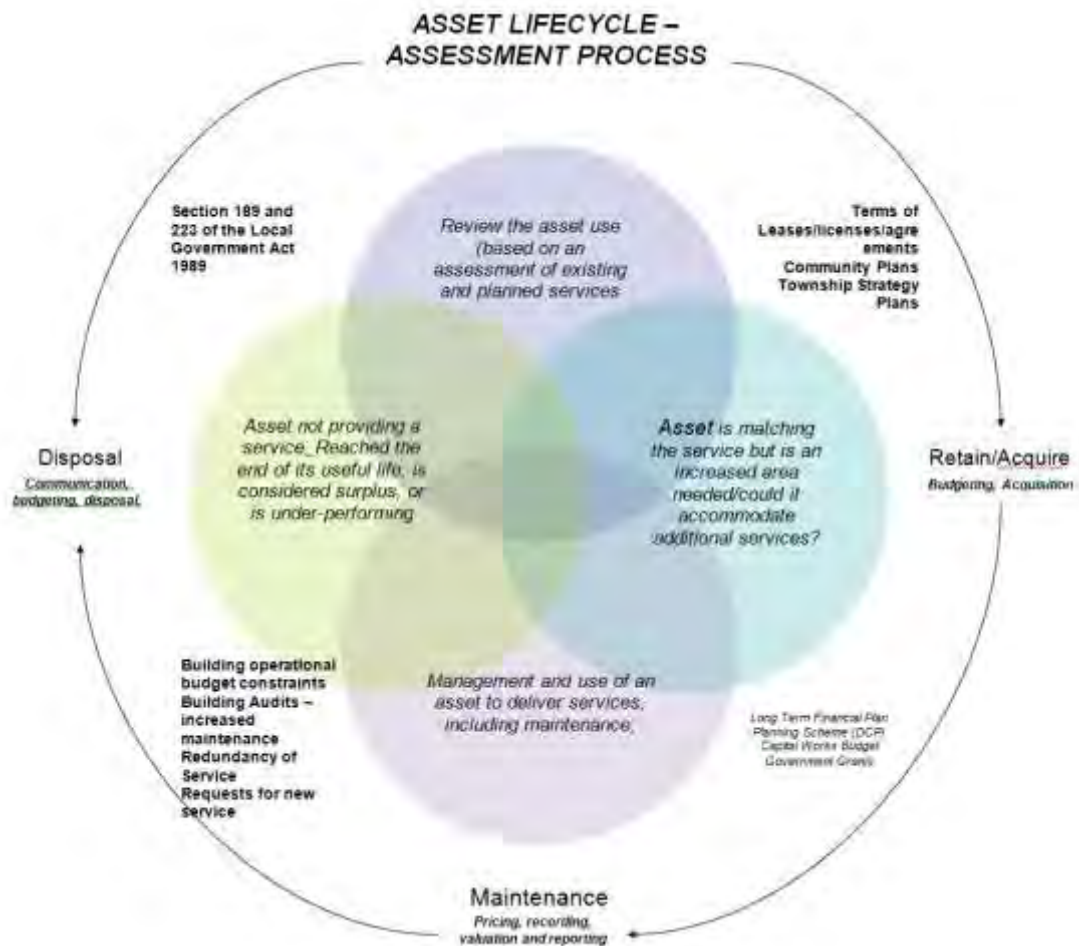
The above notice of rescission has asked for a report (b. Report Two) that discusses and provides a "rigorous evaluation of council owned land..." and "an appropriate process for engagement and consultation..." as well as deferring any further land sales until these items are addressed. Report Two is the focus of this report.

Discussion

1. What is the Strategic Review of Land Holdings Project?

The Project is essentially portfolio management. It is a part of the assessment of an Asset's Lifecycle. This is shown in Figure 1 below. The circles aim to demonstrate the overlapping nature of the works involved when managing the life of an asset.

Figure 1: Asset Lifecycle Assessment Process



The Project was developed in 2011 to satisfy strategic goal 5.2.2 of the then Council's Annual Plan 2010-2014 (Asset Management Planning). It aligns with outcome 4 (A Leading Organisation) of Council's Annual Plan 2013-2014 with the objective of improving the financial sustainability of Council, including diversifying revenue streams.

2. The Process that was followed.

To work through the Asset Lifecycle Assessment Process and comply with Council's reporting requirements, a Project framework was developed. This is shown in Figure 2 below and includes four phases.

Figure 2: Strategic Land Review Framework

PROJECT DEVELOPMENT		DUE DILIGENCE	
PHASE 4	PROJECT INITIATION	PHASE 2	GROUP ASSESS
Determine project methodologies (on an individual basis), such as: Land Sale Land Exchange Land Purchase Land Development Adopt internal project management procedures. Council briefing on identified project methodology (if necessary).		PHASE 3	RANK and SCORE
	Outcome Due diligence complete. Council support to proceed with rolling 5-10 year project development register.	Actions Score to: Ownership Use Planning constraints Community value Financial value Constructability	HOLD POINT Introduce project to Council - update on progress. Adoption of Council Land Ownership Policy.
		HOLD POINT	
		Outcome Knowledge to inform opportunities and constraints for each site and development of new Council Land Ownership Policy.	Outcome Historic and future information of the use of Council landholdings. Report to Council for adoption of Council Land Ownership Policy.
PHASE 1	COLLATION	PHASE 2	GROUP ASSESS
Actions Property Register Building Asset Register Title Register Lease Register Asset List (Valuation) Register		Actions Form project working group. Present Council landholdings to group for discussion/identification of existing and future community use. Present draft Council Land Ownership Policy.	Outcome Consolidation of registers into one central location for ease of information gathering. Identify Council landholdings for group assessment.
1:1 Consider internal and external policies and strategic documents		Outcome Knowledge to inform opportunities and constraints for each site and development of new Council Land Ownership Policy.	Outcome Historic and future information of the use of Council landholdings. Report to Council for adoption of Council Land Ownership Policy.
Council plan Council strategies State Government policy direction New strategic initiatives Community strengthening Asset performance			
		HOLD POINT	
		Present results of ranking to ELT/Councillors and gain support to proceed with rolling 5-10 year project development register.	
		HOLD POINT	
		Seek Council resolution to proceed with identified project and commence statutory processes.	

- a. Phase 3 of the framework, "Rank and Score", included an Evaluation Matrix. As required by the notice of rescission, the Evaluation Matrix has been reviewed. It now includes specific criteria on "Social Recreational Use" and "Environmental Impacts".
- b. Phase 4 of the framework, Project Initiation, included preparation of a Communication Plan which was adopted by Council on 27 April 2013. The Communication Plan has been followed and Council will note from Diagram 1 on page 7, that the timeframes were met. The Communication Matrix at Attachment 1 of the Communication Plan has been reviewed to update the Project timeframes.

3. The Revised Evaluation Matrix and Communication Matrix

Evaluation Matrix

The essential criteria of the Evaluation Matrix are considered to be:

- Land Status
- Existing Use
- Planning
- Environmental
- Policies/Strategies

Whereas the original Evaluation Matrix included the above criteria, after review it was felt that it may have been too broad and that improvements could be made to include specific questions under the criteria's of "Social Recreational Use" and "Environmental Impacts" as these were the main areas of concern expressed during the hearing on 18 September 2013. The revised Evaluation Matrix is attached at **Attachment 1**.

Communication Matrix

The Communication Plan adopted by Council on 24 April 2013 provided the tools that can be utilised to engage and consult with different audiences. A copy of the Communications Plan is attached at **Attachment 2** and provides sufficient detail to capture the community engagement methods for this Project. Given the notice of rescission and its impact to Project timeframes, the communication matrix has been amended to update timeframes. The activities contained within the engagement matrix remain the same and will provide the community with an opportunity to provide feedback on the evaluation matrix and the Project generally. The revised communication matrix is at Attachment 3.

4. Cost of Ownership

By continuing to retain vacant land parcels that are not addressing the Council's and State Government's strategies and initiatives, there are losses with new opportunities and holding costs to Council and its community with reduced financial capacity to deliver improved and important services.

a. Opportunity Costs

Objectives of the Strategic Land Review include aligning Council land sales with Council's policy direction and strategic initiatives, improving public amenity and facilities and providing a financial return to Council and the Community. As shown in the Framework in Figure 2 above, Phase 1 of the initial assessment included reviewing strategic documents for evidence of need for the land parcels. These documents were numerous and are listed in Attachment 5. Some of these documents have been updated or replaced and will be revisited as required by the Evaluation Matrix.

b. Holding Costs

There are holding costs to Council retaining vacant land with no evidence of existing use or future use as required by Council's current policies and strategies. Example of cost impacts are public liability claims, requests to attend to pest control, half cost fencing and grounds maintenance. The regularity of requests is infrequent, yet in the event of a claim, there is potential for the cost impact to be high. Therefore, holding costs should not be dismissed as insignificant.

Proposal

It is proposed to proceed with the Project by following the revised Communication Matrix to present the Evaluation Matrix to the community for feedback. The Communication Matrix will provide a 60 day timeframe for community consultation and collating of feedback.

FINANCIAL CONSIDERATIONS

The impact to Project timeframes will not realise the 2013/14 budget.

RISKS

When disposing of Council land assets, Council follows a legislative consultation process as provided by Sections 189 and 223 of the Local Government Act, 1989. Council is required to provide documented evidence on compliance to this process to its auditors on an annual basis.

CONCLUSION

The revisions to the original evaluation matrix and communications matrix will assist in strengthening Council's commitment to an inclusive community consultation process as well as capturing valuable information from the community to add to the initial evaluation already completed.

This should be sufficient to demonstrate that the Project has followed a rigorous evaluation and engagement process as required by the notice of rescission and determine the way forward for the Project generally.

RECOMMENDATION

That Council:

- 1. Note the revised Evaluation Matrix and revised Communication Matrix.**
- 2. Receive a further report at its 28 May 2014 Council meeting on the outcome of the engagement process and feedback received from the community.**

STAFF DISCLOSURE OF INTEREST

Nil

Attachment 1 Evaluation Matrix

EVALUATION MATRIX (Vacant Land)			
PROPERTY:	Assessment questions	Score	Weighting
	Given the legal status (ie. Road, Reserve, Lot), what is the level of difficulty to sell the land?	High <input type="checkbox"/> 1 Medium <input type="checkbox"/> 5 Low <input type="checkbox"/> 10	10
	What is the zone?	PPRZ or PCRZ <input type="checkbox"/> 1 PUZ./Farm <input type="checkbox"/> 5 TZ/RLZ <input type="checkbox"/> 10	10
	What is the level of vegetation on the site?	Covered <input type="checkbox"/> 1 Medium Cover <input type="checkbox"/> 5 Minimal Cover <input type="checkbox"/> 10	5
	Are there any trees or structures on the land that have been planted in respect/memory of a community member?	Yes <input type="checkbox"/> 1 No <input type="checkbox"/> 10	
	Does the site have a playground?	Large <input type="checkbox"/> 1 Small <input type="checkbox"/> 5 No <input type="checkbox"/> 10	5
	Does the site have BBQ facilities?	Yes <input type="checkbox"/> 1 No <input type="checkbox"/> 10	5
	Are there signs of public recreational use?	Council made paths and trails <input type="checkbox"/> 1 Worm tracks and visible signs on use <input type="checkbox"/> 5 No sign of passive use <input type="checkbox"/> 10	5
			Total

**Attachment 1
 Evaluation Matrix**

Is native vegetation present (indigenous trees, shrubs and grasses)?	Yes	No	7.5
	1	10	
Has DEPI or a reputable authority mapped the native vegetation/Ecological Vegetation Classes (refer to DSE Biodiversity Interactive Mapping)?	Yes	No	7.5
	1	10	
What is the Conservation Status of the Ecological Vegetation Classes (EVC)? (refer to DSE Biodiversity Interactive Mapping)	Least Concern = 2	Depleted = 4	7.5
	Vulnerable = 6	Endangered = 8	
Has DEPI or a reputable authority mapped any threatened plants or animal species at the site? (refer to DSE Biodiversity Interactive Mapping)	Yes	No	7.5
	1	10	
Is the site identified for future community use in a current Council Strategy or Policy?	Yes	No	15
	1	10	
Is the town identified in a current Council Strategy or Policy as lacking land for Open Space purposes and could this site contribute to this need?	Yes	No	15
	1	10	
TOTAL			100

Attachment 2 Communication Plan



South Gippsland
Shire Council

Come for the beauty, Stay for the lifestyle

Communication Plan

Strategic Land Review

Chris Van Der Ark

April 2013



South Gippsland Shire Council

Attachment 2 Communication Plan

Contents

1. Introduction	3
2. Background	3
3. Aim of the Communication Plan	4
4. Target Audiences	4
5. Key Messages	5
6. Communication Tools	5
7. Timeframe	7
8. Communication Matrix	7

Attachment 2 Communication Plan

1. Introduction

Recognising that Council needed to improve its asset management and asset performance, Council chose to review its property portfolio, related policy and procedures. The Strategic Land Review Project (the Project) was developed to address this.

The Project aims to compliment Council's internal policies and strategies relating to land use planning, economic development and asset management with development of a rolling land sales/project development register.

The Project will result in a number of land sales and project development opportunities.

It is recognised that projects involving the sale of Council land are difficult to deliver requiring Council to make decisions that can be considered controversial by part of its community. Accordingly, a communication plan is a vital ingredient to ensure project success.

2. Background

The Project developed a framework for assessing Council's landholdings in order to realise opportunities for Council land that, after assessment was considered either surplus to Council's needs or had potential for project development.

The methodology of the framework comprised of four phases. This is shown in diagram 1 below:

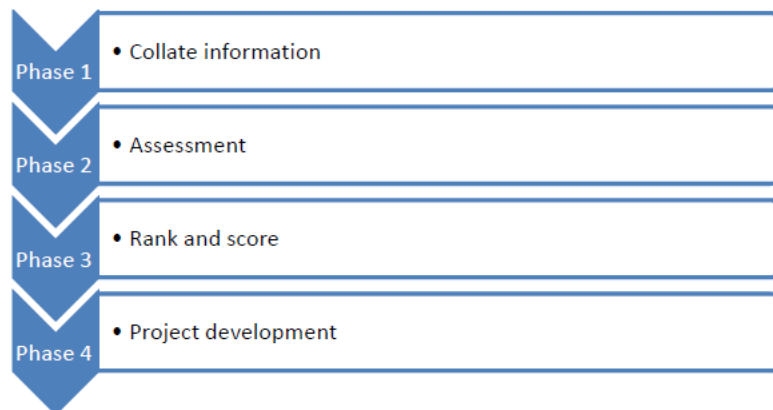


Diagram 1: The Framework

Attachment 2 Communication Plan

The outcome of the review has been presented to Council. It has been proposed that a Rolling land sales / project development program commence including development of this Communication Plan.

3. Aim of the Communication Plan

The overall aim of this Communication Plan (the Plan) is to create a method of communicating the Project to the community that is effective and timely.

To do this, the Plan must:

- a) provide an opportunity for the community to have a say.
- b) demonstrate transparency.
- c) include communication tools that are a combination of Council's legislative requirements provided by Sections 189 and 223 of the Local Government Act 1989 and Council's internal Communication and Engagement policy.

The Plan will also need to include tools to capture information on any contributing factors to the Project such as any changes to Council's strategic direction, State Government policy initiatives, current community activity, economic changes and market demand. This is mainly handled by including conversations at a higher level within senior officers of Council and government agencies.

4. Target Audiences

Target audiences are:

1. Those residents who have a property that adjoins a Council property proposed for sale, live within close proximity to the Council property or who may be affected by the sale of the Council property.
2. Community members in the towns and localities of the South Gippsland Shire.
3. Key organisational stakeholders.
4. Local Government (Council's Executive Leadership Team, Councillors and Council officers).
5. Project Working Groups of other internal Council projects.
6. Senior officers at government agencies such as (but not limited to) Department of Sustainability and Environment, Department of Planning and Community Development and Regional Development Victoria.

Attachment 2 Communication Plan

7. Local, State and Federal Members of Parliament.

5. Key Messages

The following key messages will form a basis for communication:

1. Council is committed to improving its asset management and performance practices.
2. The Project will compliment Council's key priorities for improved service delivery, new and improved facilities and maintenance planning for a growing population.
3. For reasons of improved funding opportunities, financial efficiency and practicality, Council will promote opportunities for multi-use of existing services and facilities currently available in South Gippsland.
4. Council wishes to identify opportunities for new projects on Council land that contribute to the social and economic welfare of its community.

6. Communication Tools

The following communication tools will be used:

1. Personalised letters and e.mail
2. 1:1 discussions
3. Fact sheets
4. Attendance at community meetings
5. Council briefings
6. Council reports
7. Council suggestion box
8. Councillor Info Sum
9. ELT presentations
10. Group mail out
11. Project meetings
12. Website updates (during formal process – S189 and 223 of Local Government Act).
13. Public Notices (legislative requirement)

South Gippsland Shire Council

Attachment 2 Communication Plan

14. Real estate agents for marketing of land sales

The following Table shows the audience, tools and considerations on when to communicate.

Table 1: Audience and Communication Tools

Audience	Tool	Considerations
Residents	Personalised letters and e.mail. 1:1 discussions Fact sheet Council suggestion box Public Notices Website updates Real estate agent	An adjoining landowner or landowner within close proximity to the Council property. May use the Council property for some purpose not recognised by Council.
Community members in the towns and localities of South Gippsland Shire	Group mail out e.mail. 1:1 discussions Fact sheet Community Group meeting Council suggestion box Public Notices Website updates	Property has a sentimental value to the Community. Use of Property for a community use not recognised by Council.
Key organisational stakeholders	Personalised letters and e.mail 1:1 discussions Fact sheet Council suggestion box Public Notices Website updates Real estate agent	Council property may be used for an organisational use not recognised by Council. Opportunity for Property to be sold to organisation.
Local Government	Council briefings Council reports Attendance at ELT Discussions with Council officers and Project Working Groups.	Information gathering. Updating Council and ELT with outcome of communications. Seeking Council resolutions. Ensure consistency of information when communicating projects at Council.
Other government agencies, Local, State and Federal Members of Parliament.	Personalised letters and e.mail 1:1 discussions Fact sheet	Information gathering. Opportunity for inclusion of Crown land (joint project).

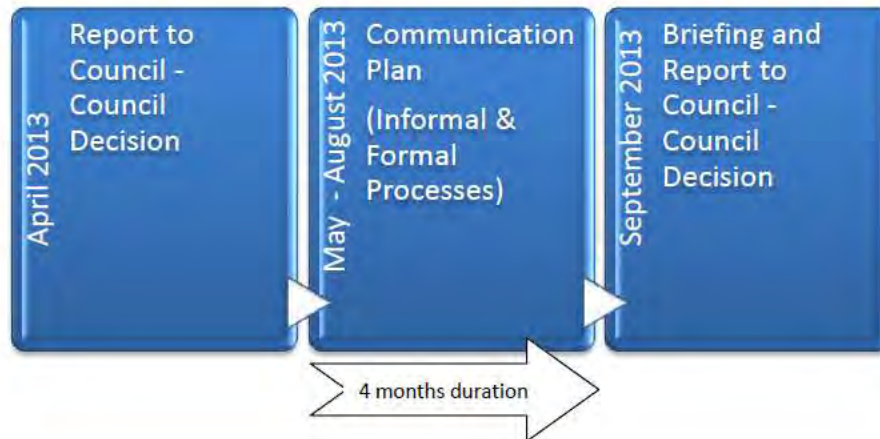
Attachment 2 Communication Plan

Audience	Tool	Considerations
	Council suggestion box Public Notices Website updates Real estate agent	Funding opportunities for identified projects.

7. Timeframe

To ensure project delivery, the Plan needs a timeframe for delivery. Diagram 1 below shows a timeframe for using a combination of informal and formal communication processes say.

Diagram 1: Communications Timeframe



8. Communication Matrix

The Matrix attached at Attachment 1 shows the activities and resources during the above timeframe.

Attachment 2 Communication Plan

Attachment 1 – Communication Plan Matrix

TIMEFRAMES	ACTIVITIES	A	F	I	SEP	
Internal Process	Project working group meetings	✓				
	Cross department meetings	✓				
	Council report		✓		APR & SEP	
	Public Notice		✓		MAY	
	Media Release		✓		MAY & SEP	
	Community / Stakeholder Group meetings		✓		MAY-AUG	
	Information via Email lists		✓		ONGOING	
	Echo / Intranet		✓		ONGOING	
	Website updates		✓		BI-MONTHLY	
	1:1 discussions		✓		AS REQUIRED	
Councillor Info Sum			✓	AS REQUIRED		
Council suggestion box			✓	ONGOING		
				✓	Council briefing - 223	
				✓	hearings	
External Process	Organisational stakeholders (ie. Library, Kindergartens, Schools, Hall Committees, Senior Citizen Centres)		✓		✓	
	Residents		✓		✓	
	Community groups		✓		✓	
	Business Owners		✓		✓	
	Developers		✓		✓	
	Government		✓		✓	
	Local, State and Federal Members of Parliament		✓		✓	
	Government agencies - DSE, DPCD, RDV		✓		✓	
	Consultants		✓		✓	
	Media		✓		✓	
				✓		✓
				✓		✓
				✓		✓
				✓		✓

Attachment 3 Communication Matrix

TIMEFRAMES	ACTIVITIES	A	I	F	MAY	JUNE	AUG/SEPT
Internal Process	Project Officers' meetings	✓			✓	✓	✓
	Cross department meetings	✓			✓	✓	✓
	MARCH	Media Release	✓	✓	✓	✓	✓
	MARCH-MAY	Community / Stakeholder group meetings	✓	✓	✓	✓	✓
	ONGOING	Information via email lists	✓	✓	✓	✓	✓
	ONGOING	Echo/intranet	✓	✓	✓	✓	✓
	BI-MONTHLY	Website updates	✓	✓	✓	✓	✓
	AS REQUIRED	1:1 discussions	✓	✓	✓	✓	✓
	AS REQUIRED	Council Info Sum	✓	✓	✓	✓	✓
	ONGOING	Council suggestion box	✓	✓	✓	✓	✓
	ONGOING	Council report	✓	✓	✓	✓	✓
	External Process	Organisational stakeholders (ie. Library, Kindergartens, Schools, Hall Committees, Senior Citizen Centres)		✓	✓	✓	✓
	Residents		✓	✓	✓	✓	✓
	Community groups		✓	✓	✓	✓	✓
	Business Owners		✓	✓	✓	✓	✓
	Developers		✓	✓	✓	✓	✓
	Government		✓	✓	✓	✓	✓
	Local, State and Federal Members of Parliament		✓	✓	✓	✓	✓
	Government agencies - DSE, DPCD, RDV		✓	✓	✓	✓	✓
	Consultants		✓	✓	✓	✓	✓
	Media		✓	✓	✓	✓	✓
	Council briefing - 223			✓	✓	✓	✓
	Public Notice			✓	✓	✓	✓
	hearings			✓	✓	✓	✓

Attachment 4 – List of Strategies and Initiatives

Municipal Strategic Statement

Council Plan 2010-2014

Council Strategies and initiatives

Township Structure Plans
Township Urban Design Frameworks
Rural Land Use Strategy - August 2011
Open Space Strategy
Business Investment and Attraction Policy
Tourism Strategy
Leongatha Car Parking Study
Korumburra Town Centre Framework Plan
Leongatha Industrial Land Use Study

State government policy direction

Regional Development Victoria programs:
Gippsland Regional Strategic Plan
Planning for Tomorrow
Sustainable Small Towns Development Fund
Coastal Settlements
Future Coasts Program
Small Towns Adaptation
Regional Housing Industry Development Partnership
Improving Liveability for Older People
Sporting Regions
The Good Life in Regional Victoria

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

Development Services Directorate

EXECUTIVE SUMMARY

Planning Scheme Amendment C97, Nyora proposes to rezone approximately 104ha of the subject land at 951 Yannathan Road, 30 Glovers Road and 379 Lang-Lang Poowong Road from Farming Zone (FZ) to General Residential Zone (GRZ) (formerly Residential 1 Zone) and apply Development Plan Overlay Schedule 10 (DPO10) to the land to guide its future development.

It is recommended that Council seek authorisation to prepare Planning Scheme Amendment C97, exhibit Amendment C97, commence preparation of a Development Plan and request the Minister to convene a Planning Panel to hear any objections that cannot be mediated.

Document/s pertaining to this Council Report

- **Attachment 1** - Rezoning map and Overlay maps
- **Attachment 2** - Draft Development Plan Overlay
- **Attachment 3** - 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

Draft Nyora Social and Community Infrastructure Plan

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:	3.1.2	We will collaborate with other agencies and service providers to focus attention on growth areas and avoid duplication of services.
Strategy No:	3.1.3	We will develop an integrated planning approach for our townships and villages, so that facilities are located in areas where they are most appropriate.

CONSULTATION

Consultation will be undertaken with a public notification in local newspapers and letters to properties within the Nyora settlement boundary for a minimum of 28 days. This consultation is proposed to commence in March 2014. It is recommended that Council seek an exemption from the Minister on deciding the amendment until after the Development Plan is adopted by Council.

The Development Plan is a significant piece of planning work for the town and is anticipated to be completed within a 9 month timeframe. This will involve significant engagement with the community including a background meeting, a draft plan exhibition and a final plan exhibition before presentation to Council.

REPORT

Background

The land at 951 Yannathan Road, 30 Glovers Road and 379 Lang-Lang Poowong Road is zoned Farming Zone (FZ) and is not affected by any Overlays. This land was identified in Amendment C72 as 'Long Term Residential Land' in the Nyora Structure Plan.

Wallis Watson Pty Ltd have requested Council support a Ministerial Planning Scheme Amendment 20(4) to rezone the land from Farming Zone to General Residential Zone without public notification.

951 Yannathan Road, Nyora adjoins these sites and is a logical inclusion for rezoning. Attachment 1 shows areas where development opportunities exist in Nyora. **Figure 1 shows the proposed rezoning sites.**



Figure 1: Site and subject land to be rezoned at Nyora

Discussion

The request and representation from the proponent to rezone the land as a 20(4) 'Ministerial' amendment, is not supported as Council has made representations to its community as part of the 2013 Amendment C72 to further consult with it as part of any rezoning proposal. Amendment C72 rezoned parts of Nyora, Loch and Poowong in anticipation of sewage provision and implemented the recommendations of the respective Nyora, Loch and Poowong Structure Plans.

The Local Planning Policy Framework (LPPF) for Nyora sets out a number of requirements before the Long Term Residential Land is subdivided.

- sewage to be provided to the land
- an identified need for the additional residential land is established
- a comprehensive assessment and feasibility study and costing of required development infrastructure is completed
- a DPO and residential Development Guidelines are prepared for the land.

It is considered these requirements of the current LPPF would be addressed by the completion of a Development Plan for Nyora. Each of the requirements are discussed below.

Sewage

South Gippsland Water has decided an option to service the town with reticulated sewage as early as 2014. This will require existing residents to pay a charge to connect to the reticulated sewage system. This charge is estimated to be about \$5000.00.

Residential Supply

Nyora contains approximately 284 dwellings within the settlement boundary in R1Z, RLZ and LDRZ zoned land. In the current Development Plan Overlay 5 area there is an estimated scope for a further 126 new dwellings at an average lot density of 6 lots/ha within the 43ha area. Completion of a Development Plan for this area will refine this number.

In the proposed rezone area of 104 ha there is scope for between 752 and 1185 lots based on lot densities of 7.3 - 11.5 lots/ha.

The combined areas provide lot supply ranging from 878 - 1311 lots.

Residential Demand

Council's current high growth estimate of 3.6% per annum provides a development rate of 2-22 lots/per annum (Profile 1d via Council Website) equating to 34-374 lots by 2031.

Wallis Watson has estimated there is additional demand for 50 lots/annum on their land if rezoned which would establish a demand of 52 - 72 lots/annum (20%) or 884 - 1,224 new lots by 2031 which is approximately 16 - 18yrs of land supply.

Costs of Required Infrastructure

High Level estimates for costs have been obtained for large scale growth in the established area of Nyora:

Roads/Drainage/Footpaths	\$9,255,714
Community Hub and sports pavilion	\$8,000,000
Public Open Space	\$500,000
Intersection and roundabouts on Main Roads	\$2,000,000
Planning/Engineering studies	\$500,000
Total	\$20,255,714

Completion of a Development Plan for the established area of Nyora will refine this number and inform cost recovery methods which are recommended as:

- A Section 173 agreement (in accordance with the requirements of the Development Plan Overlays) for future lots; A charge under this arrangement can only be collected on 'new' lots not existing properties, and/or
- a Special Charge Scheme for existing properties.

The amount of these charges will be subject to detailed traffic and drainage studies. It should be recognised that Council will also contribute to infrastructure works and this contribution will be funded by general municipal, rates including Nyora ratepayers.

High levels of infrastructure are required in Nyora. Council's established rezoning practice is to enter into a S173 Agreement regarding developer contributions prior to a Planning Scheme Amendment commencing. This S173 agreement will be reviewed should the endorsed Development Plan demonstrate increased requirements for developer contributions.

DPO and residential Development Guidelines

It is recommended that the preparation of a Development Plan in accordance with the proposed DPO (**Attachment 2**) and existing DPO Overlay Schedule 5 provides the scope to address this issue and enable development that respects and maintains the 'rural township' character of Nyora.

Options

Development Plan - Council or developer lead

Council has the option of either undertaking the preparation of a Development Plan itself or have a developer undertake this process. This is of particular importance in the existing DPO5 area as the land holdings are relatively small and due to the drainage and traffic interrelationships a Development Plan considering this entire area is required. By Council undertaking the Development Plan the costs of preparation can be included in developer contributions.

The area to be rezoned is proposed to be covered by a new Development Plan Overlay Schedule 10. If the proponent were to undertake a developer lead Development Plan there is a risk of undertaking this work 'in isolation' then Council and the community would be reacting rather than leading the process and would have greater difficulty integrating this area with the existing Nyora Township.

Costs of Required Infrastructure

Infrastructure is required to meet the needs of Nyora's future population. The costs need to be established accurately.

Proposal

It is proposed to seek authorisation from the Minister for Planning to prepare Planning Scheme Amendment C98 to 951 Yannathan Road, 30 Glovers Road and 379 Lang-Lang Poowong Road, Nyora as per Attachments 1 to 3. Once authorised, C98 will be put on public exhibition for a period of at least 4 weeks and then re-exhibited in conjunction with draft Development Plans. The Development Plans are exhibited to engage and assist the community in understanding the implications of the rezoning. If any objections are received to the rezoning that cannot be mediated, the Minister for Planning will be requested to convene a Planning Panel to hear the objections.

FINANCIAL CONSIDERATIONS

Based on the future lot supply of 878 - 1311 @ \$250,000 for a house and land package the expansion of Nyora will lead to \$219 - 328 million investment in the region.

MAV at the request of rural Councils undertook a number of studies into the financial costs of new settlements in rural areas. This identified that new growth brings in additional revenues however, the additional costs of providing and maintaining the infrastructure associated with this growth can result in a "substantial gap between cost and rates revenue." (Pg 34 financial costs of settlement patterns in rural Victoria. see footnote)

Therefore rates do not currently allow for service provision at a level that the existing shire population expects and adding rated properties to the town is unlikely to change this situation.

Council faces significant financial costs associated with the upgrade to Nyora's infrastructure arising as a result of development pressure. These costs are unable to be quantified without investment in traffic, drainage, urban design, flora and fauna and associated studies to prepare and engage with landowners and the local communities for completion of Development Plans that will guide the next 15 years of development. The preparation costs of Development Plans are estimated to be \$200,000.

It is proposed that Council meet the cost for the preparation of the Section 173 Agreement and the costs associated with execution and registration of the agreement will be paid by the proponent.

The proponent will meet the Amendment and Panel costs.

It is proposed that Council will recoup the costs associated with the preparation of the development plans from future developers as part of the development contributions.

RISK FACTORS

Proceeding with the rezoning of the land without understanding conclusively the cost implications to Council and its communities is a financial risk to the Council. To manage this risk it is recommended that Council commence the rezoning of the land to meet the request of the proponent, on the understanding that the rezoning will not be concluded until Council has detailed information on the cost implications to the community of the land rezoning.

Council should retain and protect its right not to approve development that may place an unreasonable cost burden to its community whilst also demonstrating its commitment to foster appropriate development and growth.

If any area is not in the ownership or control of an active developer during the process it may be prudent to abandon some or all of the proposed rezoning to allow other development fronts identified in the Nyora Framework Plan to proceed unhindered by a possible oversupply of rezoned, but not developed, residential land.

CONCLUSION

In conclusion it is appropriate that Council commence the rezoning of 951 Yannathan Road, 30 Glovers Road and 379 Lang-Lang Poowong Road, Nyora from Farm Zone (FZ) to General Residential Zone (GRZ) (formerly Residential 1 Zone) and apply Development Plan Overlay Schedule 10 (DPO10) to the land to guide its future development.

It is also appropriate to minimise uncertainty, that Council seek authorisation to prepare Planning Scheme Amendment C97, exhibit Amendment C97, commence preparation of a Development Plan and request the Minister to convene a Planning Panel to hear any objections that cannot be mediated.

RECOMMENDATION

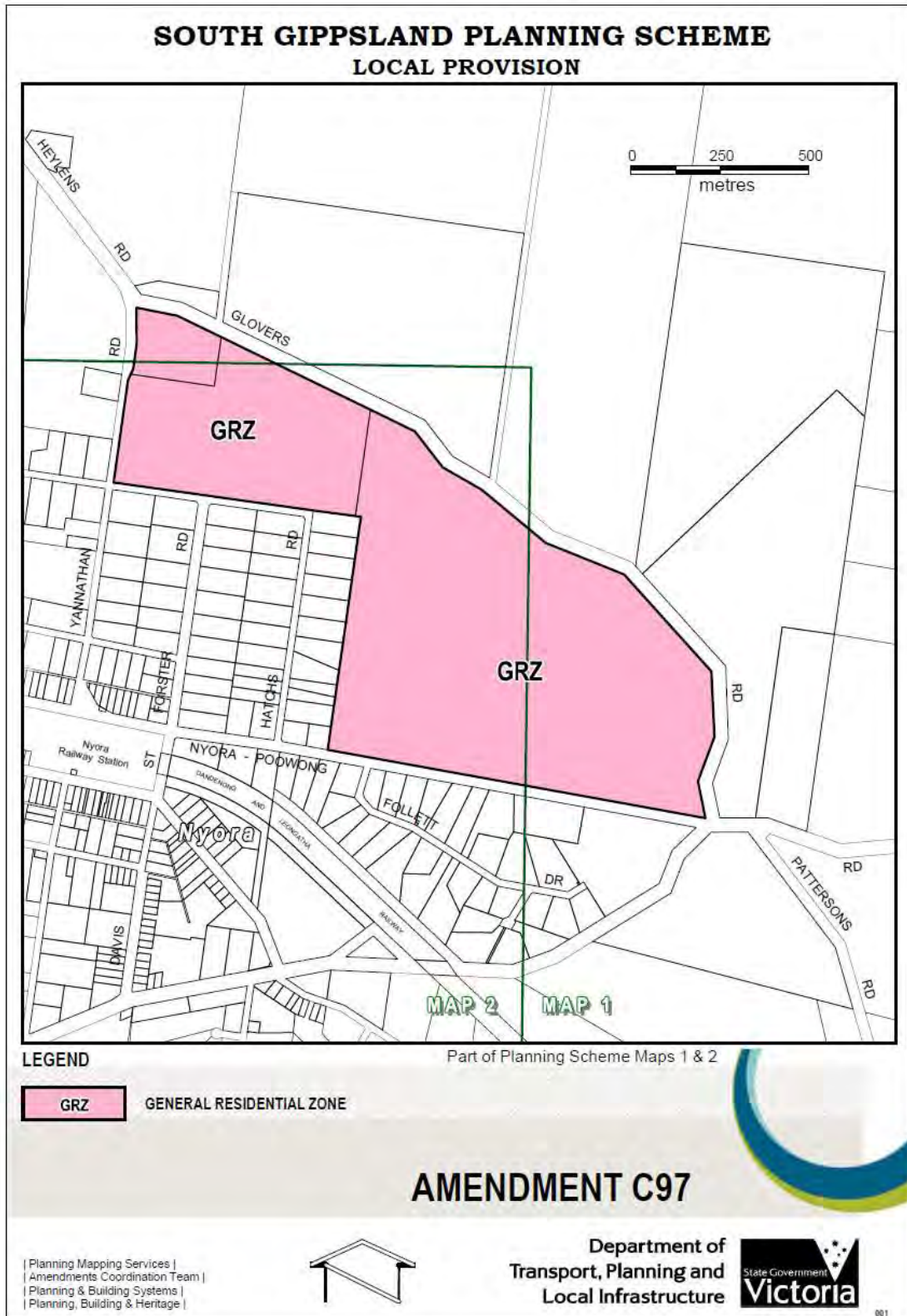
That Council:

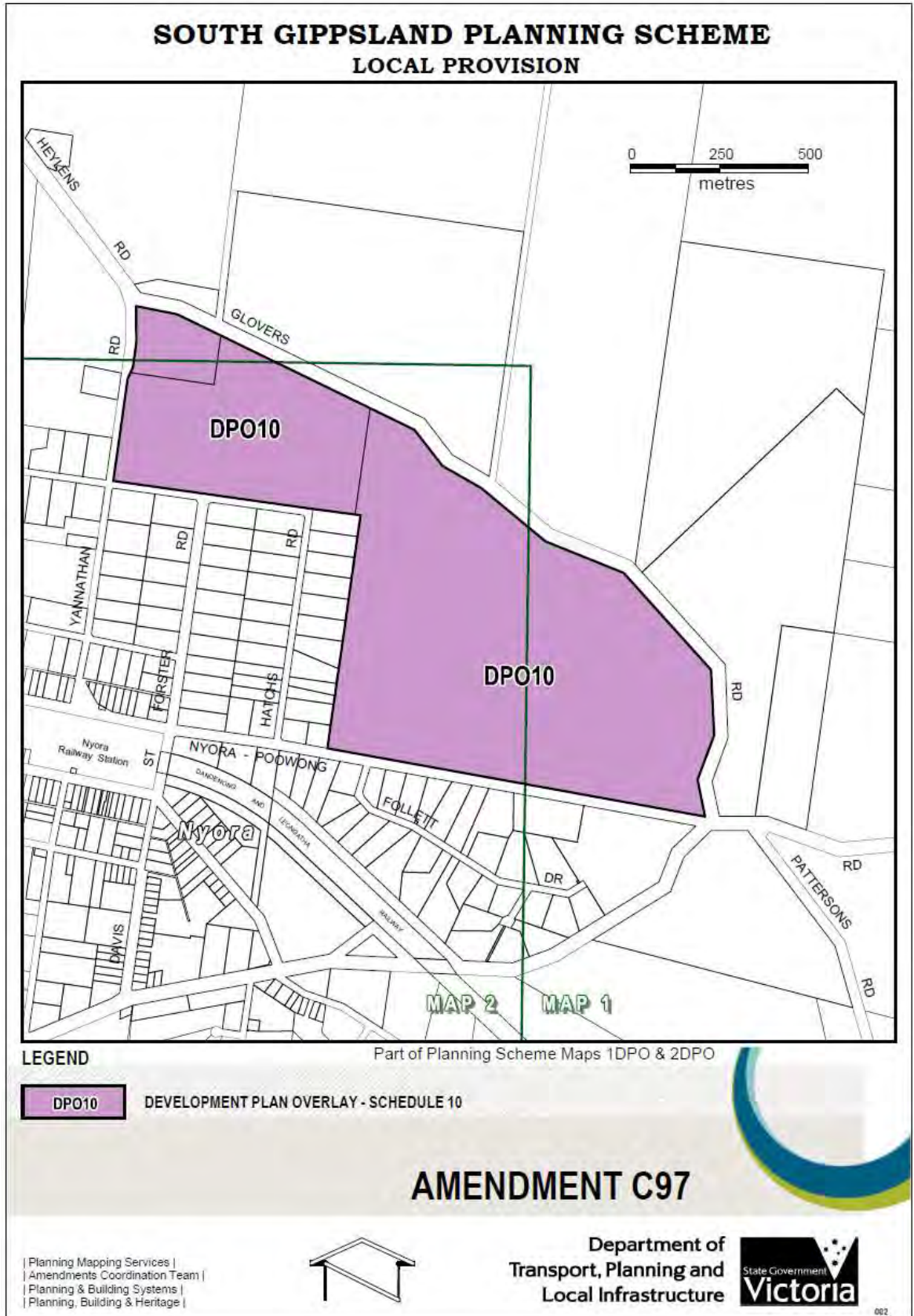
- 1. Negotiate with the proponent(s) the following:**
 - a. Appropriate contribution to the infrastructure costs associated with Nyora's development.**
 - b. An agreement that amendment fees and independent Planning Panel costs will be met.**
- 2. Request that the Minister for Planning authorise the preparation of a planning scheme amendment under Section 12 of the Planning and Environment Act 1987 to:**
 - a. Rezone the area shown in Attachment 2 from Farming Zone to General Residential Zone,**
 - b. Implement Development Plan Overlay Schedule 10 over the land.**
- 3. Commence the preparation of Development Plans for the existing DPO5 area and the land covered by proposed DPO10.**
- 4. Exhibit the Development Plans at all draft stages.**
- 5. Exhibit Planning Scheme Amendment C97 in accordance with the normal requirements of the Act.**
- 6. Consider accepting late submissions to Amendment C97.**
- 7. Request the Minister for Planning to convene a Planning Panel to hear any objections to Amendment C97 that cannot be mediated.**
- 8. Seek an exemption from the Minister for Planning to the timeframes for adopting an amendment in order that the Development Plan be properly developed and considered.**
- 9. Receive final recommendations at the conclusion of the amendment exhibition and Development Plans.**

STAFF DISCLOSURE OF INTEREST

Nil

Attachment 1
Rezoning map and Overlay maps





Attachment 2 Draft Development Plan Overlay

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SCHEDULE 10 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO10**

NYORA RESIDENTIAL GROWTH AREA

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Requirement before a permit is granted

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

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

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Conditions and requirements for permits

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Infrastructure contributions condition

Except for a permit granted for Minor Buildings and Works, a permit must contain the following condition:

- Prior to the commencement of any development, the owner(s) of the land must enter into 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.

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- The improvement of public open space, including active open spaces as identified in the approved development plan.
- The acquisition of land for public open space, including active open spaces and community facilities, in the proportions set out in the development contributions tables in the approved development plan.
- A contribution towards the development of community facilities in the proportions set out in the development contributions tables in the approved development plan.
- The acquisition of land for stormwater drainage purposes in the proportions set out in the development contributions tables in the approved development plan.
- Infrastructure associated with the proposed bus route.
- Traffic calming treatments.
- The walking and cycling network including safe crossing points on the abutting roads.

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

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Development permit decision guidelines

Before deciding on an application to subdivide land, construct buildings, or carry out works (other than for those matters listed in Section 1 above) the Responsible Authority must consider, as appropriate:

- Whether the development of the land is occurring in an efficient and orderly manner having regard to essential services, community facilities, open space and roads.
- The potential for future re-subdivision.
- The interface between proposed and existing nearby developments, to reduce the chance of conflicting developments.
- The design of any proposed buildings to enhance and reinforce the character of the area.
- The timing and staging of the development of the land.
- The consistency of the proposed development with the approved development plan.
- The consistency of the proposed development with the Nyora Structure Plan, where relevant.
- The need to minimise access points to designated Category 1 Roads.
- Any other matter, as deemed appropriate by the Responsible Authority, which the development plan should take account of based on the specific character of the land.
- The requirement for building envelopes, agreements or covenants to be registered on newly created titles to achieve the lot development restrictions set out in the development plan.
- The provision of reticulated sewerage services to the land. A planning permit for the subdivision of the land must not occur until reticulated sewerage services are available to the land.
- An assessment against the requirements of Clause 56 of the South Gippsland Planning Scheme.

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3.0 Requirements for development plan

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

A single Development Plan must be prepared for the whole of the land to which this schedule applies. The Development Plan must be informed by a detailed site analysis of the natural, cultural and strategic context of the site to the satisfaction of the Responsible Authority.

The development plan must show / provide:

Land use and subdivision layout

- The overall subdivision of the area, including the proposed size and density of allotments which provide opportunities for a diverse range of housing types.
- The provision of a sensitive residential interface with established residential land. The subdivision layout should create no more than two new lots directly adjoining the rear (eastern) boundary of the established Hatches Road residential lots. Along this boundary, buildings within the DPO area must be setback a minimum of 7m from the zone boundary.
- A street network that supports building frontages with two way surveillance.
- A subdivision layout and pedestrian / cycle pathway network that responds to the waterways and riparian vegetation network across the subject land.
- The overall pattern of development of the area, including any proposed re-zoning of land and proposed land uses.

Infrastructure Services

- An integrated stormwater and flood management plan that incorporates water sensitive urban design (WSUD) 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. Unless required for WSUD the existing farm dam should be filled and not form part of the development.
- A comprehensive Traffic Impact Assessment prepared to the satisfaction of the Responsible Authority, in consultation with the Roads Corporation, that identifies the pattern and location of the road network of the area including existing roads and the location and details of any required:
 - road widening
 - signalised/unsignalised intersections
 - access points
 - pedestrian crossings or safe refuges
 - cycle lanes
 - bus lanes and stops
- The pattern and location of the internal road system based on a safe and practical hierarchy of roads including safe pedestrian and bicycle connections and crossing points in accordance with South Gippsland Paths and Trails Strategy 2010 (as amended) and South Gippsland Open Space Strategy 2007. The road network must specifically provide for:

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- Limiting the creation of new road access points onto Lang Lang Poowong Road.
- Restricting the creation of any new road access points onto Glovers Road.
- The above restrictions on new road connectivity do not apply to pedestrian and cycle access connectivity.
- In consultation with relevant agencies and authorities, provision of public transport stops where appropriate within easy walking distance to residential dwellings and key destinations. Stops should also be located near active areas where possible.
- Identification of costs for infrastructure provision both onsite and offsite.

Open Space and Landscaping

- The location and size of the proposed open spaces that cater for a range of user groups and provide a variety of functions that perform both an active and passive role for recreation, as appropriate.
- Public open spaces designed to provide:
 - The inclusion of pedestrian and cycle paths and play equipment, that encourage active recreational opportunities.
 - Opportunities for visual surveillance to promote safety of users, through encouraging active frontages, using buildings to frame public spaces and locating open spaces within or adjacent to activity centres where possible.
- A landscaping plan, prepared by a suitably qualified person, identifying all proposed landscaping with particular regard to the interface with surrounding residential developments, open spaces, the bus depot, roads and the school. The landscape plan must include canopy tree plantings within both the internal and external road network to soften the visual impact of new development when viewed from within and outside the development area. The landscape plan must provide a high level of detail where new development is to adjoin Lang Lang Poowong Road and Yannathan Road and new Connector Streets especially in areas where new development is inward facing and not addressing the road.

Flora and Fauna

- In consultation with relevant agencies, a flora and fauna survey, prepared by a suitably qualified expert which includes but is not limited to species surveys for the Gippsland Giant Earthworm, and measures required to protect the identified species.
- An assessment of any native vegetation to be removed having regard to Victoria's native vegetation management requirements, 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).
- The subdivision plan must minimise the number of lots created in the existing native vegetation stand adjoining Glovers Road, north of Hatchs Road. Lots created in this area, and other vegetation stands, must provide vegetation free building envelopes sufficiently separated from vegetation for bushfire safety.

Bushfire

- A bushfire assessment is required including an assessment of the risk and appropriate mitigation measures to be undertaken in consultation with the Country Fire Authority.

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Cultural Heritage

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

Land Contamination

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

Process and Outcomes

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

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

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

Development Contributions

The Development Plan must include:

- Development contributions tables including an equalisation table which identifies the proportion of each lot which is to be provided for road purposes, open space and stormwater drainage purposes. Once the Development Plan is approved incorporating the development contributions tables, the Development Plan (and the various tables) must not be amended without specific consideration of the impacts that changes to the Development Plan and the various tables will have on the ability of Council to deliver the road, public open space and stormwater infrastructure.
- A clause which explains how the equalisation of land and contributions for the various items of infrastructure is to operate.
- The approved Development Plan may be amended to the satisfaction of the responsible authority.

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Decision guidelines for development plan

Before deciding on a development plan, the Responsible Authority must be satisfied that the plan has regard to the requirements of the following documents including any updated provisions:

- 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)(as amended).
- Rescode (Clause 56)
- South Gippsland Shire Council Infrastructure Design Manual

SOUTH GIPPSLAND PLANNING SCHEME

- South Gippsland Path and Trails Strategy 2010.
- South Gippsland Open Space Strategy 2007.
- Nyora Structure Plan June 2013.
- Nyora Community Infrastructure Plan 2014.
- West Gippsland Native Vegetation Plan 2003.

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Attachment 3 Draft explanatory report

Planning and Environment Act 1987

SOUTH GIPPSLAND PLANNING SCHEME AMENDMENT C96 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 Wallis Watson.

Land affected by the amendment

The amendment applies to 951 Yannathan Road, 30 Glovers Road and 379 Lang-Lang Poowong Road, Nyora. The land is currently zoned Farming Zone (FZ) and is not affected by any Overlays.

What the amendment does

The amendment:

- Rezones all of the Farming Zone (FZ) land at 951 Yannathan Road, 30 Glovers Road and 379 Lang-Lang Poowong Road, Nyora to General Residential Zone (GRZ)
- Applies the Development Plan Overlay Schedule 10 (DPO10) to the whole of the land. The DPO will facilitate the orderly and efficient development of whole of the land, which is identified in the Nyora Framework Plan as 'Future Residential Areas'.

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required to facilitate the use and development of the land for residential development. Such development cannot be achieved on the portion of the land currently in the Farming Zone. The rezoning of the subject land is supported by the Nyora Framework Plan and is identified in the 'Future Residential Areas' and part in the 'Long Term Residential' area.

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

The objectives of planning in Victoria are:

- a) to provide for the fair, orderly, economic and sustainable use and development of land;
- b) to provide for the protection of natural and man made resources and the maintenance of ecological processes and genetic diversity;
- c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- d) to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;
- e) to protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community;

- f) to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e); and
- g) to balance the present and future interests of all Victorians.

The amendment implements the objectives, in that:

It will provide for the orderly, economic and sustainable development of the land for residential purposes. The subject land is situated immediately adjacent to the existing residential development within Nyora. It represents an appropriate and responsible expansion of the Nyora residential area. It does not leap frog other parcels of land and allows for the integrated provision of services.

The rezoning will not have a detrimental effect on the manmade or natural processes associated with the land. The land is essentially cleared farm land with predominately introduced pasture. The remaining native trees on the land can be successfully incorporated into the future development as appropriate.

The rezoning will provide the opportunity to create a pleasant, efficient and safe living environment within Nyora.

There are no sites of scientific, aesthetic, architectural, historical or cultural significance or interest identified on the subject land.

It is anticipated that all relevant urban utilities can be extended to, or developed within the site as required. Vehicular access to the site can be provided from Lang- Lang Poowong Road and Yannathan Road to the satisfaction of Council and VicRoads.

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

Environmental effects:

The subject land is largely improved pasture land and has been extensively farmed for many years. Remnant native vegetation is unaffected by the proposed amendment and can be appropriately protected within the future subdivision at the design stage.

The amendment has also considered the relevant strategies in clause 12.01-1 Protection of habitat in the State Planning Policy Framework. A small portion of the land is identified as potential habitat for the Giant Gippsland Earthworm, which is protected by the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* and Victoria's *Flora and Fauna Guarantee Act 1988 (FFG Act)*. The landowner will need to, where relevant, obtain approval under the EPBC Act and the FFG Act.

The Development Plan Overlay will ensure that: 1) approval of future subdivision is informed by a flora and fauna survey, and 2) appropriate mitigation measures are undertaken.

Development must accord with the provisions in the Development Plan Overlay and permit.

Social and economic effects:

The amendment will facilitate the development of the land for residential purposes. The scale of the proposal is such that good quality urban design is possible and practical.

It will help secure Nyora as a prominent and desirable residential location in the Shire.

The subsequent development of the land will ensure continued growth and opportunity in the local domestic building industry.

The location of the site and existing road network provides opportunity to create pedestrian and cycle connections with the existing residential areas, local parks and town centre.

No adverse social impacts are considered likely as a result of the proposed rezoning.

The amendment will provide a net community benefit. It will encourage investment and growth in the residential sector and provide new housing opportunities in Nyora.

Does the amendment address relevant bushfire risk?

The land is not within the area of the Bushfire Management Overlay. The area is grazing land with minimal tree cover on the rezoned area however on Glovers Road there is significant vegetation. Development will be required to accord with relevant Building Standards and Country Fire Authority requirements. There is minimal bushfire risk associated with the wider area as it is outside the BMO area, largely free of vegetation and able to be serviced with reticulated water to manage and control any residential fire. Residential development of the land will require connection to the reticulated water system (town water) which will assist fire fighting.

The Development Plan Overlay requires detailed consideration of Bushfire risk in conjunction with the Country Fire Authority in the residential design response.

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

The amendment has been prepared having regard to:

- Ministerial Direction No. 1 Potentially Contaminated Land – Preliminary assessment indicates that the application of an Environmental Audit Overlay (EAO) is not warranted. However, the DPO includes provision requiring further investigation before a subdivision of the land is approved.
- Ministers Direction No. 11 – Strategic Assessment of Amendments and is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act.

No other Ministerial Directions Apply.

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

The amendment implements or supports the SPPF, in particular:

Clause 11.02 Urban Growth

Clause 11.02-1 Supply of urban land states that:

- *“Ensure that sufficient land is available to meet forecast demand.”*
- *“Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur.”*

The amendment will ensure a sufficient supply of land is available for residential development in accordance with the above requirements. It is considered that the rezoning will provide sufficient residential land in conjunction with other developable land in Nyora until approximately 2030 based on current rates of growth. The proposed GRZ area would yield approximately 1000 residential lots

- *“Restrict low-density rural residential development that would compromise future development at higher densities”.*

Rezoning the land to General Residential Zone will enable higher density residential development on the land and will assist in reducing pressure for rural residential development on the outskirts of Nyora.

Clause 14 Natural Resource Management

Clause 14.02-1 'Catchment planning and management' seeks to:

- "To assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment."

There are designated waterways on the area proposed for rezoning to GRZ and Water Sensitive Urban Design (WSUD) can be integrated into any future subdivision proposal.

Clause 15 Built Environment and Heritage

Clause 15.01-3 'Neighbourhood and subdivision design' seeks to:

- "To ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods."

The DPO and future subdivision design will respond to these matters.

Clause 16 Housing

Clause 16.01-2 'Location of residential development' seeks to:

- "Facilitate residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water efficient design principles and encourages public transport use."

The Development Plan Overlay will ensure appropriate infrastructure arrangement on the land, taking into account the principles above.

- "Ensuring land supply continues to be sufficient to meet demand."

The amendment will ensure a sufficient supply of land is available for residential development.

- "Promoting good housing and urban design to minimise negative environmental impacts and keep down costs for residents and the wider community"

The Development Plan Overlay will promote good housing and urban design outcomes.

The amendment will provide a realistic opportunity to achieve the above objectives.

Clause 19 Infrastructure

Clause 19.03 'Development infrastructure' seeks to:

- "To facilitate the timely provision of planned infrastructure to communities through the preparation and implementation of development contributions plans."

Development contributions will be agreed to between Council and the proponent via a Section 173 Agreement in order to provide for planned infrastructure and community facilities in a fair, reasonable and orderly manner.

- "To plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet State and community needs and protect the environment."

The land is capable of being connected to all reticulated services.

- "To reduce the impact of stormwater on bays and catchments."

Water Sensitive Urban Design will be incorporated into the subdivision as previously discussed.

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

The Municipal Strategic Statement identifies Nyora as a key urban centre within the Shire. It seeks to support the development and expansion of the township in an orderly manner and ensure that adequate land is available for future residential development.

Clause 21.05-1 Growth of towns sets out Council's Objectives, Strategies & Implementation approach to integrated land use planning for the Shire and each of the major towns in the municipality.

Council's specific policy for Nyora states:

21.15-5 Nyora

Local area implementation

- *Ensure that any proposed use and development of land in Nyora is generally in accordance with the Nyora Framework Plan.*
- *Ensure that residential growth and land release is staged so that the provision of essential physical, retail and community infrastructure keeps pace with development and strengthens the town's role in providing services.*

The Nyora Framework Plan, located under the same clause, identifies the land as a 'future and long term' residential area.

The "Nyora Structure Plan" has been developed under the direction of Council. To meet the strong demand for housing in Nyora, the entire subject land has been identified for future urban residential expansion in the Nyora Structure Plan 2013.

The proposed amendment is consistent with the current planning policy context and previous Planning Panel Victoria reports.

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

The amendment makes proper use of the Victorian Planning Provisions and has been developed in accordance with the relevant directions (Planning Practice Notes) of the Department of Transport, Planning and Local Infrastructure.

The amendment seeks to include the subject land in the General Residential Zone which is considered the most appropriate zone to achieve the desired residential outcome.

The application of DPO Schedule 10 will ensure that the relevant directions in the State Planning Policy Framework and Local Planning Policy Framework can be implemented.

It should be noted that once a Development Plan is in place, any subdivision that is carried out generally in accordance with that Development Plan is not subject to notice or review rights under the Planning and Environment Act 1987.

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

The amendment does not introduce any new formal or informal requirements for any referral authorities or any relevant agencies.

Relevant agencies were consulted in the preparation and adoption of the Nyora Structure Plan into the Shire Planning Scheme in 2013.

A future planning permit application to subdivide the land will be forwarded to the designated referral authorities as specified in the South Gippsland Planning Scheme.

Further consultation with the relevant servicing authorities, especially the water authorities, will occur, both prior to the approval of the development plan, and during the process of planning application for the subdivision of the land.

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

The amendment is not considered to have a significant impact on the transport system or the *Transport Integration Act 2010*. The future subdivision's internal roads will be designed and able to cope with the expected capacity. External road networks will require detailed assessment at Development Plan and subdivision stage to determine whether additional requirements are necessary at the time.

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 result in the assessment of a new Development Plan and the assessment of a planning permit application(s) for future subdivision.

Council will be required to assess all matters associated with the development of future subdivision(s) in both its roles, as the responsible authority for the administration of the South Gippsland Planning Scheme, and as the local authority for drainage and other appropriate services.

Both the *Planning and Environment Act 1987* and the *Subdivision Act 1988* set prescribed fees for the consideration of planning applications, certification of Plans of Subdivision and assessment of engineering plans and supervision of works etc. Accordingly no significant unfunded administrative costs are expected as a result of the proposal.

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 - Customer Service Desk, 9 Smith Street Leongatha
- Council's web page www.southgippsland.vic.gov.au.

The amendment can also be inspected free of charge at the Department of Planning and Community Development website at 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: **[insert Council's address]**

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]]**

Attachment



E.8 DRAFT NYORA COMMUNITY INFRASTRUCTURE PLAN 2014

Development Services Directorate

EXECUTIVE SUMMARY

The draft Nyora 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

- **Attachment 1** - Nyora Community Infrastructure Plan priority timeline
- **Appendix 1** - Draft Nyora Community Infrastructure Plan

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

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- 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 2009

- 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
- 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

1. External Consultation

- A destination survey was conducted with Nyora residents to determine their priorities for infrastructure, where they go for work, shopping, education and social/recreation.
- In preparation of the draft plan individual discussions were held with Men's Shed participants, Women's Activity Group, the Recreation Reserve Committee President, the Primary School Principal, a Parent Council Representative and a working parent.
- This report proposes further community consultation activities be held in March and April. A public meeting, workshops and focus group discussions are proposed and written submissions will be invited.
- The document will be available to all residents, particularly residents of Nyora and district.

2. Internal Consultation

- Individual chapters of the plan were reviewed internally by appropriate departments of Council.
- Footpath and shared trails priorities and estimated costs were developed in partnership with Council's asset management department and cross referenced with existing budgets and plans for Nyora.

REPORT

Background

Nyora is located on the western boundary of South Gippsland Shire adjacent to the second highest growth council in Victoria (Cardinia). It is expected that with the provision of sewerage to the town that the population will grow to over 2,000 by 2031.

A community infrastructure plan for Nyora 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 Nyora community.

Discussion

Outcomes of the plan and future growth predictions will inform a detailed development plan for the town including C97 planning amendment. Recent strong support by South Gippsland Water for sewerage to Nyora may result in a surge in growth in the next 10 years

This plan provides a broad view of potential projects for the town. Some key themes incorporated into the development of the draft plan are outlined in the following paragraphs.

Nyora lacks a network of footpaths and shared trails restricting pedestrian access in the town centre and between key locations including the primary school and recreation reserve. Support to establish a supermarket, a pharmacy and petrol station would allow access to affordable local food and medical needs and keep spending in the town.

Recently Council approved seed funding to allow grant applications for the refurbishment of the community centre. Refurbishment of this centre will provide flexible meeting spaces for the next 10 years after which a larger multipurpose community centre may be required. In the future, a service centre where health services and a permanent library are housed could assist in providing regular health services to a larger population around a central

community meeting point. Further investigation of the viability of early years' services in the town will be required

An important asset for Nyora is the central public area bordered by the "Village Green"(also known as Central Park), "Toby's Paddock", Mitchell Street and the railway station. While open space should be allocated in new residential developments for passive and more formal recreation, the existing open space should be preserved to provide a central identity to the town.

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 5, 10 and 20 years. See **Attachment 1** Nyora Community Infrastructure Priorities Timeline.

FINANCIAL CONSIDERATIONS

- Council's capital works plan does not currently have any infrastructure improvements for Nyora with the exception of two projects providing limited road resurfacing works.
- Planning for shared trenching to minimise costs and disruption to residents may be considered in conjunction with the provision of sewerage to the town centre.
- Support for the refurbishment of Nyora Community Centre has recently been approved to support the availability of the facility for the next 10 years. This plan supports asset management and future budgeting for infrastructure.
- Extensive lot development to the north and south of Nyora has potential to provide developer contributions for community infrastructure.
- This plan provides a comprehensive business case to support grant applications for community infrastructure.

RISK FACTORS

This draft plan will 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. Council should provide 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.

CONCLUSION

It is evident, that with the advent of reticulated sewerage, Nyora may experience significant population growth. Any future population growth is likely to demand accessible, coordinated and well-designed community infrastructure. Integrated community facilities and services are a vital component for creating healthy communities that support social inclusion and enhance the wellbeing of residents.

RECOMMENDATION

That Council approve the draft Nyora Community Infrastructure Plan for public exhibition and community consultation for a period of four weeks.

STAFF DISCLOSURE OF INTEREST

NIL

Attachment 1
Nyora Community Infrastructure Priorities Timeline



E.9 PLANNING SCHEME AMENDMENT C93 - KORUMBURRA TOWN CENTRE FRAMEWORK PLAN - AUTHORISATION REQUEST

Development Services Directorate

EXECUTIVE SUMMARY

At its 27 November 2013 meeting, Council resolved to commence preparation of a planning scheme amendment to implement the key recommendations of the Korumburra Town Centre Framework Plan into the South Gippsland Planning Scheme.

This report seeks Council's resolution to formally request the Minister for Planning for Authorisation to prepare the planning scheme amendment.

Document/s pertaining to this Council Report

- **Attachment 1** - South Gippsland Planning Scheme clause 21.15 Local areas - Korumburra (proposed - track changes showing)
- **Attachment 2** - South Gippsland Planning Scheme clause 21.16 Reference documents (proposed - track changes showing)
- **Attachment 3** - Explanatory Report - Authorisation
- **Attachment 4** - Extract from Council Minutes - 27 November 2013

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Planning and Environment Act 1987
- South Gippsland Planning Scheme

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Korumburra Town Centre Framework Plan (October 2013)
- Korumburra Town Centre Framework Plan Economic Assessment (March 2013)
- Korumburra Town Centre Car Parking Strategy (June 2013)
- Korumburra Town Centre and Structure Plan - Priority Development Panel Final Report May 2010

COUNCIL PLAN

Outcome:	3	Integrated Services and Infrastructure
Objective:	3.1	Deliver affordable modern community services and facilities through an integrated approach to planning and infrastructure development.
Strategy:	3.1.1	We will deliver Council and community projects and leverage project funds to attract investment from external sources.

CONSULTATION

Council adopted the Korumburra Town Centre Framework Plan (KTCFP) and its related Economic Assessment and Car Parking Strategy reports on 27 November 2013 (Appendix 1 - Extract of Minutes). Requesting the Minister's authorisation to prepare an amendment is the first step in the formal process of amending the planning scheme. The proposed revisions implement the key recommendations of the KTCFP, including insertion of a new Framework Plan map.

A community and stakeholder engagement process was undertaken to develop and refine the KTCFP to its final version prior to Council's adoption. More than 300 participated in this process.

Assuming receipt of amendment authorisation from the Minister, the community will be formally consulted about the amendment during the statutory exhibition period. Advertisements, press releases and hard copies available at relevant community locations are part of the exhibition procedure.

REPORT

Background

The KTCFP was developed as a result of a recommendation to Council by the Priority Development Panel in May 2010. This Panel was convened by the Planning Minister at Council's request to help resolve the future direction for Korumburra. The KTCFP aims to enhance Korumburra's economy, vitality and attraction.

The KTCFP, and its associated documents, the Korumburra Town Centre Framework Plan Economic Assessment (March 2013) and the Korumburra Town Centre Car Parking Strategy (June 2013) are available on Council's web site as public documents.

Discussion

The first priority action in the Implementation section of the KTCFP is a:

"Planning Scheme Amendment to implement the recommendations of the Framework Plan into the South Gippsland Planning Scheme This includes:

- *Revision of Objectives, Strategies and Actions in relevant clauses;*
- *Inclusion of the KTCFP and Korumburra Town Centre Car Parking Strategy as Reference Documents;*
- *Revision of zones and overlays including a Design and Development Overlay;*
- *Introduction of Design and Development guidelines."*

The action is timetabled as "immediate to short term".

To implement the key contents of the KTCFP, proposed revisions to the planning scheme's clauses 21.15-2 and 21.16 (Attachments 1 and 2) are shown as track changes to the current provisions. Attachment 3 contains the 'Explanatory Report' required to accompany an amendment authorisation request.

Given the scope of the application of the proposed amendment, submissions are to be expected as a result of formal exhibition. Following exhibition if there are any submissions that are unable to be resolved, an Independent Planning Panel will be convened to hear and make recommendations on submissions.

Options

Council can adopt or reject the amendment documentation.

Proposal

It is proposed that Council implement its resolution of 27 November 2013 and submit the proposed South Gippsland Planning Scheme clause 21.15 (Local Areas) and clause 21.16 (Reference documents) to the Minister as part of the Authorisation request material.

Furthermore, it is proposed that after receipt of any such Authorisation, Council undertake formal exhibition of Planning Scheme Amendment C92 in accordance with the requirements of the Planning and Environment Act 1987.

FINANCIAL CONSIDERATIONS

The amendment process is covered by the Development Services Directorate's operational budget and was anticipated as part of the KTCFP process.

RISK FACTORS

Failure to seek the Minister's Authorisation to prepare the proposed amendment would:

- be contrary to Council's previous resolution on the topic and

- would disappoint community expectations of action being taken on 'immediate to short term' initiatives identified by the KTCFP.

CONCLUSION

Requesting Ministerial authorisation to prepare C93 is the next administrative step in the amendment process and is required before formal exhibition can be undertaken.

RECOMMENDATION

That Council:

- 1. Request the Minister for Planning for Authorisation to prepare Planning Scheme Amendment C93 - Korumburra Town Centre Framework Plan.**
- 2. Formally exhibit Planning Scheme Amendment C93 - Korumburra Town Centre Framework Plan, after receipt of relevant Authorisation from the Minister for Planning.**
- 3. Request the Minister for Planning convene an Independent Planning Panel to hear any objections to Planning Scheme Amendment C93 that cannot be mediated.**

STAFF DISCLOSURE OF INTEREST

Nil

Attachment 1 South Gippsland Planning Scheme clause 21.15-2 Local areas - Korumburra - proposed track changes showing

21.15-2 Korumburra

26/11/2013
CNS



Situated on the South Gippsland Highway in a picturesque landscape of rolling hills, Korumburra is the second largest town in the municipality and a key service provider to the smaller towns and communities in the Shire's western region. Ongoing improvements to the highway and the development of the Pakenham Bypass make Korumburra increasingly accessible to metropolitan Melbourne and help underpin population and economic growth that will contribute to securing the town's growth into the future.

Challenges for Korumburra include improving the retail offer, function and appearance of the Town Centre; responding to the existing highway traffic management problems; achieving appropriate redevelopment of the former Korumburra Saleyards site; planning new residential growth areas; and, continuing to define a role and character for Korumburra that distinguishes its place in the Shire's western region.

TOWN – GENERAL

Local area implementation

- Maintain and promote Korumburra as a significant industrial, retail, service, residential and tourism centre in the Shire.
- Ensure the use and development of land in accordance with the strategic directions in the Korumburra Framework Plan and the Korumburra Town Centre Framework Plan ~~maps~~.

Settlement

- Provide sufficient residential land, at a range of densities, available to accommodate future township growth.
- Plan for sequential and staged residential development that integrates with existing infrastructure networks.
- Monitor the availability and development of residential land and encourage the rezoning of appropriate areas identified in the Korumburra Framework Plan map to maintain an estimated 15-year residential land supply.
- Promote the development of new residential estates that establish appropriate integration with existing residential areas and infrastructure; provide pedestrian and cyclist connectivity to the Town Centre and key community features; and, protect the environmental values of the land, especially the waterways.
- Promote higher density residential development and retirement living on land within the inner township residential areas that can be provided with convenient pedestrian access to the Town Centre.
- Focus industrial development within the established industrial areas, and at the site of the former Korumburra Saleyards. Development of the former saleyards land must have close regard to the amenity interface with the adjoining showgrounds and residential areas.
- Consider the potential adverse amenity impacts of the milk manufacturing operations in the Station Street Industrial Area on rezoning proposals that allow, or intensify, the establishment of sensitive land uses in the immediate area surrounding the manufacturing operations.

Economy

- ~~▪ Maintain the primacy of the Town Centre as the retail and service hub of the town.~~
- ~~▪ Actively support the establishment of new retail opportunities in the Town Centre Retail Core.~~
- ~~▪ Maintain a compact, convenient and well-connected Town Centre that is the primary activity hub of the town.~~
- ~~▪ Actively encourage major retail, office and community developments to concentrate in the Town Centre Retail Core, comprising the blocks bounded by Commercial Street, King Street, Victoria Street and Bridge Street.~~

~~• Encourage the consolidation of sites in the Town Centre Retail Core to accommodate new large floor space developments.~~

• Support and encourage Korumburra's role as a retail and service centre with civic and community functions for its population and nearby small communities

• Strongly discourage the development of new retail uses outside of the Town Centre Retail Core where such uses may weaken the principal role of the Town Centre.

• Support tourism developments that promote Korumburra as a tourist destination and plan for the provision of services and features that support highway tourism traffic.

• Promote tourism, community and other associated uses at Korumburra Railway Station Precinct.

Landscape and built form

~~• Promote development in the Town Centre that improves pedestrian connectivity and the layout and operation of car parking, and enhances the amenity of the streetscape.~~

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

• Ensure a high standard of building design, layout and landscaping for all new development, and particularly at the western highway entrances to the town.

• Ensure all new development is designed to integrate with and enhance the town's existing character.

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

Infrastructure

• Improve highway traffic movement through the town.

• Provide strong pedestrian and cycling connectivity to the Town Centre, key community assets and the schools.

• Discourage land uses that may compromise the proposed highway realignment at the south east entry to the town.

• Ensure new development and road traffic improvements do not compromise the longer-term potential return of rail services to Melbourne.

Further strategic work

~~• Prepare an updated town centre framework plan to encourage major retail, office and community developments to concentrate in the town centre retail core in accordance with the principles established in the Korumburra Town Centre and Structure Plan Priority Development Panel Report (May 2010)~~

• Investigate applying a Restructure Overlay over the old Crown Township to the south-east of the town.

• Review and Continue implementation of the recommendations of the South Gippsland Heritage Study 2004 in consultation with affected landowners and the community.

~~• Investigate with VicRoads plans for traffic management, calming and pedestrian safety improvements along South Gippsland Highway and Radcliffe Street within the Town Centre in accordance with the Minister for Planning's Priority Development Panel recommendation.~~

• In consultation with affected landowners and the community, prepare development plans and overlays for Korumburra's growth areas.

• Investigate the implementation of a planning policy to assist long term management of the amenity interface issues between the Station Street milk manufacturing operations and surrounding residential areas.

Review the existing application of the Mixed Use Zone in response to the theme objectives to maintain the primacy of the Town Centre for retail development.

TOWN CENTRE RETAIL CORE

Local Area Implementation

- Ensure the use and development of land in accordance with the strategic directions in the Korumburra Town Centre Framework Plan map and Korumburra Town Centre Framework Plan Framework Report October 2013.

Economy

- Maintain the primacy of the Town Centre Retail Core, comprising the blocks bounded by Commercial Street, King Street, Victoria Street and Bridge Street, as the compact retail and service hub of the town.
- Actively encourage major retail, office and community developments to concentrate in the Town Centre Retail Core.
- Encourage the consolidation of sites in the Town Centre Retail Core to accommodate new large floorspace retail developments.
- Actively encourage the development of a major retail use such as an additional supermarket on either of the preferred development sites nominated on the Korumburra Town Centre Framework Plan.
- Discourage development of low intensity industrial and service activities in the Town Centre Retail Core.

Settlement

- Encourage quality residential and office development located above or at the rear of shops.
- Encourage the long term development of underused and vacant land.

Landscape and built form

- Ensure all new and infill development respects and enhances existing built form character in accordance with the Korumburra Town Centre Framework Plan Framework Report October 2013.
- Ensure all new and infill development, especially if adjacent to public open spaces, applies the relevant principles of *Safer Design Guidelines for Victoria*, to improve the safety, accessibility and liveability of the built environment.
- Encourage the redevelopment of the existing library site and adjoining sites (south west corner of Commercial and King Streets) for a major retail use such as an additional supermarket.
- Encourage outdoor, street-based activity.
- Encourage the reuse, refurbishment, enhancement and conservation of heritage places as identified in the *South Gippsland Heritage Study 2004 (as amended)* and discourage the demolition of heritage features.
- Ensure any infill development adjoining heritage places sensitively reflects the particular characteristics of the adjoining places and avoids visual dominance.
- Maintain the traditional built form scale of 2-3 storeys that respect identified view lines and encourage development of two-storey built form on the north-east side of Commercial Street.
- Encourage reinstatement and continuation of traditional verandahs.
- Encourage new and infill development to be built to the street boundary, with active interfaces to the street, consistent with the existing character.
- Encourage active and attractive shop frontages throughout the Town Centre and the concealment of loading, car parking and service areas to the rear.

- [Maintain strategic views from key vantage points identified in the Korumburra Town Centre Framework Plan: Framework Report October 2013.](#)
- [Encourage the provision of additional public open space.](#)
- [Encourage provision of creative art.](#)
- [Encourage retention and enhancement of vegetation and streetscapes.](#)

Infrastructure

- [Improve traffic management, traffic calming and pedestrian safety within the Town Centre in consultation with VicRoads.](#)
- [Improve pedestrian spaces and connections throughout the Town Centre by activating opportunities for public spaces, pedestrian links and clearer definition of vehicle access areas, particularly in Commercial and Little Commercial Streets.](#)
- [Improve pedestrian connections between Commercial Street and Station Street, and between Commercial Street and Little Commercial Street.](#)
- [Consider reduction of car parking provision to encourage commercial, heritage, alternative transport and active frontage benefits.](#)

Community Hub

- [Strongly encourage the co-location of community services within the Town Centre at the preferred Community Hub site \(existing kindergarten in Victoria St\) nominated in the Korumburra Town Centre Framework Plan.](#)
- [Strongly encourage design and siting of a Community Hub in accordance with the principles recommended in the Korumburra Town Centre Framework Plan: Framework Report October 2013.](#)

Further strategic work

- [Investigate the most appropriate zone to be applied to 4 Victoria Street \(existing kindergarten and preferred Community Hub site\) based on a consideration of the land ownership, management and range of land uses to be accommodated on the site.](#)
- [Prepare and implement a Design and Development Overlay for the Town Centre, especially for the Town Centre Retail Core, in order to protect and enhance the town's character.](#)
- [Investigate applying a Public Acquisition Overlay to sites in Victoria Street, King Street, Radovick and Bridge Street to facilitate access to major development sites, improvement of access to Little Commercial Street car parking and/or to maintain view lines.](#)
- [Investigate appropriate zoning of Council-owned car parking land.](#)

Reference documents

Korumburra Structure Plan, July 2010 (as amended)

South Gippsland Paths and Trails Strategy 2010 (as amended)

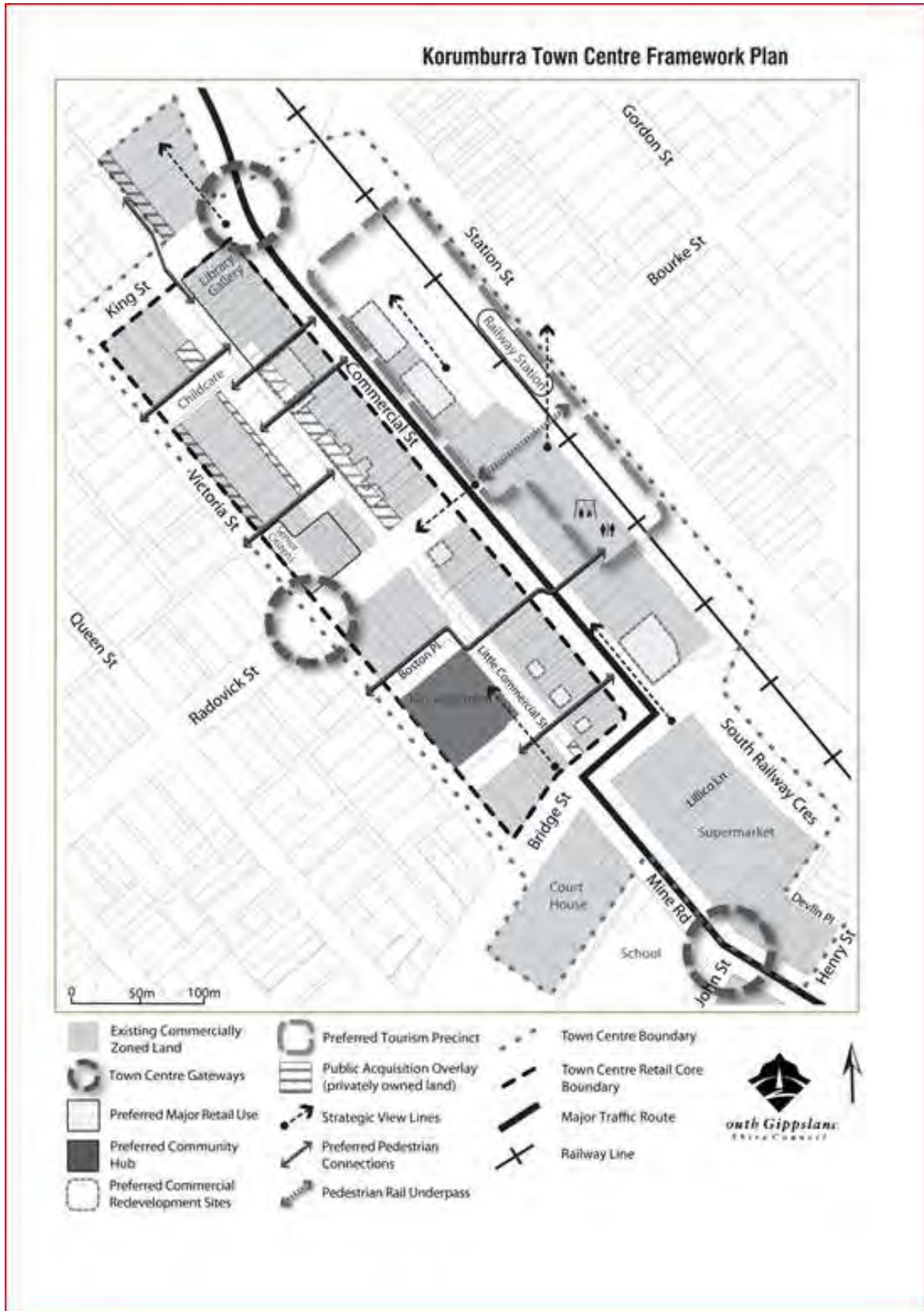
[Korumburra Town Centre Car Parking Strategy June 2013](#)

[Korumburra Town Centre Framework Plan Economic Assessment March 2013](#)

[Korumburra Town Centre Framework Plan: Framework Report October 2013](#)

[Safer Design Guidelines for Victoria \(Department of Sustainability and Environment and Crime Prevention Victoria\)](#)





Attachment 2 South Gippsland Planning Scheme clause 21.16 Reference documents - proposed track changes showing

SOUTH GIPPSLAND PLANNING SCHEME

21.16 REFERENCE DOCUMENTS

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CS

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

- *Coastal Spaces Landscape Assessment Study, South Gippsland Municipal Reference Document (2006)*
- *Coastal Spaces Landscape Assessment Study, State Overview Report (2006)*
- *Draft Guidelines for the Assessment of Heritage Planning Applications (Heritage Victoria, 2000)*
- *Foster Structure Plan, (2008)*
- *Gippsland Regional Waste Management Plan (Gippsland Regional Waste Management Group, 1999) (as amended)*
- *Infrastructure Design Manual (version 3.0 September 2010) (as amended)*
- *Korumburra Structure Plan (2010) (as amended)*
- *Korumburra Town Centre And Structure Plan Priority Development Panel Report (May 2010)*
- *Korumburra Town Centre Car Parking Strategy June 2013*
- *Korumburra Town Centre Framework Plan Economic Assessment March 2013*
- *Korumburra Town Centre Framework Plan: Framework Report October 2013*
- *Leongatha Structure Plan, (2008)*
- *Loch Urban Design Framework (2005)*
- *Mirboo North Structure Plan, (2004)*
- *Nyora Structure Plan*
- *Regional Sand Extraction Strategy: Lang Lang to Grantville (1996, Department of Infrastructure)*
- *Rural Tourism Development Strategy (2009)*
- *Safer Design Guidelines for Victoria (Department of Sustainability and Environment and Crime Prevention Victoria)*
- *Sandy Point Urban Design Framework: Settlement Background Paper (2006)*
- *South Gippsland Heritage Study (2004)*
- *South Gippsland Municipal Public Health and Wellbeing Plan (as amended)*
- *South Gippsland Rural Land Use Strategy, (2011)*
- *South Gippsland Shire Council Paths and Trails Strategy (2010) (as amended)*
- *Tarwin Lower Urban Design Framework: Settlement Background Paper (2006)*
- *The Burra Charter: The Australia ICOMOS Charter for the Conservation of Places of Cultural Heritage Significance (1999)*

SOUTH GIPPSLAND PLANNING SCHEME

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

DRAFT

Attachment 3 Explanatory Report – Authorisation

Planning and Environment Act 1987

SOUTH GIPPSLAND PLANNING SCHEME AMENDMENT C93 EXPLANATORY REPORT

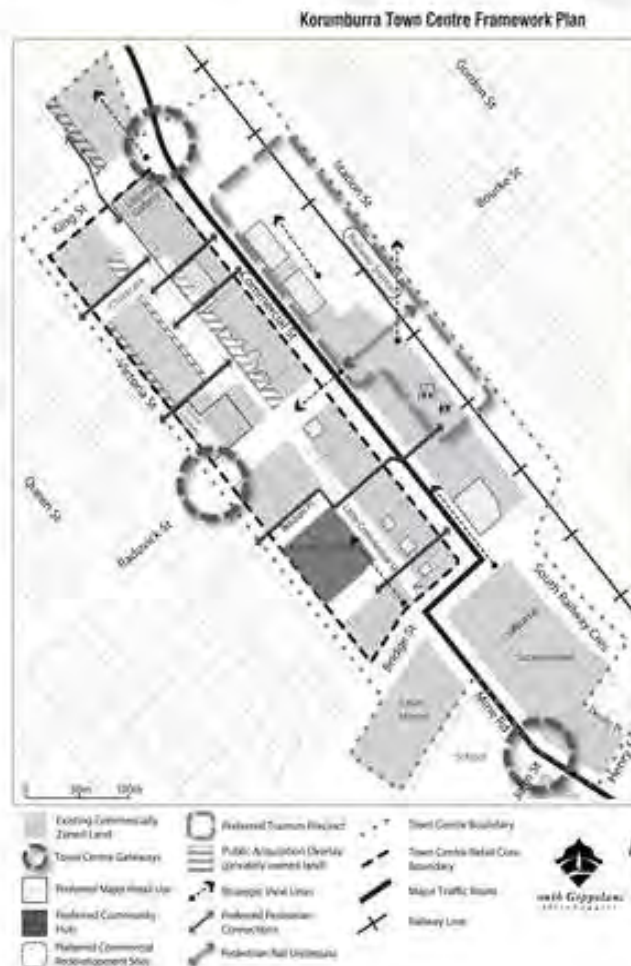
Who is the planning authority?

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

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

Land affected by the amendment

The amendment applies to all land within the Korumburra Town Centre, as illustrated on the following map:



What the amendment does

The amendment revises the South Gippsland Planning Scheme to implement a redrafting of Clause 21.15 Local Areas contained within the Local Planning Policy Framework (LPPF).

The revisions incorporate the strategic directions and key recommendations established within the Korumburra Town Centre Framework Plan: Framework Report October 2013 (KTCFP) and updates the Korumburra Town Centre Framework Plan which illustrates the key directions and recommendations of the KTCFP.

Changes to the Municipal Strategic Statement

The amendment introduces the key elements of the KTCFP, which was adopted along with its related reports *Korumburra Town Centre Car Parking Strategy June 2013* and the *Korumburra Town Centre Framework Plan Economic Assessment March 2013*, by Council on 27 November 2013, into the Municipal Strategic Statement (MSS). Changes to Clause 21.15-2 *Korumburra* introduce a revised and updated set of provisions and Korumburra Town Centre Framework Plan as part of the implementation of the KTCFP.

In addition the amendment will introduce the following modifications to Clause 21.16 *Reference Documents*:

- Delete the *Korumburra Town Centre and Structure Plan Priority Development Panel Report (May 2010)* as a reference document.
- Add the *Korumburra Town Centre Car Parking Strategy June 2013* as a reference document.
- Add the *Korumburra Town Centre Framework Plan Economic Assessment March 2013* as a reference document.
- Add the *Korumburra Town Centre Framework Plan: Framework Report October 2013* as a Reference Document.

Strategic assessment of the amendment

The amendment builds upon the existing Clause 21.15-2 Korumburra provisions and the associated Korumburra Town Centre Framework Plan map. The focus of the following commentary of this report is specifically on the new provisions being introduced by this amendment.

Why is the amendment required?

The amendment is required to include specific provisions in the Planning Scheme to incorporate the strategic directions and key recommendations established within the KTCFP.

The new provisions provide clear directions for land use and development in Korumburra Town Centre. The provisions implement the key recommendations of the KTCFP which were developed in collaboration with the local community and adopted by Council in November, 2013. On this basis, the amendment is considered to have sound strategic justification.

'Net community benefit' will result from clear and improved planning outcomes to be achieved by the applicable use of provisions addressing the Korumburra Town Centre.

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

The amendment promotes town development in a strategically planned, long-term manner that will provide for the fair, orderly, economic and sustainable use, and development of land having regard to the present and future interests of the affected communities.

In relation to specific objectives the following comments are made.

The amendment will "secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria", by promoting the creation of a central, defined and compact Korumburra Town Centre, with a focus on strong pedestrian and cycle connectivity and recreational spaces for community enjoyment. The new provisions aim to provide for a highly liveable community in a sustainable manner, where car usage is an option and not a requirement to fulfilling daily needs of the local community.

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

Development that occurs in accordance with the key directions of the KTCFP is unlikely to have a detrimental impact on the environmental qualities of the Korumburra Town Centre and its immediate surrounding environment.

The amendment will facilitate positive social and economic effects. The amendment seeks to create a vibrant and community focused Town Centre. The amendment will encourage economic development within a compact and defined retail core.

Does the amendment address relevant bushfire risk?

The Bushfire Management Overlay does not apply to the Korumburra Town Centre or the wider landscape surrounding the Korumburra town. As the area affected by the amendment is an urban environment, bushfire risk is considered to be low.

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 *Planning and Environment Act 1987*, in addition to its consistency with *Ministerial 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 is supported by the State Planning Policy Framework as discussed below. Where this report is silent on a State provision, it is considered that the amendment has no effect on the provision.

Clause 11.01 Activity centres

The objective of this clause is: "To build up activity centres as a focus for high-quality development, activity and living for the whole community by developing a network of activity centres".

The provisions clearly reflect the above objective as the KTCFP seeks to create an active, functional, vibrant and community-focused Town Centre that is accessible to all.

Clause 11.01-2 Activity centre planning

The objective of this clause is: *"To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community"*.

By Council undertaking the KTCFP and seeking its implementations via this amendment, it will reflect the outcomes sought by the above objective.

Clause 15.01-1 Urban design

The objective of this clause is: *"To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity."*

The provisions reflect the essence of community consultation and input undertaken as part of the KTCFP and seek to create a functional, vibrant and community-focused Town Centre with a unique character.

Clause 15.03-1 Heritage conservation

The objective of this clause is: *"to ensure the conservation of places of heritage significance"*.

While the amendment does not include any additional properties for inclusion in the Heritage Overlay, the provisions recognise the important role of heritage buildings in the streetscape and character of the town, and for these to be respected in the context of future development. Inclusion of properties in the Heritage Overlay would be undertaken by a separate heritage amendment.

Clause 16.01-1 Integrated housing

The objective of this clause is: *"to promote a housing market that meets the community needs"; and*

Clause 16.01-2 Location of residential development

The objective of this clause is: *"to locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport"; and*

Clause 16.01-4 Housing diversity

The objective of this clause is: *"to provide for a range of housing types to meet increasingly diverse needs"*.

The provisions contain policy statements that encourage housing development in appropriate locations within the Town Centre Retail Core. When such outcomes are facilitated through future development proposals, they will achieve the above objectives.

Clause 17.01-1 Business

The objective of the clause is: *"to encourage developments which meet communities' needs for retail, entertainment, office and other commercial services and provide net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities"*.

The amendment provisions seek to encourage and stimulate commercial and tourist activity within Korumburra.

Clause 17.03-1 Facilitating tourism

The objective of the clause is: *"To encourage tourism development to maximise the employment and long-term economic, social and cultural benefits of developing the State as a competitive domestic and international tourism destination"*.

Tourism is an important component of the current and future local economy of Korumburra, and is actively supported. Building on tourism opportunities associated with the Korumburra Railway Station and the protection and enhancement of Korumburra's Town Centre character and heritage through appropriate planning measures will assist in protecting and growing the tourism opportunities in Korumburra.

Clause 18.02-1 Sustainable personal transport

The objective of this clause is: *"To promote the use of sustainable personal transport"*; and

Clause 18.02-2 Cycling

The objective of this clause is: *"To integrate planning for cycling with land use and development planning and encourage as alternative modes of travel"*.

The amendment provisions and the KTCFP specifically seek to broadly promote walking and cycling as alternative modes of transport within and surrounding the Town Centre (including the provision of bicycle and shared path facilities between major attractors and residential areas). While the majority of actions relating to these outcomes constitute urban design improvements (so do not form part of the provisions of this amendment), they will achieve the above objectives when implemented.

Clause 18.02-5 Car parking

The objective of this clause is: *"to ensure an adequate supply of car parking that is appropriately designed and located"*.

A separate Parking Strategy was prepared to inform the preparation of the KTCFP. It sought to address the appropriate location and distribution of car parking within the Town Centre and balance access and priority of movement between vehicles and pedestrians. However as many of the parking-related actions of the KTCFP involve urban realm improvements they do not form part of the provisions of this amendment.

Clause 19.02 Community infrastructure

The objective of this clause is: *"To assist the integration of health facilities with local and regional communities"*.

The updated Korumburra Town Centre Framework Plan to be included within the revised *Clause 21.15-2 Korumburra* contemplates the future development of a centrally located 'Community Hub' within the Town Centre, which will achieve the above objective and be of benefit and service to the Korumburra community.

Clause 19.02-3 Cultural facilities

The objective of this clause is: *"To develop a strong cultural environment and increase access to arts, recreation and other cultural facilities"*.

The amendment provisions broadly seek to facilitate opportunity for cultural activities, and celebration, which are broadly reflected within the KTCFP.

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

The amendment improves the application and use of the LPPF by aligning key actions, elements and outcomes of the KTCFP with the exiting format, layout and themes of Clause 21.15 Local Areas of the LPPF. The amendment has been drafted to ensure it does not duplicate State policy.

More generally, the amendment is supported by the LPPF as discussed below. Where this report is silent on a Local provision, it is considered that the amendment has no effect on the provision.

Clause 21.03-5 Built environment and heritage

This clause highlights a relevant key issue as: *"the total loss or detrimental damage to heritage places through inappropriate alterations or other works"*.

The amendment contains provisions relevant to the context of Korumburra which seek for future development to protect, respect and reflect existing built environment and heritage.

Clause 21.03-6 Housing

This clause highlights a relevant key issue as *"the need to provide diversity in housing types to accommodate decreasing household sizes and the ageing population"*.

While amendment does not specifically address housing diversity, it contains provisions which broadly encourage housing development in appropriate locations within the Retail Core. If such outcomes are facilitated through future development proposals, it will achieve the above objective.

Clause 21.03-7 Economic development:

This clause highlights relevant key issues including:

- *"Commercial pressures that may result in the fragmentation of the core commercial areas of the main towns.*
- *The strong contribution of the tourism industry to the State and local economies.*
- *The steady increase in the number of tourists visiting the area"*

The amendment provisions seek to provide a strong planning policy context to encourage the consolidation of retail and commercial activity within the Korumburra Town Centre. It also seeks to create an active, vibrant and engaging retail core which appropriately services the local communities' needs, in addition to building upon economic opportunities associated with the tourism sector.

Clause 21.03-10 Community Services

This clause highlights relevant key issues including:

- *"Economic pressures that affect the viability of existing community services.*
- *The need to provide residents with access to services and facilities, including aged care, health, recreation and education, in an efficient and equitable manner"*.

The amendment provisions seek to provide a strong planning policy context to encourage the consolidation of activity within the Korumburra Town Centre, including a range of community services, including the proposed 'Community Hub' in addition to retail/commercial activity.

Clause 21.09-1 Heritage

The objective of this clause is: *"to ensure that heritage places in the Shire are used, managed and developed in a way that conserves or reveals their heritage significance"*.

The amendment does not include any additional properties for inclusion in the Heritage Overlay however the provisions recognise the important role of heritage buildings in the streetscape and character of the town, and for these to be respected in context of future development.

Clause 21.09-2 Urban environment

The objective of this clause is: *"to continuously improve all aspects of the urban environment"*.

The amendment provisions broadly seek to encourage improvements to the urban environment on private land, including any future development application made for Heritage Overlay properties.

Clause 21.11-2 Technology and service industry

The objective of this clause is: *"to encourage the location of service industries in towns to support the local population and provide employment opportunities"*

As the amendment seeks to encourage the consolidation of the commercial areas of the Korumburra Town Centre, it will provide for the more efficient access to technology, and provide cluster benefits for commercial service and activity.

Clause 21.11-3 Office and commercial uses

The objectives of this clause are:

- *"To encourage businesses which generate employment opportunities and provide goods and services to meet the needs of the community."*
- *To strengthen the commercial capacity of existing town centres"*.

The amendment provisions seek to broadly encourage and stimulate commercial and business activity within Korumburra. However as many of the KTCFP actions are specific to urban design improvements, therefore they do not form part of the provisions of this amendment.

Clause 21.11-4 Tourism

The objectives of this clause are:

- *"To encourage a diverse range of tourism opportunities."*
- *To recognise the importance of the Shire's natural environment and built form to the tourism industry"*.

Tourism is an important component of the local economy of Korumburra, which will also be an increasingly important driver of local economies into the future, and one which should be actively supported. Building on tourism opportunities associated with the Korumburra Railway Station and the protection and enhancement of Korumburra's Town Centre character and heritage through appropriate planning measures will assist in protecting and growing the tourism opportunities in Korumburra.

Clause 21.14-1 Community wellbeing

The objective of this clause is: *"to provide a range of services and facilities that meet the needs of a diverse community, including youth, families and older persons"*

The amendment provisions seek to provide a strong planning policy context to encourage the consolidation of activity within the Korumburra Town Centre, including a range of community services, including the proposed 'Community Hub' in addition to retail/commercial activity.

Clause 22.01 Advertising Signs

The objectives of this clause are:

- *"To encourage signs that will enhance the visual amenity of the built and natural environment*
- *To ensure that signs relate to the use and development of land on which they are located*
- *To ensure that signs do not interfere with the safety and efficiency of a road, railway or other public way".*

This clause with its objectives and associated strategies and requirements will be an applicable consideration as part of any future development application made with the Korumburra Town Centre.

Clause 22.03 Car Parking

The relevant objectives of this clause are:

- *"To recognise that the provision of car parking facilities is a function of providing access to land use activities.*
- *To ensure the adequate provision of car spaces having regard to the use of the land and the nature of the locality.*
- *To provide an equitable, efficient and consistent approach in considering applications to reduce or waive car parking requirements.*
- *To allow flexibility when buildings are re-developed or re-used for new purposes.*
- *To promote the efficient use of car spaces through the consolidation of car parking facilities."*

This clause with its objectives and associated strategies and requirements will be an applicable consideration as part of any future development application made with the Korumburra Town Centre. This clause also contains specific decision guidelines which relate to any proposed reduction or waiving of car parking requirements. Likewise the findings and recommendations of the separate Parking Strategy prepared to inform the preparation of the KTCFP will be a relevant reference document. It is highlighted that the operations of the Parking Strategy as a reference document will constitute an additional consideration to the standard provisions of *Clause 52.06 Car Parking*.

Clause 22.04 Heritage

The relevant objective of this clause is: *"to ensure that the future conservation, development and management of heritage places is guided by the reasons for their significance as set out in the South Gippsland Heritage Study (2004)".*

While the amendment does not include any additional properties for inclusion in the Heritage Overlay, the provisions recognise the important role of heritage buildings in the streetscape and character of the towns, and for these to be respected in context of future development. Furthermore *Clause 22.04 Heritage* with its objectives and associated strategies and

requirements will be an applicable consideration as part of any future development application made with the KTCFP for Heritage Overlay properties.

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

The proposed amendment makes proper use of the Victorian Planning Provisions. The proposal to apply relevant provisions to reflect key actions and outcomes sought within the KTCFP is considered to be the most appropriate planning mechanism for the intended use and development of the land affected by the amendment.

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

During the consultation on the KTCFP relevant agencies were consulted and made submissions with their views incorporated into the KTCFP. Further consultation will follow when the amendment is placed on public exhibition and referred to relevant agencies for their formal consideration.

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

The amendment provisions are not considered to have a significant impact on the transport system or the *Transport Integration Act 2010*.

The *Transport Integration Act 2010* contains a range of objectives, including: social and economic inclusion; economic prosperity; environmental sustainability; integration of transport and land use; efficiency, coordination and reliability; and safety and health and wellbeing.

The KTCFP seeks to appropriately manage and balance various transport options with the Korumburra Town Centre, including vehicles, pedestrians and cyclists, and to minimise conflicts between these transport modes. The KTCFP outlines a range of initiatives relating to the improved traffic flow through the Korumburra Town Centre, and balanced with traffic calming measures and desiccated pedestrian and cyclist zones. These combined initiatives broadly facilitate the objectives 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 not provide any additional permit triggers and therefore it is not anticipated that there will be any additional resource or administrative costs to South Gippsland Shire Council. The amendment and the associated new planning provisions will have functional benefit by providing clarity for applicants where use and development triggers the requirement for a planning permit.

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
- Korumburra Library, 155-165 Commercial St Korumburra
- Milpara Community House, 21 Shellcotts Road Korumburra

The amendment can also be inspected free of charge at the Department of Transport, Planning, and Local Infrastructure website at <http://www.dpod.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, Attention: Planning Scheme Amendment C93, Private Bag 4, Leongatha 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: **[insert directions hearing date]**
- panel hearing: **[insert panel hearing date]**

Attachment 4
**Extract Minutes – 27 November 2013 – Korumburra Town Centre Framework
Plan - adoption**



COUNCIL MINUTES

ORDINARY MEETING NO. 375
WEDNESDAY 27 NOVEMBER 2013
COUNCIL CHAMBERS, LEONGATHA
COMMENCED AT 2PM

PRESENT:

Mayor: Cr James Fawcett
Deputy Mayor: Cr Jeanette Harding
Councillors: Mohya Davies, Robert Newton, Andrew McEwen, Don Hill, Nigel Hutchinson-Brooks and Kieran Kennedy.

APOLOGY: Councillor Lorraine Brunt

OFFICERS:

Tim Tamlin	Chief Executive Officer
Anthony Seabrook	Director Engineering Services
Jan Martin	Director Community Services
Phil Stone	Director Development Services
June Ernst	Director Corporate Services
Luke Anthony	Manager Governance Services
David Roche	Governance Coordinator

MISSION

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

E.5 KORUMBURRA TOWN CENTRE FRAMEWORK PLAN - ADOPTION

Development Services Directorate

EXECUTIVE SUMMARY

The Korumburra Town Centre Framework Plan (October 2013) (**Appendix 1**) and its supporting documents, the Korumburra Town Centre Car Parking Strategy (June 2013) (**Appendix 2**) and the Korumburra Economic Assessment (March 2013) (**Appendix 3**) are presented to Council for adoption following consideration of submissions by the Project Reference Group. The project involved seven months of extensive community consultation with 300 respondents and a four-week public display period of the draft (July 2013 version) Plan. Actions recommended include adoption of Amendment C71 (Korumburra library rezoning), continuing with the Korumburra Central project, and operational works and actions needing specific budget referrals over the next few years.

Document/s pertaining to this Council Report

- **Attachment 1** - Extract of Minutes from 28 August 2013 'Korumburra Town Centre Framework Plan - draft for public display'
- **Attachment 2** - Summary of submissions
- **Appendix 1** - Korumburra Town Centre Framework Plan (October 2013)
- **Appendix 2** - Korumburra Town Centre Car Parking Strategy (June 2013)
- **Appendix 3** - Korumburra Town Centre Framework Plan Economic Assessment (March 2013)
- **Appendix 4** - Extract of Minutes of 19 December 2012 'Planning Panel Report - Planning Scheme Amendments C70, C71, C52 and C66'
- **Confidential Appendix 1** - Copy of submissions

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

A copy of **Appendix 1 - 4** is available on Council's website: www.southgippsland.vic.gov.au or by contacting 5662 9200.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Planning and Environment Act 1987
- Korumburra Town Centre and Structure Plan - Priority Development Panel Final Report May 2010

- South Gippsland Planning Scheme

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Council's 'Priority Projects for Support 2013'
- Planning Scheme Amendment C70 (Korumburra Structure Plan)
- Korumburra Community Plan
- Planning Scheme Amendment C71 (Korumburra Library)
- Korumburra Community Infrastructure Assessment
- Korumburra Central - Site Assembly Plan January 2012 (MGS)
- Korumburra Traffic and Drainage Study (currently in process)

COUNCIL PLAN

Outcome:	3	Integrated services and infrastructure
Objective:	3.1	Deliver affordable modern community services and facilities through an integrated approach to planning and infrastructure development.
Strategy:	3.1.1	We will deliver Council and community projects and leverage project funds to attract investment from external sources.

CONSULTATION

Council report of 28 August 2013 (**Attachment 1**) described the consultation undertaken up to the point of development of the Draft Korumburra Town Centre Framework Plan (KTCFP) for public display which resulted in 275 individual and organisational submissions.

25 further submissions (**Attachment 2** - Summary of submissions and **Confidential Appendix 1** - Copy of submissions) were received as a result of the four-week display period. Some submissions were received verbally at afternoon and evening drop-in sessions held in Korumburra on 19 September. Submitters comprise business owners, property owners, residents and government agencies.

REPORT

Background

In January 2013, Council engaged Hansen Partnership to commence the KTCFP to enhance and stimulate Korumburra following the recommendations of the Korumburra Town Centre and Structure Plan Priority Development Panel Report May 2010, and 'Actions for Implementation' in the South Gippsland Planning Scheme at clause 21.04-5 'Korumburra'. The KTCFP is

part of a number of Council projects investigating and planning for Korumburra as follows:

Korumburra Central:

The 'Korumburra Central' project encourages development of retail business in the town, notably redevelopment at two potential sites in the Town Centre, one of which includes 165 Commercial St, on the corner of King St (library site). This project has been put on hold pending the Korumburra Town Centre Framework Plan.

Planning Scheme Amendment C71:

This amendment proposes to rezone the library site from Public Use Zone 1 to Commercial 1 Zone to help facilitate the Korumburra Central Project outlined above and to send a clear signal to potential developers that the library site is part of a parcel of commercially-zoned properties in the Town Centre retail core.

Korumburra Community Infrastructure Assessment:

This project identifies and prioritises the future provision of social and community infrastructure in Korumburra so that Council can allocate developer contributions and proceeds from the sale of land to support community infrastructure. This assessment supports the provision of new facilities within the KTCFP area, many of which coincide with recommendations in the KTCFP. These range from footpath connections, pocket parks and community gardens through to a community hub, second supermarket and youth facilities.

Korumburra Traffic and Drainage Study

This project is underway and investigates in detail the costs and designs for intersections and drainage throughout Korumburra, including the Bridge Street/Highway intersection.

Two other projects that would significantly stimulate activity in Korumburra, and consequently have an impact on the Town Centre are the proposed Korumburra Integrated Children's Centre and potential developments in the Coal Creek Feasibility Study. Both projects are on Council's Priority Project List for 2013. Two others on the Priority List - a 'Sewerage scheme for Loch, Nyora, Poowong' (communities in Korumburra's retail catchment) & 'Return of rail services' would also have a significant stimulating impact on Korumburra if realised.

It makes economic sense to enhance Korumburra's attraction by pursuing a mix of the actions recommended by the KTCFP so the town is best positioned to take advantage of the suite of projects.

Discussion

The KTCFP has been informed by its supporting Parking Strategy (June 2013 - GTA Consultants) and Economic Assessment (March 2013 - Tim Nott). The Plan is also based on information presented in Hansen Partnership's Context Report and by the community consultation process.

The Plan provides strategic direction over the next 20 years for the Korumburra Town Centre.

The extensive community consultation process included;

- land owners,
- land managers and property occupiers in the Town Centre study area and its immediate surrounds,
- community organisations (e.g. service clubs, church groups, interest groups, business and community development groups),
- community service organisations (e.g. schools, library, Gippsland Southern Health Service),
- government agencies/departments (e.g. VicRoads, Public Transport Victoria, Department of Justice) and
- residents (Korumburra and surrounding towns) and visitors (including employees and tourists).

While the consultation process was organised prior to the development of the Korumburra Round Table (KRT), the people and leadership of groups likely to be involved in the KRT have been consulted throughout the development of the KTCFP.

The KRT will be able to make good use of the KTCFP priority project list and its background documents as tools for decision-making purposes. Once adopted the KTCFP projects will be able to be considered by the KRT.

The KTCFP proposes more than 60 actions to support objectives to enhance Korumburra under the four themes of: Investment and Tourism; Access and Movement; Image and Identity; and Culture, Creativity and Activity. Council can potentially drive approximately 40 of these actions, while the balance would require impetus by the community or other organisations.

A number of the potential actions for Council could be undertaken as part of normal operations as part of existing projects or as part of current Long Term Financial Plan budget allocations (e.g. Commercial St streetscape works \$55,500 in 2015/16, roads - highway and Radovick St \$1.5 million in 2020/21, proposed community hub \$6 million in 2020/21). There is also potential for budget allocations to be used for seed funding to enable Council and/or

community organisations to secure external grants or co-investment for some actions.

The future need for a community hub, a new library, public open space/meeting places, shared trails and other infrastructure addressed by the KTCFP were formally recognised by Council with its adoption of the Korumburra Community Infrastructure Assessment (KCIA) in July 2013.

The KCIA and the KTCFP can be used to prioritise funding obtained from developer contributions. Agreement for developer contributions has recently been obtained in regards to a large residential rezoning (C66) south of Korumburra.

Submissions

Main Submission Themes

The main themes raised in the submissions were for:

1. Safety and amenity improvements for traffic, pedestrians, parking and cyclists along the South Gippsland Highway, especially Commercial St and Bridge St sections, and in Little Commercial St;
2. Development of a supermarket on the corner of Commercial St and King St with inclusion of library in this redevelopment rather than at the proposed Community Hub. (Also some support for the secondary major retail opportunity on the corner of Radovick and Victoria Streets);
5. Increased 'greening' - extra landscaping and open spaces including avenues, median strips and pavements, pocket parks and larger gathering place concepts;
6. Protection, enhancement and promotion of the town's heritage character with heritage advisor actions, design and siting guidelines, and history trail;
7. Enhancement of and increased activity at the railway station plus improvements to the railway underpass;
8. Varied business/investment items including a business plan for the town, establishment of a local produce store, moving light industrial uses out of Commercial St, marketing/branding and promotion of food service offering;
9. Improved and coordinated signage for parking and wayfinding, including reduce clutter; and
10. Development of a master plan to improve tourism, picnic/playground and parking and vehicle access (including coaches and recreational vehicles) in the area south of the railway line near the public toilets and post office.

Submissions also advised that action was urgently desired, further consultation was considered unnecessary, and some concerns were raised about the affordability of implementing actions and/or impact on Council rates.

Out of Scope Submissions

There were a number of submissions that requested the KTCFP to include items outside the scope of the study area. These were:

1. Consideration of the former saleyards site as part of the Town Centre. This site was not included in the KTCFP due to its distance from the Town Centre, relative inaccessibility, Industrial 3 Zoning and potential to weaken the primacy of the Town Centre as Korumburra's retail/service core. Two submissions, including one from the site's owner, requested a major retail development on the former saleyards. This use is prohibited outside the Melbourne metropolitan area under the zone reforms introduced by the State Government in July 2013. A third submission asked for Council to move its offices to the site.
2. A highway by-pass of the town to remove heavy vehicles from Commercial St. This option does not fit the KTCFP's timeframe of practical planning and recommendations for the next 20 years, affordability or Department of Transport's requirements.

Changes to Draft KTCFP

Very few changes were required to finalise the KTCFP, with most involving minor wording alterations to change emphasis or clarify meaning. Some aspects raised were:

- Already included in the Plan but not realised by submitters (for example a trail from the Town Centre to the showgrounds using rear access for pedestrian safety)
- Misunderstood (e.g. proposals about the existing pedestrian lights)
- Funding misunderstandings (e.g. submitters thought road works would be funded by 'taxing Korumburra businesses').

The notable changes in the final version are:

- Added action - Promotion/marketing of the town's range of food services
- Added action - Liaison with Burra Foods and South Gippsland Water to investigate potential for recycled and stormwater use for landscaping and community garden purposes
- Added action - Finalise Smart Roads Plan for Korumburra in liaison with VicRoads

- Moving the option for realigning the highway at the Bridge St dog-leg to an appendix and noting that the option is not supported by the majority of the community, the Project Reference Group or VicRoads on grounds of cost, timeframe, negative impact on traffic calming and level of safety benefit gained
- Reference made to Public Transport Guidelines for Land Use and Development 2008 (Department of Transport) at text in section 9.3 and in initiative 9.1

Action on priorities

There is appropriate alignment between the submissions' priorities, and the 'Priority Actions' and 'Quick Fix Actions' listed in the KTCFP on pages 44-47 (note some overlap). Five of the Plan's seven 'Priority Actions' (P-1, P4-P7) would be Council-driven projects that are achievable in the immediate, short or medium term and are categorised in the very low, low and medium cost ranges. A sixth Priority Action (P-3, community web site and more) is already progressing via the Korumburra Community Development and Action group with support from Council's Community Strengthening team.

Of the 18 'Quick Fix Actions', 12 (Q-1 to Q-6, Q-8, Q-10-13 and Q-18) would be driven by Council. The remainder would need community championing to implement. However if Council was able to successfully obtain a grant for a Place-making Manager, these actions could be appropriately organised within that role. Except for Q-10 (pop-up park at 31 Bridge St), 11 of the Council-driven actions are very low to low cost due to inclusion in operations or grants availability. All 12 actions are feasible to be undertaken in either part or in full with Council's support in the period to the end of the 2015/16 financial year.

Many more actions in the 'Implementation Plan' (pp48-57) could also be undertaken by Council. Those with major costs, possible to undertake in stages, would require budget commitment by Council. If budget commitment was able to be made over the next three to five years, it would position Korumburra to benefit from a mix of population growth and development opportunities. Some actions, for example traffic lights at the Commercial St/Radovick St intersection, are longer term actions that relate to future changes, including development of subdivisions currently proposed south-west of the town.

VicRoads has indicated both general support for the 'access and movement' sections of the KTCFP and a willingness to work with Council over relevant concepts, detail and funding discussions once the KTCFP has been adopted.

Major retail development

Hansen Partnership, the planning and urban design consulting firm which developed the KTCFP on Council's behalf, supports the Korumburra library site and adjoining titles (155 Commercial St) as the preferred location for a major retail redevelopment. If such a development proceeded, it would recapture significant escape expenditure from the town, and draw activity

further along the retail strip by acting as an 'anchor' tenant. The library could be housed either in this potential redevelopment or in a future community hub.

The KTCFP recommendation for a major retail redevelopment/multi-use development at 155-165 Commercial St supports recommendations of the Priority Development Panel in 2010, the Korumburra Central - Site Assembly Plan by consultancy MGS and the Planning Panel for Amendment C71 (Library site rezoning).

If Council adopts KTCFP, it therefore follows that it should adopt Planning Scheme Amendment C71 - Korumburra library site rezoning from Public Use Zone to Commercial 1 Zone (formerly Business 1 Zone) to provide development flexibility to commence proceedings for the 'Korumburra Central' Project.

Amendment C71 was exhibited and recommended to be rezoned by the Planning Panel which simultaneously considered Amendments C70 (Korumburra Structure Plan), and C52 and C66 (Korumburra subdivisions south-west of the town). At its December 2012 meeting, Council considered recommendations on all four amendments and made resolutions about C52, C66 and C70, and postponed a determination on C71. Under officer delegation, Council sought and received a 12-month extension to consider C71 from the Minister for Planning.

Proposal

It is proposed that Council adopt the KTCFP, and the two background documents which informed it; the Korumburra Town Centre Car Parking Strategy and the Korumburra Economic Assessment. It is further proposed that Council implement the recommendations of the KTCFP which are possible through normal operations and existing budget allocations, including adopting Amendment C71 and restarting work on Korumburra Central project.

It is also recommended that Council refers allocations to future budget considerations over time to implement actions that are pivotal in enhancing Korumburra's safety, amenity, character and useability.

FINANCIAL CONSIDERATIONS

Council can pursue many actions (or parts of actions) through normal operational works. These include planning scheme amendments, liaison with investors, consideration of matters when planning applications are received, liaison with VicRoads for highway changes, applying for grants to support specific actions, and planning for the proposed community hub.

Council could also budget additional amounts to implement some of the Plan's priority projects. This could either provide funding for preparation work, such as planning and design or provide seed funding for grants to implement on-ground works with visible impact; for example streetscaping, pedestrian

and parking improvements works in Commercial Street, Bridge St and Little Commercial St.

While budget allocations involve cost for Council, the economic assessment underpinning the KTCFP highlights significant economic benefits for Korumburra commensurate with its ability to recapture leaking catchment expenditure.

In implementing this framework plan, Council has a high chance of moving Korumburra from a town with weak (35%) capture of its catchment's retail expenditure to a town with normal (50%) capture. As overall retail expenditure increases with population growth, the difference this 15% expenditure 'recapture' represents ranges from \$15.5 million per year in 2012 to an estimated \$29 million in 2031.

RISK FACTORS

The Korumburra Town Centre Framework Plan provides Council with a strategic basis for delivering a range of actions that cumulatively can make Korumburra a more attractive place to live, visit and do business.

By implementing 'quick and easy' actions and signalling its longer term strategic view for the town, Council can encourage community and private investment confidence towards taking action to benefit the Town Centre.

CONCLUSION

The Korumburra Town Centre Framework Plan has been prepared in close consultation with the Korumburra community and other stakeholders involved in achieving the outcomes of the Plan.

The KTCFP provides a series of recommendations that are realistic and provide practical measures to improve the overall operation of the Town Centre. Many of the outcomes can be achieved with minimal cost to Council and without adverse impact on adjoining landowners.

The KTCFP will guide the development of the Korumburra Town Centre over the next 20 years and beyond. It is recommended that the Plan be adopted by Council and work commence towards implementing the Plan's recommendations, including the preparation of a planning scheme amendment to incorporate its key elements into the South Gippsland Planning Scheme.

RECOMMENDATION

That Council:

1. Adopt the Korumburra Town Centre Framework Plan October 2013 and the background documents, the Korumburra Town Centre Car Parking Strategy (June 2013 - GTA Consultants) and the Korumburra Town Centre Framework Plan Economic Assessment (March 2013 - Tim Nott).
2. Adopt Amendment C71 (Korumburra Library site rezoning to Commercial 1 Zone) and seeks approval of the Minister for Planning to implement into the South Gippsland Shire Planning Scheme.
3. Commence preparation of a planning scheme amendment to implement the key recommendations of the Korumburra Town Centre Framework Plan into the South Gippsland Planning Scheme.
4. Recommence the 'Korumburra Central Project'.
5. Commit to continuing the library service and community uses (currently located at 165 Commercial St) in Korumburra. The permanent location will be directed by the Korumburra Central Project.
6. Encourage stakeholder and community organisations including the Korumburra Round Table (Advisory Committee of Council) that are potential action drivers and participants to consider implementation of relevant projects.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Hutchinson-Brooks SECONDED: Cr Davies

THAT COUNCIL:

- 1. ADOPT THE KORUMBURRA TOWN CENTRE FRAMEWORK PLAN OCTOBER 2013 AND THE BACKGROUND DOCUMENTS, THE KORUMBURRA TOWN CENTRE CAR PARKING STRATEGY (JUNE 2013 - GTA CONSULTANTS) AND THE KORUMBURRA TOWN CENTRE FRAMEWORK PLAN ECONOMIC ASSESSMENT (MARCH 2013 - TIM NOTT).**
- 2. ADOPT AMENDMENT C71 (KORUMBURRA LIBRARY SITE REZONING TO COMMERCIAL 1 ZONE) AND SEEKS APPROVAL OF THE MINISTER FOR PLANNING TO IMPLEMENT INTO THE SOUTH GIPPSLAND SHIRE PLANNING SCHEME.**
- 3. COMMENCE PREPARATION OF A PLANNING SCHEME AMENDMENT TO IMPLEMENT THE KEY RECOMMENDATIONS OF THE KORUMBURRA TOWN CENTRE FRAMEWORK PLAN INTO THE SOUTH GIPPSLAND PLANNING SCHEME.**
- 4. RECOMMENCE THE 'KORUMBURRA CENTRAL PROJECT'.**
- 5. COMMIT TO CONTINUING THE LIBRARY SERVICE AND COMMUNITY USES (CURRENTLY LOCATED AT 165 COMMERCIAL ST) IN KORUMBURRA. THE PERMANENT LOCATION WILL BE DIRECTED BY THE KORUMBURRA CENTRAL PROJECT.**
- 6. ENCOURAGE STAKEHOLDER AND COMMUNITY ORGANISATIONS INCLUDING THE KORUMBURRA ROUND TABLE (ADVISORY COMMITTEE OF COUNCIL) THAT ARE POTENTIAL ACTION DRIVERS AND PARTICIPANTS TO CONSIDER IMPLEMENTATION OF RELEVANT PROJECTS.**

CARRIED

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

Against: Crs Newton, Kennedy and McEwen.

E.10 COAL CREEK SUSTAINABILITY - MOVE OF GROWLIGHTLY AND SUSTAINABILITY CENTRE UPDATE

Development Services Directorate

EXECUTIVE SUMMARY

This report is to provide an update to Council in regard to the relocation of 'Grow Lightly Connect' and the Sustainability Centre from the ex-cordial factory building at Coal Creek to the timber building, known as the former Visitor Information Centre, in front of Coal Creek. This relocation would also require Destination Gippsland (DGL) to relocate to a new proposed location at the former Mirboo North shire office. This matter was considered by Council on 27 November 2013 and deferred for further consultation.

Document/s pertaining to this Council Report

- **Attachment 1** – Extract Council Minutes from the 27 November 2013

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

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

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Sustainability Strategy 2011

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

At the time of the report in November discussion had been held with Council, Grow Lightly Connect, The Mirboo North Times and Destination Gippsland on the relocation. At the time it was considered that there was verbal agreement to the plan.

REPORT

Background

At the time of the November 2013 Ordinary meeting of Council, concerns about the consultation process were raised in public briefings by the current users of the former Mirboo North shire office. At the November meeting (refer **Attachment 1**), Council resolved to defer the report until the 18 December 2013 Ordinary council meeting to allow for further discussions with stakeholders. A report to Council was unable to be presented at the 18 December 2013 Ordinary Meeting, due to constraints on agenda production timeframes to conduct additional consultation between the stakeholders. Resolution to the concerns raised could not be completed within the time frame to publish a report.

Discussion

Meetings with the users of the space and site visits to the former Mirboo North shire office have been undertaken. A plan is being developed to ensure as many requests of the various parties can be achieved as possible.

Proposal

This report proposes that Council considers this item after further consultation with all stakeholders and costs have been developed.

A new report to council will be presented once negotiations are exhausted.

FINANCIAL CONSIDERATIONS

With the new negotiations, it is anticipated that there will be some cost to fitout of the Mirboo North Shire office to accommodate Destination Gippsland, but the quantum is unknown at this stage. A future council report will outline the estimated costs and influence the recommendation to Council.

RISK FACTORS

NIL

CONCLUSION

The original proposal to relocate DGL is part of the overall plan for Coal Creek, set out in the Coal Creek Community Park and Museum Feasibility Study recommendations to preserve the heritage theme of Coal Creek and to free up a building to be used for revenue generating activities.

It is in the best interests of all parties that concerns and suggestions are all considered. At the time of the original report the Development Services Department considered that all parties were in verbal agreement with the proposal. As concerns were raised during the Council report process it is considered appropriate that further time be given to attempt to address all concerns raised and provide future recommendations with costings accordingly.

RECOMMENDATION

That Council:

- 1. Proceed with further consultation regarding office relocation plans with Destination Gippsland and the users of the Mirboo North former Shire Offices; and**
- 2. Receive a new report when consultation is complete.**

STAFF DISCLOSURE OF INTEREST

Nil

Attachment 1

Extract Council Minutes from the 27 November 2013 - Coal Creek Sustainability - relocation of Grow Lightly Connect and Destination Gippsland

South Gippsland Shire Council
Minutes

27 November 2013
Council Chambers, Leongatha

E.4 COAL CREEK SUSTAINABILITY - RELOCATION OF GROW LIGHTLY CONNECT AND DESTINATION GIPPSLAND

Development Services Directorate

EXECUTIVE SUMMARY

This report recommends the re-location of 'Grow Lightly Connect' and the Sustainability Centre from the ex-cordial factory building at Coal Creek to the timber building, known as the former Visitor Information Centre, in front of Coal Creek. Subsequently, it also recommends the relocation of Destination Gippsland (DGL) from the timber building in front of Coal Creek to the Mirboo North former shire offices. The Coal Creek Feasibility Study recommends these re-locations in order to preserve the heritage theme of Coal Creek and to free up a building to be used for revenue generating activities.

Document/s pertaining to this Council Report

- Coal Creek Community Park and Museum Feasibility Study December 2012 - can be accessed via the Coal Creek website - http://www.southgippsland.vic.gov.au/files/App_E14CoalCreekFeasibStudy.pdf

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Crown Lands (Reserve 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, Grow Lightly Connect, The Mirboo North Times and Destination Gippsland on the relocation. All parties are in verbal agreement to the relocations.

As Council has been appointed 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. This policy supports the issuing of licences: formalised by a license agreement between Grow Lightly

Connect and Council; and a renewed license agreement between DGL and Council.

Discussion

Destination Gippsland Limited (DGL) currently occupies the timber building near Coal Creek. The Coal Creek Feasibility Study recommends re-locating of Grow Lightly Connect, a local non-profit enterprise, and Council's Sustainability Centre from the Coal Creek grounds to this building in order to preserve the heritage theme of Coal Creek and to free up a building to be used for revenue generating activities. To achieve this, alternative accommodation will need to be provided for DGL.

Council currently hosts accommodation for DGL to support the development of tourism in South and greater Gippsland. The license agreement in the former Korumburra Visitor Information Centre between DGL and Council has been suitable to date, however it has expired. In accordance with the recommendations in the Coal Creek Feasibility Study, a potential new office premises within the shire has been sought for DGL. After discussions with DGL staff, the former Mirboo North shire office has been identified as a suitable site as it is able to cater for the needs of DGL's office and storage requirements.

The potential re-location of local enterprise Grow Lightly Connect from the ex-cordial Factory building to a new Sustainability Centre in the timber building near Coal Creek, will allow Grow Lightly Connect to determine their own hours of business whilst continuing to support local growers and develop new projects in conjunction with Council's Sustainability Team. Initial indications from Grow Lightly Connect, in response to the Coal Creek Feasibility Study support of this move. The Sustainability Centre and the food hub will provide opportunities for Council and Grow Lightly Connect, to work together to achieve a shared vision of sustainable South Gippsland.

Strengths and Weaknesses

Strengths for Council:

- Maintaining DGL within the shire demonstrates Council's continuing support for regional tourism.
- Providing fit for purpose premises for Grow Lightly Connect demonstrates Council's continuing support for sustainability and the local food network.
- Relocating DGL at Mirboo North would provide a high visibility site on a tourist route that is currently in good physical condition and supports co-location of Council buildings.

Strengths for DGL:

- The Mirboo North location provides a high visibility site on a tourist route in a well maintained building with a business-like appearance.
- DGL currently owns all office equipment for re-location to the new proposed premises.
- With a more public face, DGL can grow their presence in Gippsland.
- A new licence agreement can be prepared for DGL to provide certainty of tenure with a community rental for a period of 3 years with two further options of 3 years available.

Weaknesses for DGL:

- Inconvenience of moving
- DGL may have to pay for minor alterations to new site.

Strengths for Grow Lightly Connect:

- By re-locating to a stand-alone building, Grow Lightly Connect will continue to grow local partnerships with new and existing suppliers.
- Grow Lightly Connect can support and showcase sustainable practises and solutions to the community.

Weaknesses for Grow Lightly Connect:

- Grow Lightly Connect will be required to build additional cooling storage and make the necessary internal changes to cater for the business' needs.

Proposal

Site 1

Grow Lightly Connect to relocate to the 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 February 2014
- Term: a period of 3 Years with options for 2 further terms of 3 years
- Licence Fee: \$104.00 per annum + GST

- Licensee is responsible for electricity and water usage (if not separately metered the Licensee will pay the Licensor a dollar amount per Calender Month as agreed by both parties)
- Licensee is responsible for the usage of their own telephone and internet usage.

Site 2

DGL to relocate to Mirboo North ex-Shire Offices, Mirboo North, Crown Allotment 11A, Section 1

Proposed Terms:

- Specified Purposes : Promotion of Tourism
- Commencement Date: 1 February 2014
- Term: a period of 3 Years with options for 2 further terms of 3 years
- Licence Fee: \$104.00 per annum + GST
- Licensee is responsible for electricity and water usage (if not separately metered the Licensee will pay the Licensor a dollar amount per Calender Month as agreed by both parties)
- Licensee is responsible for the usage of their own telephone and internet usage.
- The Licensee is responsible for minor maintenance of the licenced area

FINANCIAL CONSIDERATIONS

There has been no capital outlay and no funding is required to conduct this agreement. DGL and Grow Lightly will pay a community rent and will be responsible for utility expenses.

RISK FACTORS

Nil

CONCLUSION

The adopted Coal Creek Feasibility Study proposes to free up buildings within Coal Creek to develop new revenue opportunities and appropriately recommends moving Grow Lightly Connect and the Sustainability Centre to the timber building near Coal Creek on the same land. To accomplish this, DGL has indicated that it is willing to move to a new location and to enter into a new licence agreement on similar terms. The former shire offices at Mirboo North are an appropriate and under-utilised location with which DGL is satisfied to be relocated.

RECOMMENDATION

That Council:

1. Approve the relocation of Grow Lightly Connect and Council's Sustainability Centre from the ex-Cordial factory in Coal Creek to the timber building (Old visitor Centre) currently occupied by Destination Gippsland Ltd.
2. Approve the granting of a 17B Licence Agreement under the Crown Land Leasing Policy of 2010 with Grow Lightly Connect for tenancy of the Old Visitor Centre in Korumburra, near Coal Creek.
3. Approve the relocation Destination Gippsland Limited from Korumburra to the former shire offices in Mirboo North.
4. Approve the granting of a 17B Licence Agreement under the Crown Land Leasing Policy of 2010 with Destination Gippsland Limited for the shared tenancy of the former Shire Offices in Mirboo North.
5. Inform the Board of Directors of Destination Gippsland Limited and the owners of Grow Lightly Connect of its intentions with respect to the license agreements.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Hutchinson-Brooks

SECONDED: Cr Kennedy

THAT COUNCIL DEFER ITEM E.4 - COAL CREEK SUSTAINABILITY - RELOCATION OF GROW LIGHTLY CONNECT AND DESTINATION GIPPSLAND UNTIL THE 18 DECEMBER 2013 ORDINARY COUNCIL MEETING TO ALLOW FOR FURTHER DISCUSSIONS WITH STAKEHOLDERS.

CARRIED UNANIMOUSLY

E.11 PLANNING SCHEME AMENDMENT C80 'SAFE, HEALTHY AND ACTIVE COMMUNITIES' ADOPTION

Development Services Directorate

EXECUTIVE SUMMARY

At the Council meeting of 19 December 2012, Council resolved to seek authorisation to prepare Amendment C80 Safe, Healthy and Active Communities (SHAC) and arrange a panel pending any objections. The amendment was exhibited from 5 December 2013 to 24 January 2014 and no submissions were received

The Amendment:

- a. Adds the Infrastructure Design Manual (IDM), Healthy by Design 2012 (HBD), Housing and Settlement Strategy 2013 (HSS), the South Gippsland Open Space Strategy 2007 (OSS), South Gippsland Recreation Strategy 2007 (RS) as reference documents to the South Gippsland Planning Scheme
- b. Amends schedule 52.01 Public Open Space contributions; and
- c. Introduces a new clause, 22.08 'Interim Telecommunications Conduit Policy' specifying the requirements when installing telecommunication services

It is recommended that Council adopts Amendment C80 for approval by the Minister

Document/s pertaining to this Council Report

- **Attachment 1** - 'Interim Telecommunications Conduit Policy'
- **Attachment 2** - Amended schedule 1 to clause 52.01: 'Public Open Space Contribution and Subdivision'
- **Appendix 1** - Infrastructure Design Manual
- **Appendix 2** - Healthy By Design 2012
- **Appendix 3** - South Gippsland Open Space Strategy 2007
- **Appendix 4** - South Gippsland Recreation Strategy 2007
- **Appendix 5** - South Gippsland Housing and Settlement Strategy, 2013
- **Appendix 6** – Explanatory Report and Amended Provisions

Copies of **Appendixes 1 - 6** are available on Council's website: www.southgippsland.vic.gov.au or by contacting 5662 9200.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Subdivision Act 1988, Section 18
- Planning and Environment Act 1987
- Healthy By Design (Heart Foundation, Victorian Branch)

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Infrastructure Design Manual
- South Gippsland Open Space Strategy 2007
- South Gippsland Recreation Strategy 2007
- South Gippsland Housing and Settlement Strategy, 2013
- Municipal Health and Wellbeing Plan
- Paths and Trails Strategy

COUNCIL PLAN

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

CONSULTATION

The reference documents have undergone separate public consultation prior to their adoption by Council between 2007 and 2013.

The Amendment was exhibited between 5 December 2013 and 24 January 2014 (7 weeks) - an extended time due to the Christmas/New Year period.

The local developers group was identified as a relevant stakeholder, and as no regular meeting of the group was planned before or during the exhibition period, all members were individually notified and invited to a public information session held in Council Chambers on 12 December 2013.

Notice to the general public, in addition to target consultation above, was conducted as follows:

- a. Letters mailed out on 3 December 2013 along with Newspaper ads
- b. Exhibition begins 5 December (Gazettal date)

- c. Drop In Session 12 December. No enquiries were received.
- d. Exhibition close 24 January

REPORT

Background

The intent of this Amendment is to place into the Planning Scheme reference documents that are used to inform Council planning and engineering decisions, thus increasing transparency on Council standards and improving processing times. This will improve the quality of Planning Permit discussions and applications.

Discussion

Communities of the future will have older populations and be more energy conscious, cities and towns will compete in providing the best lifestyle to attract residents, visitors and businesses. This is encompassed in the Council Plan 2013-2017 and supported by documents like the Municipal Public Health and Wellbeing Plan (2013 - 2017). Council is advocating accessible and safe urban design for community areas and making town centres an active and social focal point.

ISSUES

5% Public Open Space Requirement

The Amendment addresses situations where the 5% Public Open Space (POS) prescribed in the Subdivision Act 1988, has been challenged by developers.

There are several VCAT decisions that confirm a 5% POS contribution as reasonable and in some cases may be exceeded if the site context provides justification (such as if the land is identified for playing fields in structure plans). The intent of the 5% POS schedule is for Council to obtain unencumbered open space that meets the community's year round needs.

It is anticipated that this provision in conjunction with the reference documents, will provide clarity to developers and add further weight to the importance of location and size of POS during initial subdivision design; thereby improving efficiency and appropriate allocation of open space.

Infrastructure Design Manual (IDM)

The IDM delivers a consistent standard for infrastructure in the built environment that will be a starting point in negotiations on final design. It was adopted by Council in 2010 and has been consistently used in planning negotiations.

Disagreement between the requirements of Clause 56 of the Planning Scheme and the IDM have been a matter for discussion between developers and the planning departments, since the IDM was adopted by Council in March 2010. Clause 56, Residential Subdivision states as follows:

“Purpose

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

This statement clarifies that where local policies exist and are recognised in the Planning Scheme, they can require standards specific to the local circumstance. The IDM is an adopted local planning policy and falls into this category.

The IDM is considered to be consistent with the objectives of Clause 56 of the Planning Scheme and referencing it in the Planning Schemes strengthens its role in decision making.

Conduit Policy

Under current NBN rules, provision for optical fibre is not always required upfront in developments. When future upgrades occur, they lead to expensive retrenching or boring which can damage council road and footpath assets, adding to delays in fibre delivery. Incorporating conduit that is NBN compliant in new developments reduces the cost of retrofitting optical fibre cable networks to dwellings. The minor increase in construction costs by laying conduit simultaneously with other services is offset by longer term savings in cost and timing if conduit were to be installed later. Retrofitting costs are often five times in excess of those of shared installation. These works disrupt the community and shorten the life of the infrastructure asset (road, footpath) by compromising the initial construction.

An established conduit network in new subdivisions will enable a more cost effective rollout of optic fibre cable regardless of whether the fibre goes to the node or the premises. Areas readily cabled with optic fibre will have a competitive advantage in attracting businesses, industry and residents.

Healthy by Design (HBD)

Is a series of design elements that have been grouped into a 'checklist' for an integrated approach to increase the number of people who easily walk or cycle to shops, schools, parks, services, facilities and public transport.

It is not intended to increase the burden on site design but ensure consideration of opportunities for people to be physically active everyday.

Proposal

It is proposed that Council adopts the Amendment as exhibited and refer it to the Minister for Planning for Approval.

FINANCIAL CONSIDERATIONS

This Amendment has been delivered within our current budget.

RISK FACTORS

This Amendment formalises the policies used to determine planning recommendations to Council and as local policies, they are accounted for in the Planning Scheme.

CONCLUSION

This amendment contributes to the improvement of overall design in the South Gippsland built environment, addressing infrastructure, provision of public open space and design outcomes. The Amendment provides an opportunity for further strategic work on designing for steep slopes and social and community infrastructure.

RECOMMENDATION

That Council:

- 1. Adopt Planning Scheme Amendment C80 as exhibited (refer Appendix 6); and**
- 2. Request the Minister for Planning to approve the adopted Planning Scheme Amendment C80 – Safe healthy active communities.**

STAFF DISCLOSURE OF INTEREST

Nil

Attachment 1
Clause 22.08 Interim Telecommunications Conduit Policy

SOUTH GIPPSLAND PLANNING SCHEME

22.08 INTERIM TELECOMMUNICATIONS CONDUIT POLICY

DD/MM/YYYY
Proposed C80

This policy applies where a permit is required for the subdivision of land.

Policy Basis

The Federal Government has undertaken to provide broadband telecommunication access to 90% of the Australian population through the installation of optical fibre cables. Optical fibre provides increased data carrying capacity and will allow for faster access to multimedia services, larger data files and new telecommunication tools.

Providing underground conduit infrastructure for optical fibre cables in new subdivisions before the completion of development is efficient, cost effective and provides infrastructure ready to meet the needs of communities.

Objectives

To ensure the provision of a network of open access conduits for optical fibre cabling to facilitate broadband telecommunications services in a timely, efficient and cost effective manner.

Policy

It is policy that:

- New subdivisions are provided with open access underground conduits to carry optical fibre at the development stage. This may be waived if the responsible authority considers provision is unwarranted.
- All subdivision applications include a plan showing the conduit network for the subdivision, to the satisfaction of the responsible authority.
- Conduits be provided in accordance with a plan approved by the responsible authority.
- Subdivision permits include a condition requiring the conduit and associated infrastructure to be protected from damage to the satisfaction of the responsible authority.
- Ownership of a conduit will vest in Council, and may be transferred to another agency or a telecommunications carrier at a later date.
- Where a conduit crosses private land, an easement may be required in favour of Council.

Attachment 2
Amended Schedule 1 to Clause 52.01:
Public Open Space Contribution and Subdivision

19/01/2006
WCSZ
~~Proposed~~
C80

SCHEDULE TO CLAUSE 52.01

Type or location of subdivision	Amount of contribution for public open space
None specified <u>All residential, commercial or industrial land</u>	<u>A minimum of 5%</u>
<u>Any subdivision that does not qualify for exemption under Clause 52.01</u>	<u>A minimum of 5%</u>

E.12 2014/15 FINANCIAL STRATEGY

Corporate Services Directorate

EXECUTIVE SUMMARY

Financial strategies provide the framework or business rules that both the annual and longer term business plans are built on. The strategies were originally adopted in 2003 and undergo an annual review process.

Council has adopted a strategic approach to business planning over the past 11 years. Since then, its overall financial performance has systematically improved.

Two refinements to the 2013 Strategies are proposed for Council's consideration. They include:

- 3. Strategy # 5 refined to remove reference to increasing the annual transfer to the General Reserve from 0.5% to 1.0% of rate income - Long Term Financial Plan is now able to accommodate the annual transfers being increased to the strategic target of 1%; and**
- 4. Strategy # 6 Interest earnings on reserve investments - minor refinement to remove reference to specific discretionary reserves**

All the remaining financial strategies remain unchanged.

Overall, the fundamental intent of the Financial Strategies remains unchanged from the original strategies adopted in 2003.

It is recommended Council adopt the financial strategies documented in the 2014/15 Financial Strategy (**Appendix 1**).

Document/s pertaining to this Council Report

- **Appendix 1 - 2014/15 Financial Strategy**

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

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989, Section 136 - Principles of sound financial management

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Long Term Financial Plan

COUNCIL PLAN

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

CONSULTATION

The Financial Sustainability Steering Committee reviewed the draft Financial Strategy at the 4 December 2013 committee meeting.

REPORT

Background

The Auditor General in his Annual Report to Parliament in the last few years has recommended that all Victorian councils should develop strategic performance indicators to review past performances and set targets for following years.

South Gippsland Shire Council introduced a strategic planning and performance management framework in 2003. Council has maintained since that date, a series of financial strategies including financial performance measures and targets. This ensures that Council's immediate and long term financial viability is managed in a constructive and economically viable manner.

Council's Financial Strategy is reviewed and updated on an annual basis. It is important that the financial strategies (business rules) continue to align with Council's financial objectives.

The strategies continue to provide the strategic framework for developing the Long Term Financial Plan, the Council Plan (which includes the Strategic Resource Plan) and the Annual Budget.

Discussion

The Council Plan is a high level strategic planning document that includes objectives and strategies that cover the four year term of each Council.

The financial strategies compliment and support both higher level 'strategic plans' such as the Council Plan, and 'operational plans' such as the Annual Budget. The strategies ensure that Council's budgeted financial statements in the Long Term Financial Plan, is sustainable both in the short and longer term.

Proposal

Outlined in **Appendix 1** is the proposed detailed 2014/15 Financial Strategy for Council's consideration. It outlines strategic considerations for Council, the financial strategies and background information.

Two minor amendments have been incorporated into the Financial Strategy 2014/15 for Council's consideration. These include:

Strategy # 5 refined to remove reference to increasing the annual transfer to the General Reserve from 0.5% to 1.0% of rate income - Long Term Financial Plan is now able to accommodate the annual transfers being increased to the strategic target of 1%; and

Strategy # 6 Interest earnings on reserve investments - minor refinement to remove reference to specific discretionary reserves.

FINANCIAL CONSIDERATIONS

The development and implementation of the 2014/15 Financial Strategy is managed within existing budgets. The strategies contained within the 2014/15 Financial Strategy will provide guidance to Council in preparing the 2014/15 Annual Budget and the Long Term Financial Plan.

RISK FACTORS

Continuation of the strategic planning and management process will help achieve long term business viability. This will ensure that Council has sufficient financial resources for both service provision and for infrastructure asset management now and in future years.

CONCLUSION

The Long Term Financial Plan, Council Plan (including the Strategic Resource Plan) and the Annual Budget will continue to be referenced back against the financial strategies. The financial strategies have been updated to respond to Council's current strategic considerations.

RECOMMENDATION

That Council adopt the financial strategies as documented in the 2014/15 Financial Strategy (Appendix 1).

STAFF DISCLOSURE OF INTEREST

Nil

E.13 REVOCATION ROADSIDE MEMORIALS POLICY

Engineering Services Directorate

EXECUTIVE SUMMARY

This report is presented to Council to consider revoking the Roadside Memorials Policy.

The Roadside Memorials Policy is covered in legislation, as indicated in this report, and has been incorporated into the Roadside Memorial Application Procedure for easy implementation

Further, any object constructed, erected or placed within a road reserve requires the consent of the Coordinating Road Authority.

Council has not received any applications for erecting roadside memorials during the last 10 years.

Therefore the current policy on roadside memorials is not required.

Documents pertaining to this Council Report

- **Attachment 1** - Roadside Memorials Policy 2006.
- **Attachment 2** - Roadside Memorial Applications Procedure.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Road Management Act 2004, Clause 20, 34, 38, 63, 66, 69.
- Local Government Act 1989, Schedule 11, Clause 5.

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Road Management Plan 2013

COUNCIL PLAN

Outcome:	5.0	A Leading Organisation
Objective:	5.1	Good Governance
Strategy:	5.1.1	Direction Setting

CONSULTATION

Consultation has been undertaken between the Engineering and Assets Departments and the Executive Leadership Team.

REPORT

Background

Council adopted the Roadside Memorials Policy on 3 February 1999, with amendments approved on 28 January 2004 and 1 November 2006.

Refer to **Attachment 1 – Roadside Memorials Policy 2006**.

Discussion

The obligations and responsibilities contained in the current Roadside Memorials Policy are covered by existing Legislation.

Council has not received any applications for erecting roadside memorials in the last 10 years.

Any object constructed, erected or placed within a road reserve requires the consent of the Coordinating Road Authority. A "Working within Road Reserve" permit is required to be issued by the Coordinating Road Authority to the person (the applicant) constructing, erecting or placing the object within a road reserve following appropriate application, subsequent assessment and, if considered reasonable, issuance of consent by the Coordinating Road Authority.

Consequently, a specific policy is deemed not required; however, it is considered appropriate that specific guidelines outlining the requirements of persons wishing to place a "Roadside Memorial" within the road reserve would be of assistance to both the person wishing to place the memorial (the applicant), and to the Council Officer assessing the application or advising the applicant accordingly.

The "Review of Council and Operating Policies Summary Report", March 2011, listed the "Roadside Memorials" Policy be reviewed, with a medium priority, bearing in mind that *"A number of the benchmark councils have similar policies in order to provide consistency of approach on what is a sensitive community issue"*. The current Corporate Policy Review Timetable lists the review of the "Roadside Memorials" policy for 2013/14.

The Roadside Memorials Policy is covered in the noted legislation, as indicated in this report, and has been incorporated into the Roadside Memorial Application Procedure for easy implementation (**Attachment 2**).

Options

The options available to Council are to:

1. Revoke the Roadside Memorials Policy; or
2. Retain a Roadside Removals Policy.

Proposal

It is proposed that Council revoke the Roadside Memorials Policy 2006 as this process can be dealt with by the proposed Roadside Memorial Application Procedure (**Attachment 2**).

FINANCIAL CONSIDERATIONS

Nil

RISK FACTORS

If the policy is retained in its original format, the following issues will remain:

- Lack of reference to the Road Management Act 2004, and
- Lack of reference to the Power of Council under the Local Government Act 1989, Schedule 11, clause 5, that Council may:
 - (a) move anything that encroaches on or obstructs the free use of a road or that reduces the breath, or confines the limits, of a road;
 - (b) require any person responsible for, or in control of, the thing to move it.

Revoking the policy and utilising the procedure for the appropriate placement of roadside memorials will mitigate these risks.

CONCLUSION

The current policy should be revoked and replaced with the Roadside Memorial Application Procedure for the appropriate placement of roadside memorials in accordance with relevant legislation.

RECOMMENDATION

That Council revoke the Roadside Memorials Policy.

STAFF DISCLOSURE OF INTEREST

Nil

Attachment 1 Current Roadside Memorials Policy

South Gippsland Shire Council	
COUNCIL POLICY	
Department:	Engineering and Public Works
Sub-Section:	Assets
Title:	ROADSIDE MEMORIALS
Policy Statement	
<p>Council does not encourage the placement of roadside memorials but acknowledges that guidelines for the installation, construction and placement of roadside memorials are required.</p>	
Policy Rationale	
<p>Council recognises that members of the community may wish, for varying reasons, to mark a location on the road network by the establishment of a roadside memorial.</p> <p>Council will deal sensitively with requests for the establishment of roadside memorials without encouraging their placement. Where possible memorials are to be located outside the road reserve.</p>	
Definitions	
<p>Roadside memorial - any object constructed, erected or placed on the road or within the road reserve, to commemorate or indicate a fatal road accident. Memorials may include items such as wooden crosses, coloured posts, flowers or any type of construction with or without plaques or inscriptions.</p>	
Guidelines	
General	
<p>Applicants must demonstrate that they have made every effort to contact adjoining landowners regarding the installation of a memorial.</p> <p>Any objection or complaint from nearby residents or from road users regarding any aspects of memorials, including the activity of visitors at the memorial will be carefully considered by Council and if necessary the memorial should be relocated or removed.</p> <p>Council reserves the right to refuse an application and to remove a memorial.</p>	

Attachment 1 Current Roadside Memorials Policy

The following criteria will be considered, when dealing with requests:

Location

1. A memorial should be located in a position where it will not distract drivers' attention from the driver task or interfere with the role of any traffic control item;
2. A memorial should be located in a position where it will not be hazardous to passing traffic or prevent appropriate maintenance on the road reserve. VicRoads Clear Zone Guidelines should be used to assess this; and
3. Applicants should be made aware of any possible risks in visiting roadside memorials and should be advised on safe practices in this regard e.g. stopping clear of traffic. Wherever possible, the location should be chosen to minimise risk.

Construction

A memorial must be constructed of material or installed in a way that will not cause injury if struck by a vehicle. Where a long lasting memorial is required which incorporates a plaque, it should be placed horizontally close to the surface level as possible.

Other

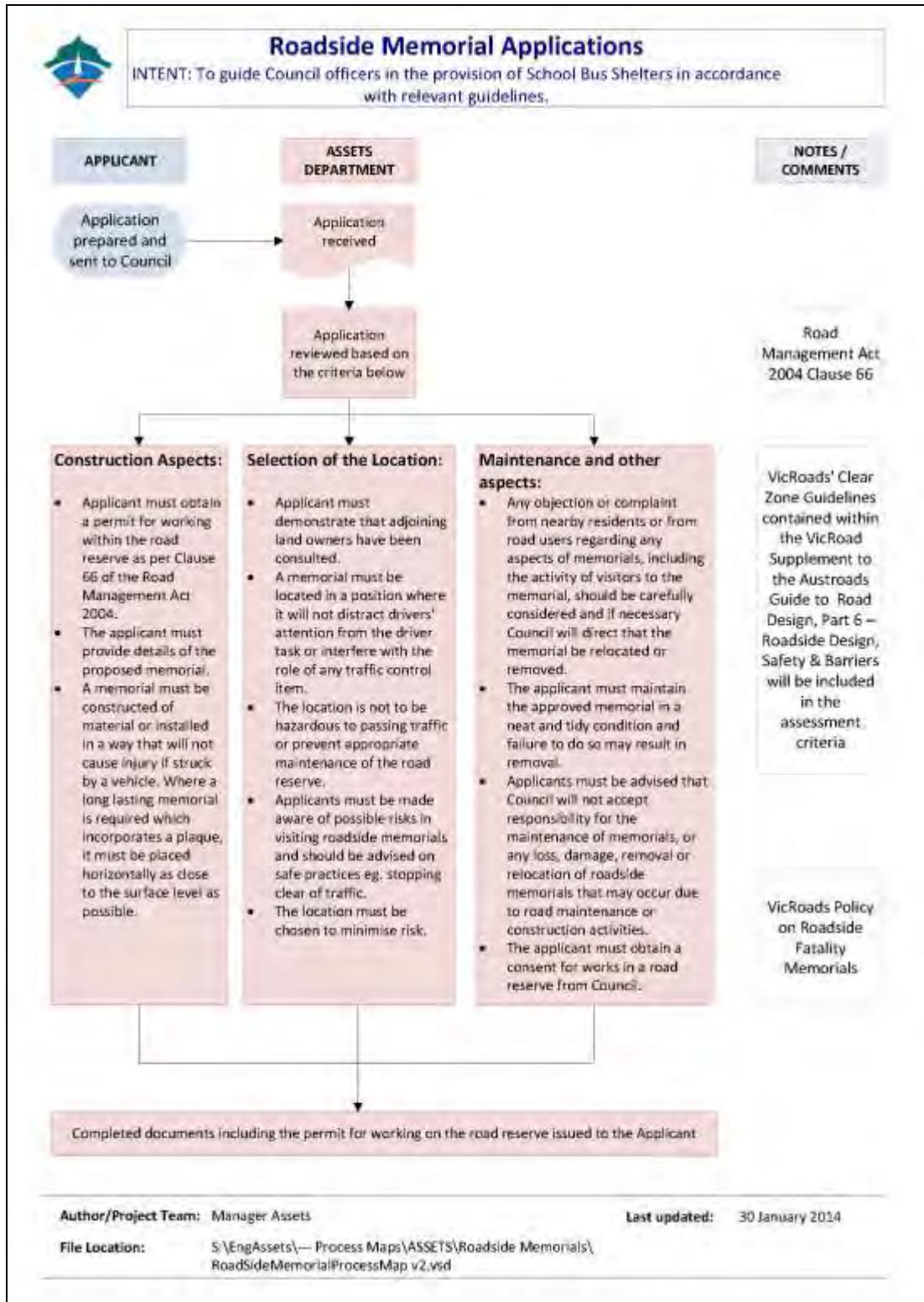
1. Applicants should be advised that Council is not able to accept responsibility for the maintenance of memorials, or any loss, damage, theft, removal or relocation of roadside memorials that may occur due to road maintenance, construction or other activities; and
2. Arrangements for the placement of permanent memorials shall be made with the Assets Department in accordance with the policy guidelines.

Related Legislation, Guidelines, Specifications and Codes of Practice

- Guidelines for this policy have been taken from VicRoads policy on Roadside Fatality Memorials
- VicRoads Design Guidelines Part 3, Section 3.9 Clear Zones

Approval Date:	3 February 1999	Approved by:	Council
Amendment 1:	28 January 2004	Approved by:	Council
Amendment 2:	1 November 2006	Approved by:	Council
Amendment 3:		Approved by:	

Attachment 2 Roadside Memorial Application Procedure



E.14 SCHOOL BUS SHELTERS POLICY

Engineering Services Directorate

EXECUTIVE SUMMARY

The purpose of this report is to adopt the amended School Bus Shelters Policy which is due for review in accordance with Council's Corporate Policy Review process.

Policy amendments are detailed below:

- Policy objectives clearly defined.
- Name changes in the Victorian Government departments incorporated.
- Policy implementation method elaborated.

Document/s pertaining to this Council Report

- **Attachment 1** - School Bus Shelters Policy 2008 (Current)
- **Attachment 2** - School Bus Shelters Policy 2014

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Local Government Act 1989
- Road Management Act 2004

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Not applicable.

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:	3.1.4	We will plan for the service needs of the Shire's changing demographic.

CONSULTATION

Council officers within the Assets Department discussed the policy and the outcome of those discussions was that the policy is still relevant and only required minor amendments.

REPORT

Background

The original policy was adopted by Council at its meeting of 22 July 1997. On 2 June 2004, Council reconfirmed the policy with only some minor amendments, which did not modify the intent of the policy. The current Policy was adopted at the 21 May 2008 Council Meeting.

Discussion

The Policy aims to guide Council officers in the provision of School Bus Shelters in accordance with guidelines determined by the Department of Education and Early Childhood Development (DEECD), Public Transport Victoria (PTV) and Department of Transport, Planning and Local Infrastructure (DTPLI).

Policy Amendments

- Policy objectives clearly defined.
- Name changes in the Victorian Government departments incorporated.
- Policy implementation method elaborated.

Options

The options available to Council are to:

1. Adopt the updated School Bus Shelters Policy as presented in **Attachment 2**.
2. Determine that the Policy is no longer required.

Proposal

It is proposed that Council adopt the amended School Bus Shelters Policy.

FINANCIAL CONSIDERATIONS

Council provides an annual budget for the provision of School Bus Shelters only when DTPLI allocate funds. The adoption of the amended policy will have no effect upon this budget.

Maintenance of approved bus shelters shall be undertaken by the Operations Department (e.g. grass slashing, weeds, gravel or rock base material, cleaning/repair of seats and/or vandalism). This will include an annual inspection or repair / works upon customer requests. Works required are covered by the Operations Department's 'general maintenance' budget.

RISK FACTORS

There is no significant risk in adopting this policy. This policy will minimise the risk of traffic hazards around the vicinity of school bus shelters as they will be constructed to Council standards under the supervision of Council staff.

CONCLUSION

The current policy is out of date and should be replaced with this amended policy.

RECOMMENDATION

That Council:

- 1. Revoke School Bus Shelters Policy 2008.**
- 2. Adopt the School Bus Shelters Policy 2014.**

STAFF DISCLOSURE OF INTEREST

Nil

Attachment 1 School Bus Shelters Policy 2008 (Current)

South Gippsland Shire Council

COUNCIL POLICY

Department:	Engineering & Assets
Sub-Section:	Engineering
Title:	SCHOOL BUS SHELTERS

Policy Statement

Council will provide school bus shelters for both urban and rural areas of the municipality, subject to budgetary constraints and identified need.

Policy Rationale

The provision of bus shelters will be within the amount budgeted for annually by Council.

Definitions

Applicant: general public or an organisation such as a local school, bus operator etc.

Guidelines

- Bus shelters will be provided to the budgeted amount per financial year.
- Where the value of applications received in one year exceeds the budget allocation, following suitable consultation and consideration, a priority list shall be made. Any application received after the budget has been expended will be referred to the following year.
- The criteria to be considered for bus shelters is a minimum number of 8 children per site.
- All requests be subject to an application and approval by the Regional Transport Officer (RTO) at the Department of Transport.
- All applications that comply with the criteria shall involve a process of consultation with the bus operator (and/or driver) prior to submission to the Regional Transport Officer for approval and subsidy.
- All applications shall consider the requirements of the Road Management Act 2004, Roadside Management Plan (Conservation), Fire Prevention Plan or any subsequent Council plans or policies concerning roadsides. Siting and site works shall be harmonious with all Plan requirements.
- Maintenance of approved bus shelters shall be undertaken by the Infrastructure Maintenance department (eg grass slashing, weeds, gravel or rock base material, cleaning/repair of seats and/or vandalism). This

Attachment 1 School Bus Shelters Policy 2008 (Current)

will include an annual inspection or repair / works upon customer requests.


- Relocation of existing shelters to occur only where a shelter is no longer required by any person for use and no prospect for imminent use.
- Applications for sites of less than eight children will receive consideration for funding subject to:
 - a. the applicant paying the subsidy amount normally received from the Department of Transport;
 - b. the applicant agreeing not to hold any ownership of the shelter and also agreeing to its relocation should the shelter no longer be required; and
 - c. a site of less than eight children will receive a lower priority than Department of Transport suitable and approved sites.
- Alternatively, the applicant may install an approved shelter, (to Council standards) at the applicant's full cost, at a site approved by Council officers.
- All applicants shall complete a standard application form available from Council.

Related Legislation, Guidelines, Specifications and Codes of Practice

- Road Management Act 2004

Approval Date:	22 July 1997	Approved by:	Council
Amendment 1:	2 June 2004	Approved by:	Council
Amendment 2:	21 May 2008	Approved by:	Council
Amendment 3:		Approved by:	

**Attachment 2
 School Bus Shelters Policy 2014**



South Gippsland Shire Council

SCHOOL BUS SHELTERS

Policy Number	C98	Coordinate	Engineering Services
General Item No.	TBA	Responsible	Assets
Council Adoption Date	26 February 2014	Primary Author	Manager Assets
Revision Date	2017/18	Secondary Author	Asset Management Coordinator

POLICY OBJECTIVE

The Policy provides guidelines for the installation or relocation of school bus shelters on Council Roads both in the urban and rural area of the Shire.

The objectives of this Policy are to:

- Have clear guidelines and a transparent process for Council staff as well as the public in dealing with requests for installing school bus shelters.
- Ensure a consistent approach when dealing with requests for the provision of new school bus shelters.
- Ensure compliance with the relevant policies and guidelines issued by Department of Education and Early Childhood Development (DEECD), Public Transport Victoria (PTV) and Department of Transport, Planning and Local Infrastructure.
- Ensure school bus shelters are installed as appropriate, subject to availability of funds.

LEGISLATIVE PROVISIONS

- Local Government Act 1989.
- Road Management Act 2004.

DEFINITIONS

PTV	Public Transport Victoria
DTPLI	Department of Transport, Planning and Local Infrastructure
DEECD	Department of Education and Early Childhood Development
LGA 1989	Local Government Act 1989
RMA 2004	Road Management Act 2004

POLICY STATEMENT

Council will provide school bus shelters subject to the following conditions and within the available budget in any financial year. The budget includes any grants from DTPLI and Council funds.

- An application is received on the specified form (**Attachment 1**).
- For designated school bus routes on rural roads, where there are a minimum of 8 school aged children utilising a single stop.

School Bus Shelters Policy
Page 1 of 1

Attachment 2 School Bus Shelters Policy 2014



COUNCIL POLICY

COUNCIL POLICY

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COUNCIL POLICY

- The location is on an approved school bus route and at a designated stop as approved by PTV within Shire.
- There is sufficient space available in the vicinity of the designated school bus stop to construct an approved school bus shelter without compromising safe movement of vehicular traffic and the integrity of the road infrastructure.
- All applications will be subject to approval of the DTPLI to qualify for grant funding.

If the allocated funds are less than the cost of provision of the bus shelters requested within the financial year, then each application will be assessed and prioritised based on the number of school children using the shelter, climatic conditions, distance to the school etc.

Maintenance of all approved school bus shelters shall be undertaken by the Operations Department on an annual basis. These maintenance works include grass slashing, weeds, gravel or rock base material, cleaning & repair of seats and vandalism. An annual inspection will be carried out in addition to attending to customer requests.

Relocation of existing school bus shelters shall only occur when a shelter is no longer required by any school children and there is no future prospect for imminent use.

Applications for school bus shelters where the number of prospective children is less than 8 will receive consideration for funding subject to:

- The applicant paying the subsidy amount normally received from DTPLI;
- The applicant agreeing not to hold any ownership of the shelter and also agreeing to its relocation should the shelter no longer be required; and
- A site with less than eight children will receive a lower priority than DTPLI approved sites.

Alternatively, the applicant may install an approved shelter, (to Council standards) at the applicant's full cost, at a site approved by Council officers.

RISK ASSESSMENT


There is no significant risk in adopting this policy. This policy will minimise the risk of traffic hazards around the vicinity of school bus shelters as they will be constructed to Council standards under the supervision of Council staff.

IMPLEMENTATION STATEMENT


Council will keep a record of all constructed school bus shelters in the corporate Asset Management System (Conquest) which is linked to Council's Geographic Information System (GIS). All the defects identified and the maintenance work carried out will be recorded in these systems for monitoring the performance of the bus shelters.

This policy document will be published in Council's web site.

Attachment 2 School Bus Shelters Policy 2014



Appendix 1
Application form for Bus Shelters



South Gippsland Shire Council
Private Bag 4
Leongatha VIC 3953
Phone: (03) 5662 9200
Fax: (03) 5662 3754

SCHOOL BUS SHELTER APPLICATION FORM

Name of Applicant: _____

Address of Applicant: _____

Contact Phone Number/s: _____

Requested Location for Shelter:
(Sketch map on reverse of this form if possible)

Number of Children Using Site: _____

Bus Line/Driver *(if known)*: _____

Other Details:

Please note: Be sure to read Council's Policy with regard to the provision of School Bus Shelters before sending your application.

Further details may be obtained by phoning South Gippsland Shire Council between 8.30 am & 5.00 pm, Monday to Friday on 5662 9200. This form should be returned to South Gippsland Shire Council, Private Bag 4, Leongatha, 3953.

School Bus Shelters Policy

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SECTION F - URGENT OR OTHER BUSINESS

There are two basic parts to this section of the Agenda:

1. Urgent Business

Normally no motion should be debated by Councillors unless the matter is already included as an item on the Agenda. However in some circumstances it is possible to raise urgent motions.

The Meeting Procedure Local Law No.3 (Clause 46) allows for where a situation has not been provided for under the Local law, the Council may determine the matter by resolution. Established practice has provided for urgent motions to be raised at Council provided the matter cannot be dealt with at the next ordinary meeting of Council or by officers under delegation.

It is necessary for the Councillor wishing to raise a matter of urgent business to raise a motion similar to the following: 'That consideration of (*the issue*) be dealt with as a matter of urgent business and Councillorbe allowed a 'short period' to indicate the reason(s) why the matter should be considered as a matter of urgent business". If the Chairperson accepts the motion as meeting the urgent business criteria, normal meeting procedures in Local law 3 will apply.

If the motion to accept the item as a matter of urgent business is passed by Council, the motion relating to the specific issue can then be put and debated in the normal way.

2. Other Business

This provides an opportunity for Councillors to raise items of general interest to the Council and the community. It may relate to an up coming event or the outcomes of a recent meeting with a Minister etc.

SECTION G – GENERAL QUESTION TIME

G.1 QUESTION TIME

G.2 ANSWERS TO PREVIOUS QUESTIONS ON NOTICE

CLOSED SESSION

Consideration of confidential matters under the Local Government Act 1989, Section 89(2).

According to Section 89 of the Local Government Act 1989 (the Act), Council may consider items in closed session. There must be a resolution to move 'In Committee' stating the reasons why the matter(s) need to be considered in this way. The reasons provided for within the Act are matters concerning personnel, personal hardship, industrial issues, contracts, proposed developments, legal advice or any other matter that Council considers would be prejudicial, to it or any other person.

Once 'In Committee' discussions and debate have concluded, a further resolution to resume open Council is required.

ITEM 1 CONTRACTUAL MATTER

RECOMMEDATION

That Council close the meeting to the public to allow for consideration of a contractual matter pursuant to section 89(2)(d) as provided for by the Local Government Act 1989.

SECTION H - MEETING CLOSED

NEXT MEETING

The next Ordinary Council Meeting open to the public will be held on Wednesday, 19 March 2014 commencing at 2pm in the Council Chambers, Leongatha.