



South Gippsland
Shire Council

Come for the beauty, Stay for the lifestyle

COUNCIL MINUTES

**ORDINARY MEETING NO. 373
WEDNESDAY 25 SEPTEMBER 2013
COUNCIL CHAMBERS, LEONGATHA
COMMENCED AT 2PM**

PRESENT:

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

APOLOGIES: Councillors Jeanette Harding and Andrew McEwen.

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
David Roche	Governance Coordinator
Natasha Berry	Governance Officer
Ned Dennis	Manager Community Strengthening
Paul Stampton	Manager Strategic Planning and Development

MISSION

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

SOUTH GIPPSLAND SHIRE COUNCIL

**ORDINARY MEETING NO. 373
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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 – MR PHIL STONE

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 – MR PHIL STONE

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

A.4 APOLOGIES

Councillors Jeanette Harding and Andrew McEwen.

A.5 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the South Gippsland Shire Council Special Meeting held on 21 August 2013 held in the Council Chambers, Leongatha and the Minutes of Ordinary Meeting No. 372, held on 28 August 2013 in the Leongatha RSL, Leongatha be confirmed.

MOVED: Cr Fawcett

SECONDED: Cr Newton

THAT THE MINUTES OF THE SOUTH GIPPSLAND SHIRE COUNCIL SPECIAL MEETING HELD ON 21 AUGUST 2013 HELD IN THE COUNCIL CHAMBERS, LEONGATHA AND THE MINUTES OF ORDINARY MEETING NO. 372, HELD ON 28 AUGUST 2013 IN THE LEONGATHA RSL, LEONGATHA BE CONFIRMED.

CARRIED UNANIMOUSLY

A.6 REQUESTS FOR LEAVE OF ABSENCE

Nil

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 Organisational Development Department (Governance) or by accessing the Victorian Legislation and Parliamentary Documents website at www.legislation.vic.gov.au. An interest may be by close association, financial, conflicting duties or receipt of gifts.

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

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

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

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

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

Detailed information is available in Conflict of Interest in Local Government – A Provisional Guide with amendments to 1 October 2010.

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

Privacy

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

Council undertakes audio recordings of Council Meetings 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).

Nil

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.

Nil

A.9 PETITIONS

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

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

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

Nil

A.10 COUNCILLOR REPORTS

Cr Davies addressed Council regarding attendance at a Council hosted early childhood seminar and congratulated the work of Council officers from the Children and Family Services Department who organised the event as well as the 85 children's service educators from the Gippsland region who took the time to attend.

Cr Brunt addressed Council regarding attendance at:

- **Korumburra Bowling Club and noted that the group is seeking support for a new green.**
- **Annual General Meeting (AGM) for Milpara Community Centre, Korumburra.**

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

MOSSVALE PARK ADVISORY COMMITTEE MEETING MINUTES - 5 September 2013

Memorial Plaque – Rodney to contact Jean Moir to organise to get the plaque to Steve for mounting on stone and pick up Green and Gold Tulip Tree and planting it. Shire will place a guard around it. Dick - to contact Joanne Lester (Pony Club) in regard to a ceremony.

Dick has contacted Mark Unthank to start propagation program, he is interested – starting with cuttings of weeping golden ash, American Ash.

Landcare Cadets Working bee – 14.8.13 – Allen Riseley and about 20 Year 9 Mirboo Nth Sec. College students helped pull debris out of WGCMA planting for Jeremy to collect and shift. Rain held off till lunch time and the students cooked a BBQ. Dick and Suzanne took the group up Jeremy's driveway to get an overview of the Park. A very enthusiastic group.

Dick and Suzanne meet with Dana Hughes to discuss information to be on Shire Website about Mossvale Park. Dick supplied photos. Dana reported that the Website is moving along, hopefully next meeting the basis is set up. **The Website is about "The Mossvale Park Advisory Committee"**

Dana Hughes Report: Volunteer Induction Manual handed out, Volunteer Agreement signed by members of Committee present. Dana would like information and photos forwarded to her to be saved on to a Data Base at the Shire for future reference.

Display Board – Jill offered to put together information for the Display boards. One board to be attached to wall at BBQ and it is suggested to put one board under a shed on the Pony Club slab site.

Replacing an existing structure – Site of the Pony Club Concrete slab site – Jeremy is researching shed designs, contacting Rotary to source info from them. The committee needs to have size, shape, and footings specifications for Engineering Department approval, Committee to look at sourcing funding and who to auspice this.

Correspondence: Jem Milkins has been taking water samples, photos and writing a report. Jean to reply to her email and say YES to drop box to see her photos. Jem also has friends that would like to help at the park.

Steve Missen Report: Flood damage was minimal; Weeping Mulberry seems to be going OK. Bookings for Weddings on most weekends till the end of the year.

Exotic Tree Replacement: Horticultural Society donating 2 trees, Rodney Emerson donating 2 trees, Shire to acquire rest. The trees will be planted as soon as possible with Guards.

Working Bees: to be conducted by a new Mossvale Park Landcare Group which will be a Sub group of the Mardan/ Mirboo North Landcare Group. Workers will then be covered by Insurance. When conducting a working bee a Risk Assessment Sheet and Attendance Sheet to be filled in. Jill is collecting templates of these. Meeting closed: 12.10 pm

Cr Hutchinson-Brooks addressed Council regarding attendance at:

- **Leongatha Daffodil Festival and noted the great day and that the Leongatha Shire Brass Band played.**
- **AGM South Gippsland Landcare Network and noted a guest speaker who spoke about endangered animals and in particular the mountain pigmy possum. Cr Hutchinson-Brooks noted that there is a new Landcare Coordinator, Ms Jenny O’Sullivan.**
- **State Emergency Services award in Moe and noted that some of the award winners were previous award recipients of South Gippsland Shire Council.**
- **Mirboo North Pool meeting and noted that it was a constructive meeting.**

**Cr Brunt left the Meeting at 2.12pm.
Cr Brunt returned to the Meeting at 2.13pm.**

Cr Hutchinson-Brooks addressed Council regarding attendance at:

- **Leongatha Education Precinct meeting and noted the need for funding for design solution to expand Mesley Hall to include a performing arts centre.**
- **Turtons Creek with Mr Ron Brown and the new General Manager of Hancock Plantations.**

Cr Kennedy addressed Council regarding attendance at:

- **Pippi meeting and noted discussions around enhancing the survival rate of pippis for the coming season.**
 - **Gippsland Local Government Network (GLGN) and noted discussions on the Gippsland Freight Strategy, Port of Hastings, Murray Goulburn, Burra Foods and ViPlus. Cr Kennedy also noted that there was a presentation on the Victorian Coastal Strategy and that it is available for comment until 4 December 2013, refer to website www.vcc.vic.gov.au**
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SECTION B - NOTICES OF MOTION AND/OR RESCISSION

Nil

SECTION C - COMMITTEE REPORTS

Nil

SECTION D – PROCEDURAL REPORTS

D.1 FINANCE PERFORMANCE REPORT JULY - AUGUST 2013

Corporate Services Directorate

EXECUTIVE SUMMARY

An update on Council's current financial performance from July to August is provided in this report.

The Financial Performance Reports are purposefully prepared outside traditional quarterly cycles to better align with strategic events that occur throughout the financial year.

Projected year end financial projections show 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 122% which is above the target of 98%.

The longer term financial performance indicators show that the financial plan is financially sustainable.

Document/s pertaining to this Council Report

- **Appendix 1** - Financial Performance Report to 31 August 2013

A copy of **Appendix 1** - Financial Performance Report to 31 August 2013 is available on Council's website: www.southgippsland.vic.gov.au or by contacting 5662 9200.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Part 7 Financial management: - Local Government Act 1989

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Financial Strategy 2013/14

COUNCIL PLAN

Outcome:	4.0	A Leading Organisation
Objective:	4.1	Improve the financial sustainability of Council, including diversifying revenue streams.
Strategy No:	4.1.1	We will explore innovative ways of increasing revenue and reducing expenditure

CONSULTATION

Not Applicable

REPORT

Background

Council must abide by the principles of sound financial management and ensure that periodically a statement comparing budgeted revenue and expenditure for the financial year with the actual revenue and expenditure is presented to Council.

Council each year sets an Annual Budget within a 15 year Long Term Financial Plan framework. Guidance is provided by the Financial Strategies when developing annual and longer term budgets. The financial integrity of the budgeted financial statements in the annual and forward budgets can be assessed by reference to financial performance indicators.

Throughout the course of the financial year the actual financial performance is performance managed by:

- Comparing year to date actual financial performance with the year to date budgets.
- Monitoring the financial impact of changes made to budget projections on the forecast financial results at year end; and
- Monitoring the longer term financial ramifications and comparing to the originally adopted long term financial plan's budgeted financial statements.

The financial performance indicators that were used to develop the annual and longer term budgets are used to monitor projected financial outcomes at year end (financial KSA) and the longer term financial ramifications.

The Financial Performance Reports are purposefully prepared outside traditional quarterly cycles. The timelines better align with strategic events that occur throughout the financial year. This enables important financial information updates to be provided to Council and its community in a timely manner. The reporting timelines include:

- August: Report picks up financial implications of previous year's financial results as well the budgets impact of funding projects carried forward that were not completed by 30 June
- November: Report picks up financial implications of any changes made to operational or capital budgets during the mid-year financial review process

- February: Report aligns with annual budget process
- May: Report provides Council with likely financial outcome for year end including picking up budgets being carried forward for projects that are not expected to be completed by 30 June

At financial year end a comprehensive financial statements, standard statements, and performance statements are produced, subject to external audit and form part of the Annual Report. The Annual Report is presented to Council in September.

Discussion

Appendix 1 - Financial Performance Report contains detailed reporting on:

Section 1 - Year to date financial performance and projected financial results.

This section discusses variations in year to date performance and budget projections. The information is presented in the budgeted financial statements format. It also details the 'budget carry forwards'.

Section 2 – Annual year to date financial analysis.

This section analyses the implications of the year to date performance, the projected outcome for the financial year end as well as commentary on the financial Key Strategic Activities (KSA).

Section 3 – Long Term Financial Plan analysis.

This section benchmarks and strategically analyses the financial impact of the year's projected financial results against the adopted Annual Budget, Long Term Financial Plan and the Financial Strategy's key performance indicators.

FINANCIAL CONSIDERATIONS

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

The Financial Performance Report provides a high level analysis of Council's financial performance for the two month period from June to August 2013.

Projected year-end financial projections show 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 122% which is above the target of 98%.

The longer term financial performance indicators show that the financial plan is financially sustainable.

RISK FACTORS

Transparency in reporting is a risk management control measure that allows the community and Council to view the financial management of year to date results as well as the annual and longer term financial implications.

Council can assess year to date performance and assess the annual and longer term financial implications as well.

CONCLUSION

It is recommended that Council receive and note the Financial Performance Report. The Report provides an overview of Council's financial performance for the period July to August 2013.

RECOMMENDATION

That Council receive and note the Financial Performance Report (Appendix 1) for the period July to August 2013.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Newton

SECONDED: Cr Davies

THAT THE RECOMMENDATIONS IN ITEMS D.1, D.2, D.3 AND D.4 BE ADOPTED.

CARRIED UNANIMOUSLY

D.2 REPORT ON ASSEMBLY OF COUNCILLORS - AUGUST 2013

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 August 2013.

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 7 August 2013		
CEO Annual Review	<p>Councillors Attending: Crs Davies, Harding, Newton, Kennedy, Hutchinson-Brooks and Fawcett.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • CEO Annual Review
Council Delegation to Staff	<p>Councillors Attending: Crs Davies, Harding, Newton, Kennedy, Hutchinson-Brooks, Hill and Fawcett.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided information on the Instrument of delegation for the Chief Executive Officer and Members of Staff.</p>
Council Plan Actions and Council Timetable for August / September 2013	<p>Councillors Attending: Crs Davies, Harding, Newton, Kennedy, Hutchinson-Brooks, Hill and Fawcett.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided information on the Draft Annual Plan Schedule and the Proposed Council Timetable for August and September 2013.</p>
Zero Based Budgeting	<p>Councillors Attending: Crs Davies, Harding, Newton, Kennedy, Hutchinson-Brooks, Fawcett and Hill.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided information on the approach to be taken for applying a Zero Based Budgeting methodology to all Council Services.</p>
Planning Committee	<p>Councillors Attending: Crs Kennedy, Hutchinson-Brooks, Brunt, Newton, McEwen, Harding and Fawcett.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • VCAT Decisions • Statutory Planning Applications of significance • Strategic Planning Project Update
CEO Annual Review <i>continued</i>	<p>Councillors Attending: Crs Davies, Harding, Newton, Kennedy, Hutchinson-Brooks, Hill and Fawcett.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • CEO Annual Review

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Thursday 8 August 2013		
Housing and Settlement Strategy	<p>Councillors Attending: Crs Davies, Hutchinson-Brooks and Brunt.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Process and consultation • Key changes • submissions
Wednesday 14 August 2013		
Korumburra Round Table Committee	<p>Councillors Attending: Crs Brunt, McEwen, Harding, Hutchinson-Brooks and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Terms of Reference development
Social Community Infrastructure Steering Committee	<p>Councillors Attending: Crs Brunt, McEwen, Harding, Hutchinson-Brooks and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Terms of Reference development
Economic Development and Tourism Steering Committee	<p>Councillors Attending: Crs Brunt, McEwen, Harding, Hutchinson-Brooks, Fawcett, Hill and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Terms of Reference development
Review of Caravan Parks Steering Committee	<p>Councillors Attending: Crs Brunt, McEwen, Harding, Hutchinson-Brooks, Fawcett, Hill and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Terms of Reference development
Community Engagement and Evolving Vision Steering Committee	<p>Councillors Attending: Crs Brunt, McEwen, Harding, Hutchinson-Brooks, Fawcett, Hill and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Terms of Reference development

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 14 August 2013		
Financial Sustainability Steering Committee	<p>Councillors Attending: Crs Brunt, McEwen, Harding, Hutchinson-Brooks, Fawcett, Hill and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Terms of Reference development
Differential Rating Steering Committee	<p>Councillors Attending: Crs Brunt, McEwen, Hutchinson-Brooks, Fawcett, Hill and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Terms of Reference development
Executive Update	<p>Councillors Attending: Crs Brunt, McEwen, Hutchinson-Brooks, Fawcett, Hill and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Compulsory voting enforcement by infringements • Equestrian Facility update • New Rural zones
Thursday 15 August 2013		
South Gippsland Municipal Emergency Management Planning Committee	<p>Councillors Attending: Cr McEwen</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Training exercise • Training exercise working group
Tuesday 20 August 2013		
South Gippsland Youth Council	<p>Councillors Attending: Cr McEwen</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Hard Waste Collection • Science Expo • Leongatha Youth Access Clinic

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 21 August 2013		
Long Jetty & Yanakie Caravan Parks Update – Business Plan and Outcome of Negotiations	<p>Councillors Attending: Crs Newton, Kennedy, Brunt, McEwen, Harding, Fawcett, Hutchinson-Brooks and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided a briefing on the update of the transition towards Council's management of the Long Jetty and Yanakie Caravan Park.</p>
Gifted Assets to Parks & Gardens (includes Toby's Paddock)	<p>Councillors Attending: Crs Newton, Kennedy, Brunt, McEwen, Harding, Fawcett, Hutchinson-Brooks and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided an update on the ongoing financial pressure for Council to undertake the ongoing management of gifted parks and gardens assets.</p>
Strategic Directions for Aquatic Facilities in South Gippsland 2012-2016	<p>Councillors Attending: Crs Newton, Kennedy, Brunt, McEwen, Harding, Fawcett, Hutchinson-Brooks and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided information on the Strategic Direction for Aquatic Facilities in South Gippsland 2012 - 2016" adopted at the 22 February 2012 Council Meeting.</p>
Korumburra Integrated Children's Centre – concept design for exhibition	<p>Councillors Attending: Crs Newton, Kennedy, Brunt, McEwen, Harding, Fawcett, Hutchinson-Brooks and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided the concept designs for the Korumburra Integrated Children's Centre.</p>
OPEN DAY SESSION		
Planning Department Performance – summary for previous 12 months	<p>Councillors Attending: Crs Newton, Kennedy, McEwen, Harding, Fawcett, Hutchinson-Brooks and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided with information on the service delivery from the Statutory and Strategic teams.</p>
OPEN DAY SESSION		

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 21 August 2013		
<p>Public Presentation Session</p> <p>OPEN DAY SESSION</p>	<p>Councillors Attending: Crs Newton, Kennedy, Brunt, McEwen, Harding, Fawcett, Hutchinson-Brooks and Davies.</p> <p>Conflict of Interest: Cr Fawcett left the room with a conflict of interest.</p> <p>Ms Yvonne Morrison regarding a proposed equestrian centre at Stony Creek.</p> <p>Ms Janice Pell and Mr Ravi Raveerndran from South Gippsland Water regarding the Council Agenda Topic: Item E.7 Tarwin River Water Supply Catchment - inclusion of the open potable water supply catchment in the environmental significance overlay - schedule 2.</p> <p>Mr Glen Kell representing Planning Central regarding the Housing Settlement Strategy – Rural Living Zone Investigation Area – Nyora (675 Yannathan Road).</p>	<p>Presentations were made to Council by the following community members:</p>
<p>Council Agenda Topics 28 August 2013</p>	<p>Councillors Attending: Crs Brunt, McEwen, Newton, Harding, Kennedy, Hutchinson-Brooks, Fawcett and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Council Agenda topics 28 August 2013
<p>Executive Updates</p>	<p>Councillors Attending: Crs Brunt, McEwen, Newton, Harding, Kennedy, Hutchinson-Brooks, Fawcett and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Heavy vehicle update • Korumburra round table • Vision, Mission, Values

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 28 August 2013		
Council Agenda Topics 28 August 2013	<p>Councillors Attending: Crs Davies, Brunt, McEwen, Newton, Harding, Kennedy, Hutchinson-Brooks, Fawcett.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Council Agenda topics 28 August 2013</p>
<p>Public Presentation Session</p> <p>OPEN EVENING SESSION</p>	<p>Councillors Attending: Crs Davies, Brunt, McEwen, Newton, Harding, Kennedy, Hutchinson-Brooks, Fawcett.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Presentations were made to Council by the following community members:</p>
<p>Ms Meg Knight regarding Council Agenda Item <u>E.2 - Caravan Park Update: Direct Management of Long Jetty Caravan Park And Yanakie Caravan Park.</u></p> <p>Mr Ian Southall and Gayle Margaret regarding the presentation of the Mirboo North Community Energy Hub Business Case.</p> <p>Mr Paul Norton regarding governance matters.</p> <p>Mr John Stone regarding Council Agenda Item <u>E.2 - Caravan Park Update: Direct Management of Long Jetty Caravan Park and Yanakie Caravan Park.</u></p>		
Council Agenda Topics 28 August 2013	<p>Councillors Attending: Crs Davies, Brunt, McEwen, Newton, Harding, Kennedy, Hutchinson-Brooks, Fawcett and Hill.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Council Agenda topics 28 August 2013</p>
Leongatha Alternate Route (VicRoads)	<p>Councillors Attending: Crs Davies, Brunt, McEwen, Newton, Harding, Kennedy, Hutchinson-Brooks, Fawcett and Hill.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were presented with information relating to the Leongatha Alternate Route (VicRoads).</p>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Friday 30 August 2013		
Access and Inclusion Advisory Committee	Councillors Attending: Crs Brunt and Newton. Conflict of Interest: Nil disclosed.	Topics Discussed: <ul style="list-style-type: none">• Rural Access update• GippsSport update• Gippsland Disability Advocacy• Volunteer Induction Manual• Display of draft Korumburra Town Centre Framework

RECOMMENDATION

That Council receive and note this report.

STAFF DISCLOSURE OF INTEREST

Nil

NOTE: The recommendation was **CARRIED UNANIMOUSLY** as part of a single motion, refer to page 13.

D.3 COUNCILLOR DISCRETIONARY FUND ALLOCATION REPORT

EXECUTIVE SUMMARY

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

This report details Councillors allocations for the period between 18 July 2013 and 29 August 2013.

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:

- Prom Country Aged Care Inc.: To assist with the costs of the opening for the new facility
 - Cr Mohya Davies - \$500
 - Cr Jeanette Harding - \$200
 - Cr Kieran Kennedy - \$300
 - Mayoral Fund - \$200
- Mirboo North Primary School
 - Cr James Fawcett - \$400
 - Cr Don Hill - \$75
 - Cr Nigel Hutchinson-Brooks - \$75

- Korumburra Community Development and Action Inc.: Sponsorship towards the Korumburra Open Gardens event to be held on the 26 October 2013

Cr Robert Newton - \$85

FINANCIAL CONSIDERATIONS

Each Councillor is allocated \$4,000 from the Councillor Discretionary Fund in the 2013 / 2014 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 / 2014 Financial Year as at the 29 August 2013 are as follows:

- Cr Mohya Davies - \$3,300
- Cr Jeanette Harding - \$3,600
- Cr Kieran Kennedy - \$2,600
- Cr Lorraine Brunt - \$4,000
- Cr Robert Newton - \$3,440
- Cr Andrew McEwen - \$4,000
- Cr James Fawcett - \$3,600
- Cr Don Hill - \$3,925
- Cr Hutchinson-Brooks - \$3,925
- Mayoral Fund - \$1,800

RECOMMENDATION

That Council receive and note this report.

STAFF DISCLOSURE OF INTEREST

Nil

NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 13.

D.4 DOCUMENTS SEALED AND CONTRACTS AWARDED UNDER CHIEF EXECUTIVE OFFICER DELEGATION - AUGUST 2013

Corporate Services Directorate

EXECUTIVE SUMMARY

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

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

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

LEGISLATIVE/ ACTION PLANS/ STRATEGIES/ POLICIES

Local Government Act 1989 - Section 5 and 186

Local Law No. 3 2010

South Gippsland Shire Council Procurement Policy

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

COUNCIL PLAN

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

REPORT

Documents Sealed

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

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

In accordance with the Local Law, the following are presented to Council as documents sealed in the month of August 2013.

1. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 11B-11C Giles Street Mirboo North relating to construction of two townhouses and a two lot subdivision - Seal Applied 7 August 2013.
2. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 770 Boorool Road Berrys Creek relating to a two lot subdivision - Seal Applied 7 August 2013.
3. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 353 Creamery Valley Road Toora North relating to a two lot subdivision - Seal Applied 15 August 2013.
4. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 62 Inlet View Road Venus Bay relating to additions to an existing dwelling - Seal Applied 15 August 2013.
5. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 200 Franklin River Road Toora relating to re-subdivision of the land (three lots into two) and the excision of a dwelling - Seal Applied 21 August 2013.
6. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 39 Waratah Avenue Waratah Bay relating to a single dwelling - Seal Applied 26 August 2013.
7. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 31 Banksia Avenue Sandy Point relating to development of a dwelling, earthworks

greater than 1 metre and native vegetation removal - Seal Applied 26 August 2013.

8. Section 173 Agreement of the Planning and Environment Act 1987 for C66 planning scheme amendment between South Gippsland Shire Council and the owners of:
 - i. 100 Jumbunna Road, Korumburra,
 - ii. 90 Bena Road, Korumburra,
 - iii. 66 Bena Road, Korumburra,
 - iv. Bena Road, Korumburra, and
 - v. 36 Jumbunna Road Korumburra.

Seal Applied 26 August 2013.

9. Under Section 98(1) of the Local Government Act 1989, the South Gippsland Shire Council has approved the Instrument of Delegation to the Chief Executive Officer – Seal Applied 28 August 2013
10. Under Section 98(1) of the Local Government Act 1989, the South Gippsland Shire Council has approved the Instrument of Delegation to Members of Council Staff – Seal Applied 28 August 2013
11. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 33 Maitland Court Tarwin Lower relating to a change of use of the existing group accommodation to a dwelling - Seal Applied 28 August 2013.

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.

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.

There have been no contracts awarded under the Chief Executive Officer's delegation for the month of August 2013.

RECOMMENDATION

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

STAFF DISCLOSURE OF INTEREST

Nil

NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 13.

SECTION E - COUNCIL REPORTS

E.1 COMMUNITY ENGAGEMENT AND EVOLVING VISION

Corporate Services Directorate

EXECUTIVE SUMMARY

At the Council Ordinary Meeting on Wednesday 26 June 2013, Council resolved to:

'Develop new approaches to engage community participation in creating a continually evolving vision for the Shire, with a report presented to Council outlining approaches to be introduced in 2013-2014 by 30 September 2013.'

This report is to be referred to the Community Engagement and Evolving Vision Steering Committee as a reference when developing tools and methodologies to further Council's community engagement strategies and facilitation of an evolving vision.

Document/s pertaining to this Council Report

Nil

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Local Government Act 1989
- Planning and Environment Act 1987
- Emergency Management Act 1986
- Commonwealth Disability Discrimination Act 1992
- Information Privacy Act 2000
- Charter of Human Rights and Responsibilities Act

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Council Plan 2013 - 2017
- Annual Plan 2013 - 2014
- Draft Communication and Consultation Policy and Engagement Toolkit.
- Council Corporate Style Guide including templates
- Councillor Code of Conduct
- Staff Code of Conduct

- Good Governance Guide, MAV, 2004
- International Association for Public Participation - IAP2 Spectrum of Engagement – obligations to public (www.iap2.org)

COUNCIL PLAN

Outcome:	2.0	Closely Connected Communities
Objective:	2.1	Engage and work collaboratively with our community.
Strategy:	2.1.1	We will develop a continually evolving Vision for the Shire that encourages community participation in defining what it wants, needs and can afford to guide rationalisation, consolidation and achievement of desired community outcomes.

CONSULTATION

Internal consultation has commenced with the establishment of the Community Engagement and Evolving Vision Steering Committee which comprises of all Councillors, Executive Leadership Team and staff from various departments of Council including, but not limited to Customer Relations, Governance and Community Strengthening.

As the project develops and implementation of the actions are completed, there will be external consultation and engagement with the community following the International Association for Public Participation (IAP2) process, which is the basis and main objective of the project.

REPORT

Background

At the Council Ordinary Meeting on Wednesday 26 June 2013, Council resolved to:

'Develop new approaches to engage community participation in creating a continually evolving vision for the shire, with a report presented to Council outlining approaches to be introduced in 2013-2014 by 30 September 2013.'

Discussion

When considering the development and eventual implementation of approaches to engage with the community and create a continually evolving vision for the Shire, Council has discussed the requirement to review the draft Communication and Consultation Policy. This is to better understand what Council is currently doing, what gaps can be identified and what methods or approaches need to be introduced.

To complete this, training will be required to develop and implement the fundamentals of community engagement which will lead to a best practice use of IAP2 methodology.

Various engagement tools and methodologies have been improved upon year on year however there are recognised gaps in the approaches used. The growth of social media is one of the newer approaches that would allow further opportunities with the community.

Options

An internal 'Community Engagement and Evolving Vision Steering Committee' has been established. This committee will guide the implementation of the proposed approaches outlined below.

A significant approach will be for the Committee to consider the implementation of social media as best practice for informing, consulting and seeking active participation in Council decision making. This may include but not be limited to Facebook, Twitter and expansion of use of Council's Youtube channel.

Some approaches identified for inclusion include:

- Reviewing and adopting a final Community Engagement Policy;
- Conducting IAP2 awareness training for Councillors and Council Staff involved in leading community engagement;
- Introducing and implementing community surveys that focus on customer satisfaction and understanding community expectations. This would be delivered additional to the current annual State Government managed Community Satisfaction Survey;
- Introducing residents to the option to subscribe to digital information regarding Council matters relevant to them. Examples include e-newsletters, on-line forums and on-line surveys;
- Developing, adopting and introducing a Council Social Media Policy, and providing adequate training and guidelines for its use by Council; and
- Reviewing on-line and mobile device communication improvements to engage with the community. This would be completed as part of an overall website upgrade and improvement project.

Proposal

It is proposed that Council consider the options identified in this Council Report for further development and implementation via the Community Engagement and Evolving Vision Steering Committee. These approaches will guide Council towards improving community engagement and aligning

community needs to available resources, whilst gaining a better understanding of issues and expectations from the community. These outcomes will in turn inform the evolving Vision required by, and for, the community.

FINANCIAL CONSIDERATIONS

Funding for the project has not yet been determined by the Community Engagement and Evolving Vision Steering Committee. The project is being managed internally utilising existing Council staffing resources and budget allocations.

RISK FACTORS

There are risks associated with adequate time and resources to complete all the tasks and actions that may be expected through this project. To mitigate this, a realistic timeframe and achievable objectives are to be set by the Community Engagement and Evolving Vision Steering Committee.

CONCLUSION

The approaches outlined in this report will be referred to the Community Engagement and Evolving Vision Steering Committee to assist the development of a Community Engagement Policy and supporting 'toolkit'. The Policy and 'Toolkit' will guide the most appropriate methodologies to be used by Council in future engagement activities, including facilitation of an evolving vision for the Shire.

RECOMMENDATION

That Council:

1. Receive this report; and
2. Refer this report to the Community Engagement and Evolving Vision Steering Committee as a reference when developing tools and methodologies to further Council's community engagement strategies and facilitation of an evolving vision.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Davies

SECONDED: Cr Kennedy

THAT COUNCIL:

- 1. RECEIVE THIS REPORT; AND**
- 2. REFER THIS REPORT TO THE COMMUNITY ENGAGEMENT AND EVOLVING VISION STEERING COMMITTEE AS A REFERENCE WHEN DEVELOPING TOOLS AND METHODOLOGIES TO FURTHER COUNCIL'S COMMUNITY ENGAGEMENT STRATEGIES AND FACILITATION OF AN EVOLVING VISION.**

CARRIED UNANIMOUSLY

E.2 STRATEGIC REVIEW OF LAND HOLDINGS PROJECT - 8 MCDONALD STREET, MEENIYAN

Engineering Services Directorate

EXECUTIVE SUMMARY

This report is presented to Council to:

- Give public notice for the proposed sale of 8 McDonald Street, Meeniyan; and
- To set the time, date and place to hear and consider submissions for the proposed sale of 8 McDonald Street, Meeniyan.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Local Government Act 1989 (Sections 189 and 223)

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Land Ownership Policy.

COUNCIL PLAN

Outcome: 4.0 A Leading Organisation.

Objective: 4.1 Improve the financial sustainability of Council, including diversifying revenue streams.

CONSULTATION

- Council propose to place a public notice of the sale of 8 McDonald Street, Meeniyan in the local newspapers and on Council's website week commencing 30 September 2013 in accordance with Sections 189 and 223 of the Local Government Act 1989.
- The submission period is 28 days from publication and is proposed to close on 29 October 2013.
- If people request to speak to their submission, submissions will be heard on 27 November 2013 in the Council Chambers, Michael Place, Leongatha commencing at 11.30am.
- Council will receive a further report on the outcome of the Section 223 process and to consider submissions at the Ordinary Meeting of Council on 27 November 2013 at 2.00pm, and if appropriate, proceed with the sale of 8 McDonald Street, Meeniyan.

REPORT

Background

Council resolved at its Ordinary Meeting held on 26 June 2013 to (part resolution):

- “3. Agree to the following process for the sale of 8 McDonald Street, Meeniyan:*
 - a. Prepare a plan of subdivision pursuant to Section 24A of the Subdivision Act 1988 to excise the road from certificate of title volume 6334 folio 789.*
 - b. Upon completion of the plan of subdivision, commence the public notification for the sale of the balance of the land remaining in certificate of title volume 6334 folio 789 pursuant to Section 189 and 223 of the Local Government Act, 1989.*

Discussion

Council has completed the Plan of Subdivision to excise the road from the certificate of title (as referred to in 3a above) and is ready to commence the public notification for the sale of the balance of the land remaining in the title.

Before the public notice can be placed, Council must set the time, date and place that it will hear representations from submitters and consider submissions.

Proposal

It is proposed that Council commence statutory procedures pursuant to Sections 189 and 223 of the Local Government Act 1989 for the proposed sale of land.

FINANCIAL CONSIDERATIONS

Realisation of 2013/14 budget.

RISK FACTORS


Council’s legal risks associated with the sale of public land are mitigated as it is conducting its activities within the legislative framework provided by Sections 189 and 223 of the Local Government Act 1989.

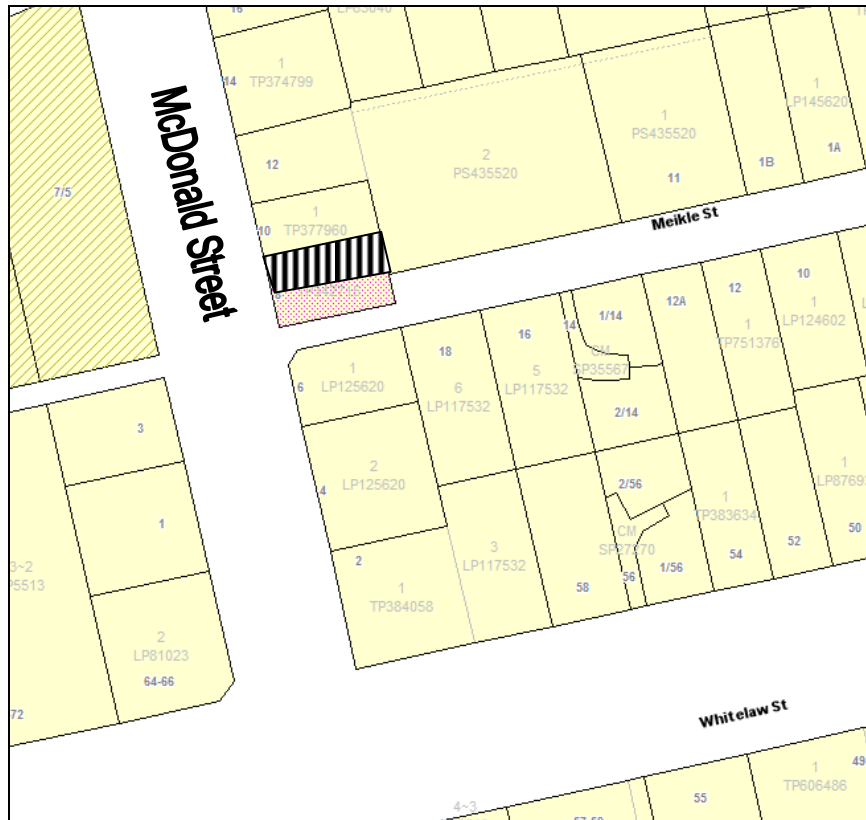
CONCLUSION

To meet its legislative requirements, Council must set the date, time and place to hear and consider submissions in order for the information to be published in the public notification of the proposed land for sale.

RECOMMENDATION

That Council:

1. Give public notice in the local newspapers and on Council's website week commencing 30 September 2013 of the proposed sale of 8 McDonald Street, Meeniyana (hatched  below) being part of the land described in volume 6334 folio 789, in accordance with Section 223 of the Local Government Act 1989.



2. In the public notice clearly state:
 - a. A person may make a submission to the proposal no later than Tuesday 29 October 2013 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 twelve months.

- d. The time, date and place for hearing of submissions.
3. Fix the time, date and place for hearing persons who wish to be heard in support of their submission on Wednesday 27 November 2013 at 11.30am in the Council Chamber, Michael Place, Leongatha and include these details in the public notice.
4. 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.
5. Consider submissions at the Ordinary Meeting of Council to be held at 2.00pm on 27 November 2013 and if appropriate, proceed with the sale of 8 McDonald Street, Meeniyan.

STAFF DISCLOSURE OF INTEREST

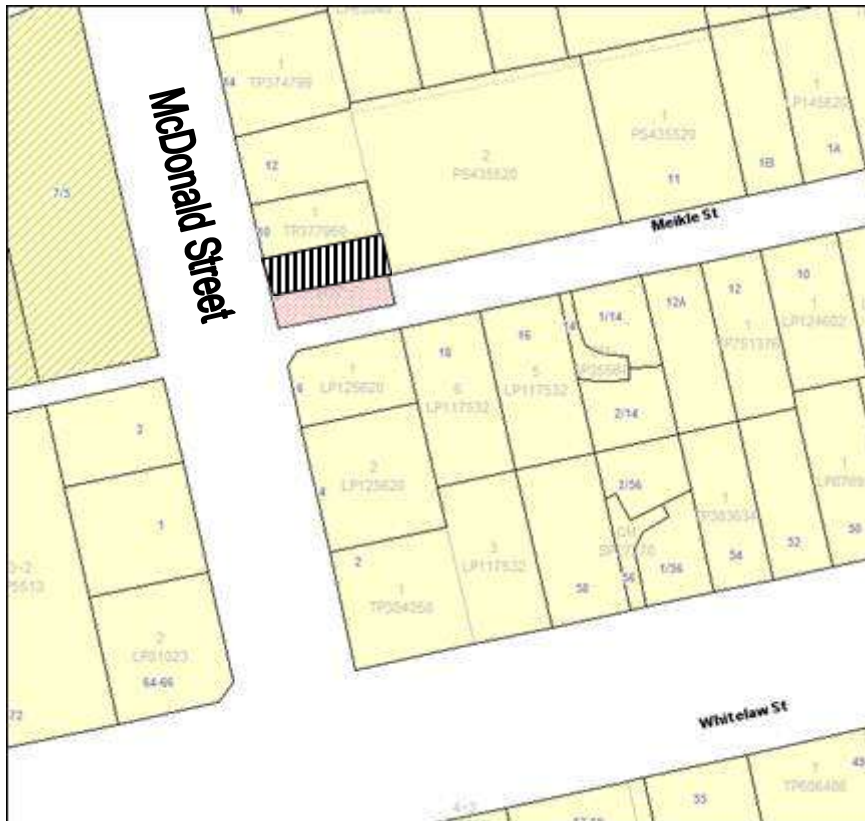
Nil

MOVED: Cr Newton

SECONDED: Cr Fawcett

THAT COUNCIL:

1. **GIVE PUBLIC NOTICE IN THE LOCAL NEWSPAPERS AND ON COUNCIL'S WEBSITE WEEK COMMENCING 30 SEPTEMBER 2013 OF THE PROPOSED SALE OF 8 MCDONALD STREET, MEENIYAN (HATCHED ■■■■ BELOW) BEING PART OF THE LAND DESCRIBED IN VOLUME 6334 FOLIO 789, IN ACCORDANCE WITH SECTION 223 OF THE LOCAL GOVERNMENT ACT 1989.**



2. **IN THE PUBLIC NOTICE CLEARLY STATE:**
 - a. **A PERSON MAY MAKE A SUBMISSION TO THE PROPOSAL NO LATER THAN TUESDAY 29 OCTOBER 2013 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 TWELVE MONTHS.**
 - d. **THE TIME, DATE AND PLACE FOR HEARING OF SUBMISSIONS.**
- 3. **FIX THE TIME, DATE AND PLACE FOR HEARING PERSONS WHO WISH TO BE HEARD IN SUPPORT OF THEIR SUBMISSION AS WEDNESDAY 27 NOVEMBER 2013 AT 11.30AM IN THE COUNCIL CHAMBER, MICHAEL PLACE, LEONGATHA, APPOINT THOSE COUNCILLORS PRESENT AT THIS MEETING AS THE COMMITTEE TO HEAR THE SUBMISSIONS AND REPORT TO THE COUNCIL AND ADVISE OF THESE DETAILS IN THE PUBLIC NOTICE.**
 - 4. **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.**
 - 5. **AT THE ORDINARY MEETING OF COUNCIL TO BE HELD AT 2.00PM ON 27 NOVEMBER 2013 CONSIDER A REPORT FROM THE COMMITTEE APPOINTED TO HEAR THE SUBMISSIONS, DETERMINE THE SUBMISSIONS AND IF APPROPRIATE, PROCEED WITH THE SALE OF 8 MCDONALD STREET, MEENIYAN.**

CARRIED UNANIMOUSLY

E.3 PARKS AND GARDENS GIFTED ASSETS - 'TOBY'S PADDOCK', NYORA

Engineering Services Directorate

EXECUTIVE SUMMARY

The purpose of this report is for Council to consider including the following community created project on Council's Parks and Gardens Maintenance Program:

1. Mowing of 'Toby's Paddock', Nyora (Corner Davis Street and Mitchell Street).

Community volunteers have indicated that they can no longer maintain this community asset.

Document/s pertaining to this Council Report

- **Attachment 1** - Aerial Map of 'Toby's Paddock', Nyora
- **Attachment 2** - Correspondence requesting Council include 'Toby's Paddock', Nyora on the Parks and Gardens Maintenance Program.

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Parks, Gardens and Reserves Asset Management Plan 2013
- Asset Management Strategy 2013
- Asset Management Policy 2013
- Open Space 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.

CONSULTATION

Council is in receipt of correspondence dated 12 June 2013 from Councillors Newton, Brunt and McEwen on behalf of the Nyora community requesting Council mow and maintain 'Toby's Paddock'. Community members have also been in direct contact with Council's Parks and Gardens Team.

Refer to **Attachment 2** for a copy of the correspondence.

REPORT

Background

'Toby's Paddock', Nyora was created by members of the Nyora Community in 2007 to develop a community space and improve the amenity by taking on the management of the site from VicTrack. The community members have indicated that they are unable to mow the grass onsite.

Discussion

The maintenance of 'Toby's Paddock' can be incorporated into the current mowing program in the Nyora, Loch and Poowong zone.

The appearance of public open space, parks, gardens and reserves etc are considered important to our residents and visitors as it gives a sense of pride and appreciation of our community assets.

Proposal

It is proposed that Council include 'Toby's Paddock', Nyora to the Parks and Gardens Maintenance Program.

FINANCIAL CONSIDERATIONS

'Toby's Paddock' is very wet during winter and Council's broad acre mower would not be able to be used. Smaller mowers would need to be used which potentially increase the labour cost.

To undertake the mowing at this site would cost approximately \$6,200 per annum to cover the additional casual staff and machinery costs. This is currently not accommodated in the Parks and Gardens Maintenance Program.

RISK FACTORS

The risks to Council by including 'Toby's Paddock' to the Parks and Gardens Maintenance Program are:

- The potential to set a precedence for other community groups to request Council to take on parks and gardens maintenance on sites which are not owned or managed by Council.
- The increase in service levels / additional works not currently accommodated in Council's Parks and Gardens Maintenance Program.

The risks to Council by not including 'Toby's Paddock' to the Parks and Gardens Maintenance Program are:

- Community dissatisfaction.
- Potential for the community assets to deteriorate further.

CONCLUSION

Council takes pride in the appearance of parks and gardens across the Shire. Funding the parks and gardens maintenance for this site will ensure this community asset is adequately maintained for continued community and visitor use.

RECOMMENDATION

That Council:

1. Include 'Toby's Paddock', Nyora on the mowing schedule as part of the Parks and Gardens Maintenance program.
2. Increase the Parks and Gardens Maintenance Program budget by an additional \$6,200 per annum indexed to cater for the ongoing maintenance at the site.
3. Advise the community of its decision.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Fawcett

SECONDED: Cr Davies

THAT COUNCIL:

1. **INCLUDE 'TOBY'S Paddock', NYORA ON THE MOWING SCHEDULE AS PART OF THE PARKS AND GARDENS MAINTENANCE PROGRAM.**
2. **INCREASE THE PARKS AND GARDENS MAINTENANCE PROGRAM BUDGET BY AN ADDITIONAL \$6,200 PER ANNUM INDEXED TO CATER FOR THE ONGOING MAINTENANCE AT THE SITE.**
3. **ADVISE THE COMMUNITY OF ITS DECISION.**

CARRIED UNANIMOUSLY

Attachment 1
Aerial Maps of 'Toby's Paddock', Nyora



Attachment 2
Correspondence - Toby's Paddock, Nyora

12 June 2013

**SOUTH GIPPSLAND
SHIRE COUNCIL**
12 JUN 2013

Tim Tamlin
CEO
South Gippsland Shire Council

Dear Tim,

RE: Request to mow Toby's Park Nyora


We have been approached by Tricia and John Fleming regarding assistance in mowing of the park area at Nyora called Toby's park. The community worked tirelessly to raise funds and to develop the park, which previously was an eyesore.


The park has been mowed and maintained regularly by locals for some time. With the aging of the volunteers, the mowing has become an increasing burden, with many of the volunteers in their seventies. The community has requested that Council add the park to its current round of parks in Nyora. It is anticipated that it would take about 45 minutes extra time.


While the park was an initiative of the community, it has added significantly to the amenity, attractiveness and enjoyment of the area and to its community spirit. As with other community initiated parks that council now is responsible for, this is we believe is a reasonable request given the ageing of the volunteers for Council to take over some responsibilities now. The community has created a valuable asset at no cost to Council.

Council we believe should honour community initiatives and volunteer effort where reasonable. The issue of aging volunteers is a growing one which Council will need to address. We are sure that this small contribution back to the community would be greatly appreciated. Looking forward to your response,

Yours Faithfully


Cr Bob Newton


Cr Lorraine Blunt


Cr Andrew McEwen

Copies to Mayor, Councillors and Directors

E.4 ADOPTION OF HOUSING AND SETTLEMENT STRATEGY

Development Services Directorate

EXECUTIVE SUMMARY

After exhibition in June and July 2013, the draft Housing and Settlement Strategy (HSS) has been refined and is presented to Council for consideration and adoption (**Appendix 1**). The key objectives of the project are to provide:

- Direction for the future growth of the Shire,
- Urban Design Frameworks for 17 small to medium sized settlements,
- Areas for future Rural Living Zone investigation, and
- Restructure plans for 11 old Crown Townships.

It is recommended that Council adopts the HSS to supersede the South Gippsland Shire Overall Settlement Plan (OSP) adopted in 2006.

The HSS if adopted would be used as the basis for a planning scheme amendment to implement the preferences for residential growth, guide infrastructure investment priorities, and provide a strategic reference point for Council and the community.

Document/s pertaining to this Council Report

- **Attachment 1** - Summary of consultation methods
- **Appendix 1** - Final Housing and Settlement Strategy
- **Appendix 2** - Summary of submissions
- **Confidential Appendix 1** - All submissions

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

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

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

South Gippsland Planning Scheme

Draft Gippsland Regional Growth Plan (June 2013)

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Overall Settlement Plan (2006)

COUNCIL PLAN

Outcome:	1	A Prosperous Shire
Objective:	1.1	Work with the business community to support existing businesses, diversify employment opportunities and to attract new businesses
Strategy:	1.1.1	We will actively plan for growth and economic Development
	1.1.2	We will protect and retain the unique identity of towns, villages and farming districts.
	1.1.3	We will actively encourage sustainable development and growth of agriculture, industry and commercial business
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:	3.1.4	We will plan for the service needs of the Shire's changing demographic.
	3.1.5	We will encourage sustainable development that promotes the health, well-being and unique character of the community.
Outcome:	4	A leading organisation
Objective:	4.2	Pursue best practice in organisational development and operations of the organisation.
Strategy:	4.2.3	We will make informed decisions and provide opportunities for the community to participate in the decision making process.

CONSULTATION

During exhibition in June and July 2013 a total of 71 submissions were received, 56 submissions were received via email, mail or in the form of a feedback form, and 15 submissions were made via online survey. The methods of consultation are summarized in **Attachment 1**.

Due to a proposed change to the RLZ investigation area of Nyora in the report, a number of affected landowners and occupiers in Nyora were informed of the proposed change and given two additional weeks to make comment.

The HSS Project Reference Group, which comprises a mix of Councillors, Council officers and external representatives met on 8 August to provide feedback on the proposed changes.

REPORT

Background

Development of the HSS is a major project for Council. The scope of the project was approved by Council in October 2011 and the project has been developed in part to supersede the South Gippsland Overall Settlement Plan (OSP) adopted by Council in 2006. The OSP provided the development direction for South Gippsland Shire for a number of years but new sewerage schemes planned for Nyora, Loch, and Poowong as well as the newly operational scheme in Meeniyan added to the need for an updated long term settlement plan.

The HSS project has provided:

1. A settlement and housing growth strategy to address the long term growth pressure of developments in South Gippsland while protecting the valuable natural resources critical to the prosperity of the Shire.
2. Endorsement of existing structure plans and urban design frameworks.
3. 17 Urban Design Frameworks (UDFs) for the small to medium sized settlements of Arawata, Bena, Buffalo, Darlimurla, Dumbalk, Fish Creek, Jumbunna, Kardella, Kongwak, Koonwarra, Mirboo, Nerrena, Ruby, Stony Creek, Strzelecki, Walkerville and Yanakie. The UDFs will provide long term urban design and land use planning direction, and recognise each of them with a Framework Plan in the Planning Scheme.
4. Restructure plans for 11 old Crown Townships in Bennison, Hedley, Hoddle, Jeetho, Jumbunna, Meeniyan West, Newcastle, Outtrim, Port Franklin, Tarwin and Whitelaw. The Rural Land Use Strategy (RLUS) provided the direction to restructure these former and proposed townships, many subdivided over 100 years ago. Additionally, the process recognises Council's policy over many years to prohibit full development of these poorly serviced old town townships. The restructure plans have been developed to consolidate land titles in these areas, provide certainty to affected land owners and identify areas for future investigation for rezoning to Rural Living Zone (RLZ). Council's resolution on 25 July 2012 directed two precincts considered under the Nyora Structure Plan for future rezoning to RLZ to be referred to the Housing and Settlement Strategy. The project also reviews other key candidate sites proposed by landowners during the process of the development.

In November 2012, Council released an Issues, Opportunities, and Constraints Paper ("The Issues Paper"); a background paper to the HSS to inform communication and consultation. It provided a framework for the development of the draft HSS, identified settlement planning principles, and infrastructure provisions of Council.

The Issues Paper provided the preliminary UDFs, restructure plans and investigation sites for RLZ (Point 2, 3, and 4 above). It took into account the relevant environmental, social and economic constraints and opportunities of each settlement which were identified through literature review, town walks, consultation with community members and various agencies.

In June and July 2013, Council exhibited the draft HSS for community consultation. It consolidates the feedback received from the earlier stages, and establishes a settlement hierarchy and associated directions. The submissions, which are detailed in the **Appendix 2** to this report, has contributed to further refinements and formed the final version for Council's adoption in this report.

Discussion

A summary of all the submissions and responses are outlined in **Attachment 1**. This section will focus on some of the key issues:

1. Part A: Housing Settlement Strategy

The settlement hierarchy and the growth framework adhere to the principles that seek to celebrate the characters of all existing communities, optimise access to infrastructure and services, and to minimize loss to life, properties and assets. The settlement hierarchy not only reflects a sustainable model for Council's infrastructure investment, but also ensure that an appropriate level of community services can be sustainably delivered.

The adopted Rural Land Use Strategy (RLUS) has provided a very clear direction for the shire's rural land. The HSS does not revisit elements of the areas covered by the RLUS; however the RLUS has created more opportunities for rural living within the Farming Zone than any other municipality in Victoria. The HSS recognises the critical role played by the agricultural sector in the shire to the local economy, and endorses the relevant State policies which are consistent with this objective.

2. Part B: Urban Design Frameworks

A common and key output of each of the 17 UDFs is a settlement boundary, which recognises preferred locations for future developments especially those for community use. It takes into account the topography, existing land use pattern and existing lot sizes of the settlements. Developments outside the settlement boundary that are compatible with the existing planning controls will not be affected.

3. Part C: Rural Living Zone Investigation Area

A number of submissions proposed land to be included for future RLZ investigation including the following key sites:

- a. Leongatha investigation area, west of Bass Highway, Southern Leongatha: Part of the land was identified in the draft HSS as a

suitable site for rezoning to Low Density Residential Zone. There is little strategic merit to revise the identified rural expansion area as requested by the landowners due to the following reasons:

- i. Spilt zoning issue raised by the landowners can be addressed by boundary realignment and other means.
 - ii. Safety and access issue from the land to the highway.
 - iii. The land is within a special water supply catchment and must be connected to reticulated sewer.
 - iv. Council's decision to realign Simons Lane and, as a result, the creation of better highway access to the future Low Density Residential Zone precinct east of Bass Highway.
- b. The investigation does not include a proposal to include land at 675 Yannathan Road, Nyora to RLZ. Council resolved on 15 July 2012 to not include this land as an investigation area in the Nyora Structure Plan. This decision was supported by the Amendment C72 Panel Report. The Panel concluded that the inclusion of this property in the Structure Plan was 'not strategically justified'.
- c. Extension to the Nyora investigation area. The draft HSS supported 135 Henrys Road and part of 100 Lang Lang Poowong Road for future RLZ investigation. The final draft HSS has extended the future RLZ Investigation in Nyora to a much larger area, in response to submissions and the following considerations:
- i. Including more land within the precinct would allow for more effective planning on a precinct based level.
 - ii. Many of the development constraints, e.g. protected flora and fauna, bushfire risk, are across a number of land parcels. Consideration of these constraints over the precinct as a whole will allow for better subdivision layout, ensuring future lots are created in the appropriate locations within the precinct.
 - iii. Before rezoning is approved consideration of cost contributions for road upgrades and other associated community infrastructure will be required.

4. Part C: Restructure Overlay Investigation Area

Hoddle Restructure Plan: The proposed increase from one restructured lot to three restructured lots across the tenement is less than that proposed by the land owner and is seen as sufficient, taking into account:

- a. The long standing Council policy to prohibit developments in these old Crown Townships.

- b. The primary goal of the Restructure Overlay is to restructure inappropriate subdivision not to facilitate dwelling development.
- c. The environmental and social constraints of the site.
- d. The overall approach for all the affected 11 precincts, and
- e. The existing settlement pattern and road access.

Proposal

It is proposed that Council adopts the Housing and Settlement Strategy and requests approval from the Minister for Planning to prepare Planning Scheme Amendments to implement the key recommendations in the HSS. There are major changes to overlays and zones such as the review of the Bushfire Management and Land Subject to Inundation Overlays that should be accurately reflected in the HSS mapping. The recommendation allows for the maps to be amended post adoption of the HSS.

FINANCIAL CONSIDERATIONS

With a settlement hierarchy that reflects Council's priorities in infrastructure investment, the adoption of the HSS will assist Council to make decisions on future development of infrastructure and community services and best facilitate development.

The adopted HSS will provide a strong strategic basis for Council for resource allocation and in funding and grant applications to deliver community services and infrastructure projects in key settlements.

RISK FACTORS

With recent introduction of reticulated sewerage in Meeniyah, growth pressure and evolving community expectation over infrastructure and service provisions by Council, the Overall Settlement Plan has limited application and a new plan is required to direct future growth in the shire.

Without an adopted HSS, future direction for residential growth will not be clear to the community and the development industry.

CONCLUSION

Adoption of the HSS and implementation of the key strategic recommendations will bring many benefits to the Shire. The recommendation has been made following extensive consultation with communities and relevant government agencies and will help provide direction for residential growth for the next decade and beyond.

RECOMMENDATION

That Council:

1. Adopt the Housing and Settlement Strategy (September 2013).
2. Request authorisation from the Minister for Planning to prepare Planning Scheme Amendments to implement the key recommendations in the Housing and Settlement Strategy.
3. Authorise Officers to review and update the maps in the adopted Housing and Settlement Strategy in accordance with future approved Planning Scheme Amendments.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Hutchinson-Brooks

SECONDED: Cr Davies

THAT COUNCIL:

1. **ADOPT THE HOUSING AND SETTLEMENT STRATEGY (SEPTEMBER 2013).**
2. **REQUEST AUTHORISATION FROM THE MINISTER FOR PLANNING TO PREPARE PLANNING SCHEME AMENDMENTS TO IMPLEMENT THE KEY RECOMMENDATIONS IN THE HOUSING AND SETTLEMENT STRATEGY.**
3. **AUTHORISE OFFICERS TO REVIEW AND UPDATE THE MAPS IN THE ADOPTED HOUSING AND SETTLEMENT STRATEGY IN ACCORDANCE WITH FUTURE APPROVED PLANNING SCHEME AMENDMENTS.**

CARRIED

For: Crs Newton, Davies, Kennedy, Hill, Brunt and Hutchinson-Brooks.

Against: Cr Fawcett

Attachment 1 Summary of Consultation

1. Five dedicated HSS information sessions held on 16 & 17 June 2013 involving approximately 83+ total attendees.
2. Meeting and email liaison with Government department and public authority representatives including the former Department of Planning and Community Development (now part of Regional Development Victoria [RDV]), Department of Transport, Planning and Local Infrastructure (DTPLI), Department of Environment and Primary Industries (DEPI), VicRoads, West Gippsland Catchment Management Authority, Gippsland Water, South Gippsland Water, CFA Gippsland, and Aboriginal Affairs Victoria.
3. Presentation at Towns and Districts meeting with community representatives on 6 June 2013.
4. 1-on-1 discussions at Council office and 2 drop-in sessions in Leongatha and Coal Creek on 6 & 8 June 2013.
5. Emails and mail out to town based community contacts, affected landowners and occupiers, all CFA brigades, submitters to the Issues, Opportunities and Constraints Paper, submitters to Nyora C72 Planning Scheme Amendment, housing agencies.
6. Powerpoint slideshow at Council front counter.
7. Electronic notification on Council and community websites/newsletters.
8. Physical newsletters: schools, local business, Prom Country Tourism and communities.
9. Project Bulletin distribution at various community 'gathering places', Mt Best Community meeting on 14 April 2013, and Lower Tarwin Valley District Advisory Network meeting on 18 June 2013.
10. Web survey.
11. Media release newspaper articles and noticeboard items on newspapers.
12. Hardcopies of HSS available in libraries, Visitor Information Centre, Coal Creek, and Senior Citizens Centres.

E.5 GIPPSLAND REGIONAL GROWTH PLAN

Development Services Directorate

EXECUTIVE SUMMARY

The final Gippsland Regional Growth Plan (RGP) (**Appendix 1**) and accompanying Background Report (**Appendix 2**) is now ready to be considered for endorsement by Council following consultation with communities and interested stakeholders.

The key themes considered in the draft RGP included:

- Achieving the most appropriate pattern of settlement
- Retaining the unique identity of existing settlements
- The importance of transport in supporting regional growth and activity
- Providing opportunities for employment and innovation
- Protecting what is valued about our region: farmland, natural landscape lifestyle and culture,
- The timing and sequencing of urban development and infrastructure provision

A report on the outcomes of community consultation and the proposed changes to the draft RGP is provided as (**Appendix 3**) to this report.

Based on existing commitments of infrastructure agencies and land already identified as planned growth across the region, no major new growth areas are required within at least the next 10 years.

This final Plan reflects Council's strategic policy interests which have been considered throughout the process. Noting this and having received the draft RGP prior to public release Council utilised the consultation period to formalise a position on the draft plan and provide feedback to the Department of Transport Planning and Local Infrastructure (DTPLI).

The final RGP and background paper that accompany this report have been prepared by DTPLI's RGP project team for the Project Steering Committee (which includes all local government CEOs from our region) to consider and recommend to Councils for endorsement. As with other Regional Growth Plans it is very important for the region that these timelines are met to enable the region's plan to be properly considered along with other Regional Growth Plans and the Metropolitan Planning Strategy in finalising the State Government's Vision for Victoria.

In line with other regions across the State and the State-wide governance arrangements, Councils are now asked to formally endorse the final Regional

Growth Plan as feedback received from the public consultation process confirms the strength and appropriateness of the strategies it describes.

This final RGP (which may be subject to minor changes, pending decisions of other councils) is now presented to Council for the purpose of seeking Council's endorsement to the plan.

Document/s pertaining to this Council Report

- **Appendix 1** - Gippsland Regional Growth Plan
- **Appendix 2** - Background Report
- **Appendix 3** - Gippsland RGP Consultation and Engagement Report

A copy of **Appendix 1, 2 and 3** 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

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Nil

COUNCIL PLAN

Outcome:	1.0	A Prosperous Shire
Objective:	1.3	Improve the sustainability of the local and regional environment

CONSULTATION

Community engagement was undertaken in July 2012 and included information about the RGP on a project website and exhibition of a brochure outlining a proposed vision, principles and strategic directions for the plan. Feedback received from the community on the brochure was used to inform development of the draft RGP.

The next stage of community engagement involved exhibition of the draft RGP and Background Report by the Department of Community Development (DPCD) (now the Department of Transport, Planning and Local Infrastructure - DTPLI) across the region.

REPORT

Background

The Gippsland Regional Growth Plan (RGP) is one of eight regional growth plans being developed across Victoria. Together with the Metropolitan

Planning Strategy (MPS), the plans will form the basis of the State Government's Vision for Victoria.

The Gippsland RGP project is being managed by the Gippsland RGP Project Steering Committee (PSC). It is a partnership between the Gippsland councils, the DTPLI and other State Departments and Agencies. A project management team led by DTPLI, ensures the project is delivered to agreed timelines.

Council has been briefed on the progress of the project leading up to the first stage of engagement. An information brochure outlining proposed regional vision, principles for growth and concept plan was also distributed.

Discussion

The RGP will provide a regional framework to inform the work of local governments and State agencies in managing the region's population and economic growth and land use pressures. It is prepared in the context of our Regional Strategic Plan, projected growth rates and economic futures, and State and local policies. From now until 2041, the RGP seeks to integrate strategic land use and growth planning already done across the region and build on this to identify where and how future residential, employment and industrial growth will be accommodated, infrastructure required and areas to be protected.

The RGP is supported by a Background Report (**Appendix 2**) that provides more detail about the development of the Gippsland RGP and elements underpinning the Plan; the Gippsland RGP Consultation and Engagement Report (**Appendix 3**), includes a summary of feedback from the community consultation on the vision, principles and scenarios for growth.

The RGP comprises five main parts. These parts detail the key information and strategy for supporting growth by way of;

Part A – Introduction

Part B – Regional Overview

Part C – Towards the Regional Growth Plan – Regional Land Use Framework

Part D – The Gippsland Regional Growth Plan

Part E – Delivering Regional Growth

The format of the RGP is consistent with the other RGPs across Victoria however the content and strategies for the RGP is tailored to the issues and circumstances of this region. The following outlines the key material covered in each section.

Part A – Introduction: Why We Need A Plan

Part A illustrates that the Gippsland region is growing. There will be more people living, working and visiting the region over the next 30 years.

Planned well, the region will provide more access to employment and retail, social, community, sporting, entertainment and cultural services and facilities.

Previous community consultation activities on the RGP project included workshops in 2012 involving participants from State and local government, as well as community/interest groups and business/development groups. These workshops resulted in the identification of a regional vision, principles for growth, scenario(s) for growth and strategic directions for growth. Following these workshops a brochure was developed that summarised the draft regional vision, principles for growth and scenarios. This brochure was published and released for public comment via the DTPLI (and Council's website), with hard copies also made available from DTPLI (and Council's office).

A detailed report on the feedback and submissions received can be found in the Gippsland Regional Growth Plan Engagement Report (**Appendix 3**).

There was general agreement that the identified vision and principles for growth were appropriate for this plan. Specific comments on each of these which can be found in the more detailed summary along with more information regarding the various scenarios considered.

Community consultation on the draft RGP included advertising in newspapers, websites, and open house sessions. The key themes drawn from feedback included:

- Achieving the right pattern of settlement, including retaining the unique identity of existing settlements
- The importance of transport in supporting regional growth and activity
- Providing opportunities for employment and innovation
- Protecting what is valued about the region: farmland, natural landscape, lifestyle and culture
- The timing and sequencing of urban development and infrastructure provision

This information is provided in more detail in the accompanying Engagement Report (**Appendix 3**).

Part B – Regional Overview

Part B includes consideration of a range of relevant data, plans and strategies. In relation to local planning strategies, the Gippsland councils have

mapped out 20-30 years supply of zoned and strategically identified residential and employment land. This land will allow the region to grow over time in Gippsland. The current identified growth areas have been selected through local planning processes that involved extensive community engagement. They were assessed for their relevance in contributing to a regional scale consideration of growth in the development of the RGP.

The figures identified in the RGP are conservative in relation to infill development. Capacity for new housing exists within existing urban areas through major redevelopment and incremental infill sites though take-up will depend largely on individual choices and market forces.

The context section of the RGP outlines how the Gippsland region sits in relation to Melbourne and the Metropolitan Planning Strategy, the surrounding regions and the other Regional Growth Plans being developed. The context also discusses the roles and linkages within the region.

Part C – Towards the Regional Growth Plan

The RGP builds on the current population and plans for future population growth. It includes the planned growth already identified across the region by the Gippsland councils.

This growth has been planned to avoid areas of natural risk (such as coastal inundation, bushfire and flood). The RGP identifies targeted areas to cater for additional population growth as well as longer term growth areas if the region's growth becomes more rapid.

The RGP proposes a framework for growth they include:

- Building on the planned growth picture identified in existing structure plans
- Identified settlements across the region providing key services and facilities to surrounding areas
- Reinforcing the importance of the Latrobe Valley towns as a regional 'cities'
- Acknowledging the role of Leongatha as a regional centre with strong links to Korumburra as part of a subregional growth area
- The importance of planning for employment growth with population growth including strengthening existing employment nodes and identifying new areas for employment
- Ensuring settlement boundaries are clear and breaks between settlements are managed carefully to allow agriculture and related industries to prosper

- Provide direction in identifying major infrastructure required to support the region of Gippsland, including transport and road networks

These elements and the advice that accompanies them have informed and are expressed as the compiled Regional Growth Plan in Part D (**Appendix 1**).

Part D – The Regional Growth Plan

Part D provides the framework for growth and is reflected in the map Settlement and Growth Directions (**Appendix 1**). This map outlines the proposed locations of both the residential and employment growth proposed for the region. There are a number of major infrastructure investments required in order to support the Gippsland region to grow. A Major Infrastructure Directions map in the plan identifies the regionally important facilities required now and into the future as growth occurs.

The RGP provides a high level overview of the key areas and corridors where upgrades to infrastructure and services will be required. The sequencing of growth is an extremely important element of managing growth and is primarily linked to the ability of infrastructure providers to service key areas in the region. The RGP provides a high level sequencing priority that will require further work as part of the development of a Gippsland Regional Implementation Plan.

Based on existing commitments by agencies to infrastructure as well as land already identified as planned growth across the region no new growth fronts are required within the next 10 years. Careful monitoring of the rate of development and the land supply is required every 3 – 5 years over the life of the plan.

Part E - Delivery and Implementation

Public comments on the draft Plan have been considered and inform this final draft Plan which is now provided to all Councils in the Gippsland region for endorsement, prior to it being delivered to the Minister for Planning. The Minister for Planning will then consider all eight Regional Growth Plans alongside the Metropolitan Strategy and finalise them and approve them.

Once approved by the Minister for Planning various activities will be required. More detailed advice will be provided as the Plan is completed but broadly these include:

- Conversion of the RGP into planning schemes – it is anticipated that the Minister for Planning could assist with initial changes at a regional level, and councils can progress any required local changes,
- Regional Implementation Plans where required, and further work with key agencies at federal, state and local levels to explore how required infrastructure can be provided,
- Planning for any identified Further Investigation Areas; and

- Agree on a cycle for periodic review of RGPs every 4 – 5 years.

Options

Council may choose to endorse the plan or not.

Proposal

That the Gippsland Regional Growth plan be endorsed by Council.

FINANCIAL CONSIDERATIONS

All costs for the project have been born by the state government.

RISK FACTORS

If the plan is not endorsed planning scheme anomalies will occur across the region and the important work on the direction for growth for the region will not be able to utilised by Council.

CONCLUSION

This final RGP has been prepared by DTPLIs RGP project team for the Project Steering Committee. The PSC has signed off the plan as ready for Councils to consider and the PSC recommends that Council endorse the plan.

As with other Regional Growth Plans it is very important for our region that these timelines are met to enable our region's plan to be properly considered along with other Regional Growth Plans and the Metropolitan Planning Strategy in finalising the Government's Vision for Victoria.

RECOMMENDATION

That Council endorse the Gippsland Regional Growth Plan.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Davies

SECONDED: Cr Hill

THAT COUNCIL ENDORSE THE GIPPSLAND REGIONAL GROWTH PLAN.

Cr Fawcett left the Meeting at 2.52pm.

Cr Fawcett returned to the Meeting at 2.53pm.

CARRIED UNANIMOUSLY

E.6 PLANNING SCHEME AMENDMENT C83 - APPLICATION OF THE PUBLIC ACQUISITION OVERLAY ON 5 LITTLE PRINCES STREET AND 'PUBLIC USE' REZONING OF THE KORUMBURRA INTEGRATED CHILDREN'S CENTRE

Development Services Directorate

EXECUTIVE SUMMARY

Council has made a commitment to develop the 'Korumburra Integrated Children's Centre' (KICC) across the Council owned land at 19A Mair Crescent and 22 Princes Street Korumburra – see **Attachment 1**. Development of the KICC is a Council identified 'Priority Project'.

In addition to the land already owned by Council, the land at 5 Little Princes Street is required for the development of the KICC. Planning Scheme Amendment C83 applies the Public Acquisition Overlay (PAO) over 5 Little Princes Street allowing Council to compulsorily acquire the land if a voluntary sale to Council cannot be achieved. The Amendment also proposes to rezone the entire land parcel to the Public Use Zone 3 (PUZ3 - Health and community).

Public exhibition of Amendment C83 has concluded and no objections were received.

The Minister for Planning will not support the application of a Public Use Zone to private land; as a result the rezoning of the KICC site cannot occur before Council owns all of the land. It is therefore recommended that Amendment C83 be split into two parts with Part 1 being the application of the PAO and Part 2 the rezoning of the land following the completion of the acquisition process.

It is recommended that Council adopt Amendment C83 (Part 1) and submit the Amendment to the Minister for Planning for approval. After Council has acquired 5 Little Princes Street, Council can then adopt Amendment C83 Part 2 and rezone the entire land parcel PUZ3 and remove the (by then) redundant PAO.

Document/s pertaining to this Council Report

- **Attachment 1** - Korumburra Integrated Children's Centre site layout plan
- **Attachment 2** - Amendment C83 (Part 1) Council adopted documents.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Planning and Environment Act 1987
- Land Acquisition and Compensation Act 1986

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Nil

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 demographics.

CONSULTATION

Planning Scheme Amendment C83 was exhibited in accordance with the procedural requirements of the Planning and Environment Act 1987. The following actions were taken:

- Postal notification to the owners/occupiers of all directly adjoining properties and surrounding lots potentially affected by the KICC.
- Postal notification to local schools, childcare centres, social service providers in Korumburra and government agencies, authorities and utility providers likely to be interested in the future development of the KICC.
- Three public display noticeboards on the subject land, public notice in the local newspapers and display notices in the town centre. Hard copy information was also provided at Council's Main office, Coal Creek and Korumburra Library.
- Information was provided on Council's web page and the State Government's web page for planning scheme amendments.

A community meeting with local residents was conducted prior to the commencement of the formal exhibition period. A community information 'drop in session' was held at Coal Creek during exhibition.

REPORT

Background

In April 2013 Council resolved to prepare and exhibit Amendment C83. At that time Council was negotiating the purchase of the land at 22 Princes Street

and 5 Princes Street. It was proposed at that time to apply the PAO to both 22 Princes Street and 5 Little Princes Street to allow Council to secure the land should a voluntary sale not be achieved.

Following the April Council meeting, and prior to authorisation by the Minister for Planning for the preparation of the Amendment, Council purchased 22 Princes Street with the agreement of the landowner. Amendment C83 now limits application of the PAO to 5 Little Princes Street Korumburra.

Discussion

The use and development of the subject land for the KICC has received significant local media coverage and the landowners / occupiers within and adjoining the KICC site have received two separate postal notifications advising them of Council's intentions for the site. Community feedback has been positive and to date no issues have been identified which compromise or complicate the development of the KICC.

Council has been seeking to acquire the land at 5 Little Princes Street by agreement with the landowner for over one year however this has not been successful. The PAO allows Council to compulsorily acquire the land. Compensation is paid to the landowner in accordance with the requirements of the Land Acquisition and Compensation Act 1986. Use of the PAO process will ensure that timely development of the KICC is not delayed by an inability to secure the entire development site.

The application of the PAO and the rezoning of the entire KICC site to the Public Use Zone has been positively received by the residents surrounding the site and the broader Korumburra community. It is recommended that Amendment C83 (Part 1) be adopted by Council and the PAO applied to 5 Little Princes Street allowing Council to acquire the land and secure its ownership of the entire KICC development site. Adoption of Part 2 will occur after 5 Little Princes Street has been purchased by Council.

Options

Council has the option to either adopt Amendment C83 (Part 1) or abandon the Amendment. No submissions have been received opposing the Amendment and development of the KICC is a Council priority project. There are no arguments to support abandoning the Amendment.

In order to apply the PAO and rezone the KICC site as part of a single planning scheme amendment, Council must split the Amendment into two parts. Council cannot apply the Public Use Zone until it owns the entire KICC site. Council has no option other than to split the Amendment.

Proposal

The proposal is to split Amendment C83 into two parts and adopt Part 1 (application of the PAO at 5 Little Princes Street) and submit Part 1 to the Minister for Planning for approval.

It is proposed to present for adoption, Amendment C83 (Part 2) at a future date after the land at 5 Little Princes Street has been acquired by Council. Part 2 will rezone the entire KICC site to the Public Use Zone 3 (Health and community) and delete the (by then redundant) PAO from the land. It is considered that Part 2 will not require further exhibition at this future date.

In accordance with the requirements of Ministerial Direction No. 15 (The Planning Scheme Amendment Process - October 2012) Council must make a decision on an amendment within 60 days of the end of public exhibition. The acquisition of 5 Little Princes Street, and the subsequent rezoning of the land to the PUZ, cannot occur in this limited timeframe. In response, the Council Recommendation includes a request for the Minister for Planning to grant a one year extension of time for Council to adopt Amendment C83 Part 2.

FINANCIAL CONSIDERATIONS

Other than the statutory fees normally associated with the approval of an amendment, there are no financial considerations directly relevant to the approval of Amendment C83 Part 1.

Application of the Public Acquisition Overlay to 5 Little Princes Street allows Council to compulsorily acquire the land and this has financial considerations for Council. The acquisition of the land is a separate statutory process and a report on this will be presented to Council before the land is acquired.

RISK FACTORS

There are no risk factors directly associated with the adoption of Amendment C83 Part 1.

CONCLUSION

The Korumburra Integrated Children's Centre is a significant long term capital investment by Council in Korumburra. Site planning has determined that additional land is required to achieve a quality development which maximises the benefits gained from the investment. Council has successfully acquired one of the privately owned lots needed to develop the KICC however the negotiations have to-date been unsuccessful in relation to acquiring the land at 5 Little Princes Street.

It is recommended that Amendment C83 be split into two parts and Amendment C83 Part 1 (application of the PAO at 5 Little Princes Street) be adopted by Council and submitted to the Minister for Planning for approval.

Amendment C83 Part 2 (rezoning of the KICC site to the Public Use Zone 3 and deletion of the redundant PAO) will be considered for adoption at a future date after Council has acquired the land at 5 Little Princes Street.

RECOMMENDATION

That Council:

1. Split South Gippsland Planning Scheme Amendment C83 into two parts, being
 - a. Amendment C83 Part 1 - Application of the Public Acquisition Overlay 3 (Community centre for child health, education and ancillary child services) to the land at 5 Little Princes Street, Korumburra.
 - b. Amendment C83 Part 2 - Application of the Public Use Zone 3 (Health and community) to the entire Korumburra Integrated Children's Centre development site and the deletion of the Public Acquisition Overlay from the land at 5 Little Princes Street after Council has acquired the land.
2. Adopt South Gippsland Planning Scheme Amendment C83 Part 1 and submit the Amendment to the Minister for Planning for approval.
3. Request that the Minister for Planning grant a 12 month extension for which Council is required to make a final decision on South Gippsland Planning Scheme Amendment C83 Part 2.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Newton

SECONDED: Cr Davies

THAT COUNCIL:

- 1. SPLIT SOUTH GIPPSLAND PLANNING SCHEME AMENDMENT C83 INTO TWO PARTS, BEING**
 - a. AMENDMENT C83 PART 1 - APPLICATION OF THE PUBLIC ACQUISITION OVERLAY 3 (COMMUNITY CENTRE FOR CHILD HEALTH, EDUCATION AND ANCILLARY CHILD SERVICES) TO THE LAND AT 5 LITTLE PRINCES STREET, KORUMBURRA.**
 - b. AMENDMENT C83 PART 2 - APPLICATION OF THE PUBLIC USE ZONE 3 (HEALTH AND COMMUNITY) TO THE ENTIRE KORUMBURRA INTEGRATED CHILDREN'S CENTRE DEVELOPMENT SITE AND THE DELETION OF THE PUBLIC ACQUISITION OVERLAY FROM THE LAND AT 5 LITTLE PRINCES STREET AFTER COUNCIL HAS ACQUIRED THE LAND.**
- 2. ADOPT SOUTH GIPPSLAND PLANNING SCHEME AMENDMENT C83 PART 1 AND SUBMIT THE AMENDMENT TO THE MINISTER FOR PLANNING FOR APPROVAL.**
- 3. REQUEST THAT THE MINISTER FOR PLANNING GRANT A 12 MONTH EXTENSION FOR WHICH COUNCIL IS REQUIRED TO MAKE A FINAL DECISION ON SOUTH GIPPSLAND PLANNING SCHEME AMENDMENT C83 PART 2.**

CARRIED UNANIMOUSLY

MOVED: Cr Davies

SECONDED: Cr Fawcett

THAT STANDING ORDERS BE SUSPENDED.

CARRIED UNANIMOUSLY

Council made a presentation and extended their congratulations to Ms Eleanor Patterson for her achievement at a high jump event at the World Youth Championships in the Ukraine. Council also made a presentation and congratulated Mr David Green who coached Eleanor for this event.

MOVED: Cr Fawcett

SECONDED: Cr Davies

THAT STANDING ORDERS RESUME.

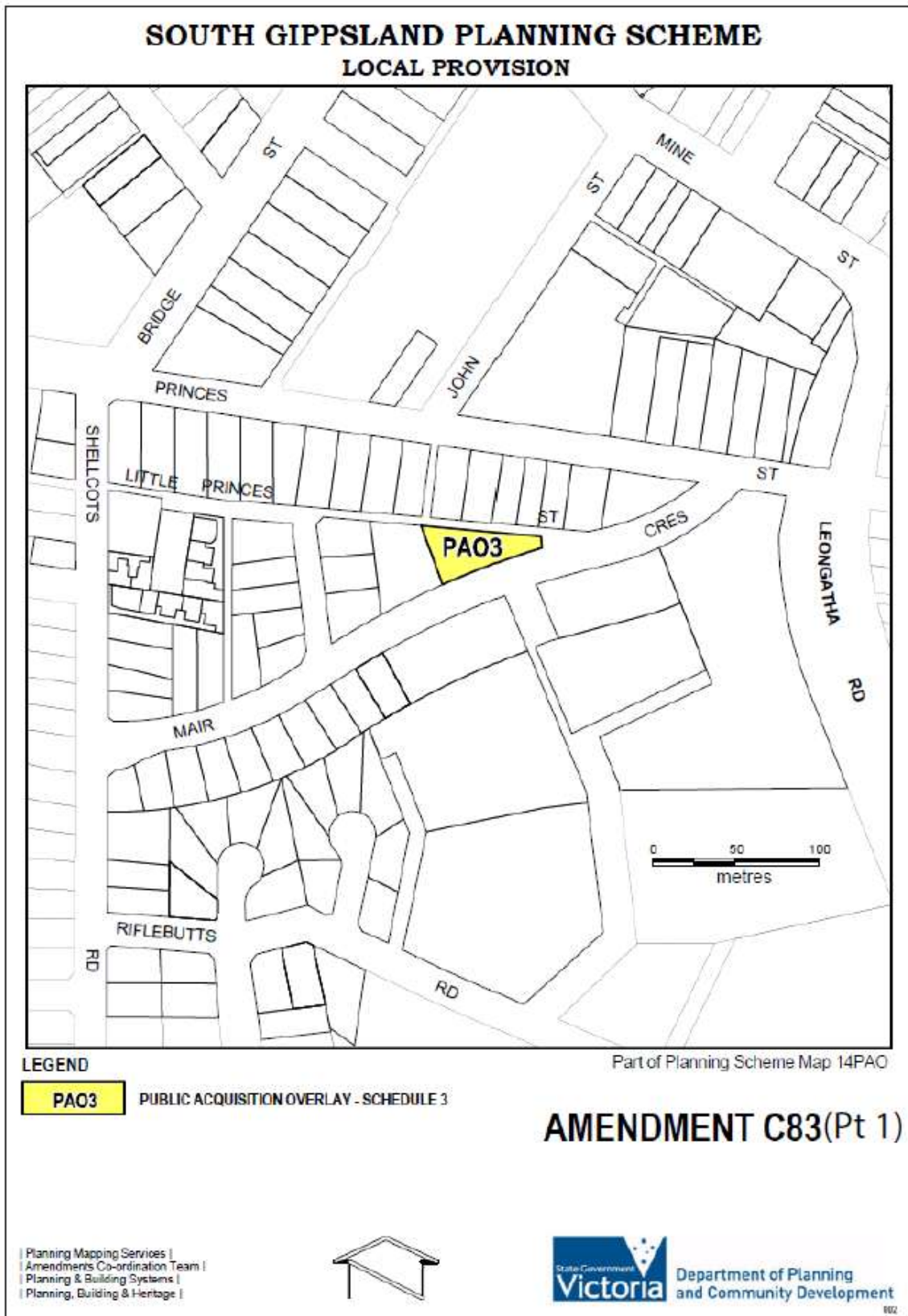
CARRIED UNANIMOUSLY

Attachment 1
Korumburra Integrated Children's Centre - Site layout plan



Attachment 2

South Gippsland Amendment C83 Part 1 Adoption documents



Attachment 2 continued

SOUTH GIPPSLAND PLANNING SCHEME

1/20
C83

SCHEDULE TO THE PUBLIC ACQUISITION OVERLAY

PS Map	Acquisition Authority	Purpose of Acquisition
PAO1	South Gippsland Shire Council	Road widening and acquisition
PAO2	VicRoads	Roadworks
PAO3	South Gippsland Shire Council	Community centre for child health, education and ancillary child services
PAO5	VicRoads	Proposed improvements to and deviation of the South Gippsland Highway between Loch and Jeetho Road
PAO6	VicRoads	Proposed improvements and deviation of the South Gippsland Highway between Jeetho Road and the Korumburra - Bena Road, Bena
PAO7	VicRoads	Proposed improvements to the South Gippsland Highway Toora - Gonyah Road and approximately 1.4 km west of Cargeegs Road
PAO8	VicRoads	Proposed highway improvements to the South Gippsland Highway between Old Meeniyan Road and Minns Road
PAO9	VicRoads	Proposed highway improvements to the South Gippsland Highway between Bena - Korumburra Road and east of Korumburra - Whitelaw Road
PAO10	VicRoads	Proposed highway improvements to the South Gippsland Highway between Carmichaels Road and McKnights Road

1

E.7 PLANNING SCHEME AMENDMENT C81 AUTHORISATION REQUEST - APPLICATION OF THE LAND SUBJECT TO INUNDATION OVERLAY

Development Services Directorate

EXECUTIVE SUMMARY

This Council Report proposes to commence a planning scheme amendment to update and expand upon the existing inundation controls in the South Gippsland Planning Scheme. The report recommends that authorisation be sought from the Minister for Planning to prepare a Planning Scheme Amendment and to proceed to exhibit the amendment.

The Planning Scheme currently uses a combination of the Environmental Significance Overlay Schedule 6 (ESO6 - Areas susceptible to flooding) and the Land Subject to Inundation Overlay (LSIO) to control the development of land in inundation prone areas. The existing controls were originally applied more than 20 years ago without the assistance of detailed flood mapping information. This resulted in extensive areas of land being inaccurately included in the ESO6 flood control where no risk is present, and other areas being excluded where a risk exists.

The West Gippsland Catchment Management Authority (WGCMA) has provided Council with updated inundation mapping information. Updated coastal inundation mapping has also been provided by the State Government's 'Future Coasts' program. This information will form the basis for a planning scheme amendment that is proposed to remove the ESO6 from the planning scheme and extend the application of the LSIO. The amendment will also update the LSIO Schedule to increase the number of planning permit exemptions offered by the overlay. The WGCMA Board supports the introduction of the new controls. A similar LSIO amendment is currently being prepared by Bass Coast Shire Council.

Document/s pertaining to this Council Report

- **Attachment 1** - Proposed new Land Subject to Inundation Overlay - Schedule.
- **Attachment 2** - Map of proposed flood control additions and deletions.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Planning and Environment Act 1987

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Nil

COUNCIL PLAN

Outcome:	1.0	A Prosperous Shire
Objective:	1.3	Improve the sustainability of the local and regional environment
Strategy:	1.3.2	We will promote sustainable waste management practices, energy efficiency and management of our natural resources.

CONSULTATION

The Planning Scheme Amendment will require public exhibition to occur in accordance with normal procedures and will involve postal notification to all property owners/occupiers affected by the application/removal of a flood control. Due to the extensive application of the overlay across the shire it is recommended to have a longer consultation period than would normally occur.

REPORT

Background

Following Council amalgamation in the late 1990's, the flooding controls of the four pre-amalgamation planning schemes were transferred into the South Gippsland Planning Scheme at the time of the Scheme's creation. The controls were applied in a broad brush manner and many areas affected are not subject to flooding, even during a 1 in 100 year flood event. The excessive application of the controls (especially the ESO6) is a burden on landowners and Council because they trigger the need for a planning permit for most forms of buildings and works, including new dwellings and most outbuildings. Furthermore, the use of an ESO to control flood risk is not supported by the Victorian Planning Provisions and should be replaced by an overlay specifically designed to consider flooding. Replacing the ESO with the Land Subject to Inundation Overlay (LSIO) is a recommendation of Council's most recent Planning Scheme Review in 2010.

The WGCMA is the responsible agency for the management of most of the waterways in the municipality. The exemption to this rule is the Bass River catchment which is the responsibility of Melbourne Water. While both the WGCMA and Melbourne Water can issue 'Works on Waterways' permits under the Water Act 1989 (permits triggered 30m either side of a declared waterway), it is critical to the facilitation of development that the Planning Scheme reflects all of the information used by the CMA and Melbourne Water. At present, some inundation prone areas situated outside of the 30m buffer are not identified in the Planning Scheme as susceptible to inundation, presenting a risk to potential purchasers of land.

In September 2011 Council resolved to prepare a planning scheme amendment similar to the provisions proposed in this amendment authorisation request. The 2011 amendment did not proceed at that time

because the Planning Department became aware that updated coastal inundation information was soon to be provided which would improve the accuracy of the LSIO mapping in coastal areas. The updated mapping work (provided by the Department of Environment and Primary Industries - 'Future Coasts' unit) has been incorporated into the new amendment.

A similar planning scheme amendment, based on the same inundation data information, is currently being undertaken by Bass Coast Shire Council (BCSC). Consultation with BCSC has occurred to ensure that similar controls are applied based on similar data sets and application methodologies. BCSC resolved to authorise the preparation of their amendment in August 2011.

Similar LSIO amendments have been adopted in the past two years in the Gippsland region, most recently by Latrobe City Council. Many of the provisions in the Draft LSIO in **Attachment 1** have been drawn from these adopted amendments for consistency across the region.

Discussion

The proposed planning scheme amendment removes the ESO6 from inland areas unaffected by riverine inundation and applies the LSIO to known affected areas. The amendment also applies the LSIO to coastal areas having consideration to existing inundation potential as well as potential future inundation resulting from predicted climate change. Each component of the amendment brings with it different impacts on landowners and this will affect how people respond to the amendment.

In relation to the removal of the ESO6 and the application of the LSIO to riverine (inland) areas, the amendment is likely to be broadly accepted by affected landowners. Where controls are being removed entirely from land, it is assumed that affected landowners will support this outcome. Application of the LSIO to inland areas is likely to be accepted because the LSIO will be applied to areas presently known to flood. Most landowners know where their land is affected and how high the water rises, especially farmers. In this regard common sense would dictate to most people that these areas are not suitable locations for the construction of buildings and works.

The LSIO provisions do not prohibit development and allow for buildings and works to be considered in the LSIO subject to appropriate conditions such as the construction of finished floor levels above the maximum water height or the construction of farm buildings with open sides. These measures provide flexibility in the controls however analyses of the geographic extent of the new controls shows that almost all lots affected by the new LSIO are only partially affected and retain land where buildings and works can safely be undertaken.

In March 2011 Council approved the application of the LSIO over the Bass River and its tributaries - Amendment C55. No objections were received to this amendment and the community feedback was largely positive and reflected the common sense opinion that nobody should build in these areas anyway because they are known to flood. A similar response is likely in relation to the new LSIO in riverine areas.

Coastal LSIO application

Application of the proposed LSIO over coastal areas is based on a combination of existing impacts and anticipated impacts likely to occur as a result of climate change and sea level rise at the year 2100. These factors extend the current LSIO over a larger area and affect urban zoned land in Port Welshpool and to a lesser extent Sandy Point, Waratah Bay and Venus Bay - see **Attachment 2**.

Applying the LSIO over township areas is likely to generate community interest because of concerns that the controls will affect how new development is assessed in the coastal townships. Unlike rural areas, many small township lots are entirely affected by the proposed overlay where the option does not readily exist to site a dwelling in an unaffected area. These are important issues which the LSIO provisions respond to in accordance with the requirements of the State Planning Policy Framework (SPPF).

The SPPF (Clause 13 Environmental risks) requires councils to plan for climate change related sea level rise. The provisions state:

"In planning for possible sea level rise, an increase of 0.2 metres over current 1 in 100 year flood levels by 2040 may be used for new development in close proximity to existing development (urban infill).

Plan for possible sea level rise of 0.8 metres by 2100, and allow for the combined effects of tides, storm surges, coastal processes and local conditions such as topography and geology when assessing risks and coastal impacts associated with climate change.

For new greenfield development outside of town boundaries, plan for not less than 0.8 metres sea level rise by 2100."

The SPPF draws a clear distinction between how new development should be assessed in existing urban zoned areas and non-urban (rural) areas. The distinction is that urban areas should only consider (limit) climate change at the 2040 scenario based on a sea level rise of 0.2 metres. These provisions respond to the broadly accepted principle that planning for climate change should discourage new greenfield urban development in areas susceptible to sea level rise however be receptive to development expectations on existing urban zoned land susceptible to climate change. Intensive urban development continues to be approved in low laying coastal areas in metropolitan Melbourne (for example Port Melbourne, Albert Park) and on this basis it is unreasonable and inconsistent to restrict new development in Port Welshpool or other South Gippsland coastal townships based on concerns with climate change.

The LSIO maps reflect potential coastal inundation at the year 2100 however in accordance with the abovementioned SPPF provisions the LSIO planning permit triggers for new urban zoned development consider the impacts of climate change and sea level rise at the year 2040. Most importantly, the new provisions allow a new dwelling to be constructed without requiring a planning

permit if the finished floor level is more than 2.5 metres or more above the current sea level. At this height a dwelling will have a floor level 300mm above the 2040 storm surge level. This provision is of greatest benefit in Port Welshpool where the LSIO extends across much of the urban area - see **Attachment 2** maps. A dwelling can be constructed below this level however a planning permit will be required along with a referral to the CMA for comment. Where referrals to the CMA are required it is important to note that the CMA acknowledge the development rights of existing urban zoned land and will work with Council to facilitate appropriate development outcomes. The CMA has reserved the right to recommend refusal of new developments in LSIO rural areas based on an application's individual merits however this restriction will not be applied to urban areas. This reflects the approach taken to coastal development assessments in metropolitan Melbourne.

The provision in the proposed schedule stating that no permit is required over 2.5 metres above sea level, may encourage dwellings on stumps or stilts in low laying areas. The maximum height of buildings in the Township Zone is controlled by the Building Code of Australia in Port Welshpool and Port Franklin (9m high on flat ground) as well as by overlays in coastal towns (6.5m high on flat ground) therefore the 2.5 metre requirement will still allow sufficient leeway to allow for the construction of two storey dwellings.

For example residential lots along the foreshore in Port Welshpool (Lewis Street) typically have a natural ground level of between 1.0 and 1.5 metres above sea level. If a development site has an existing natural ground level of, for example, 1.0m above sea level, a proposed dwelling must have a finished floor level 1.5 metres above ground level to meet the LSIO permit exemption ($1\text{m} + 1.5\text{m} = 2.5\text{m}$). While applicants could build to a lower level with a planning permit triggered by the LSIO, this provision will probably lead to a preference for raised dwellings with subfloor non-habitable uses (car ports, garages, storage) beneath the dwelling.

Regarding the potential additional burden of the new LSIO on landowners in coastal townships, it is noted that each of the townships is already affected by either the ESO3 'Coastal settlements' or a Design and Development Overlay (DDO). All new dwellings in the ESO3 require a planning permit and the coastal township DDO's contain extensive new development permit triggers. The Bushfire Management Overlay also affects the coastal townships (except for Port Welshpool) and triggers a permit for a new dwelling. This means that the burden of additional new permits generated solely by the LSIO will be very low. It also means that any new dwelling in the LSIO that does not require a permit still requires a permit triggered by another overlay. This provides Council the opportunity to continue to apply its 'Coastal Climate Change Management Plan' (registered by a Section 173 Agreement on title) when a permit is issued. These Agreements have been applied to all planning permits for habitable buildings on land less than 5 metres above sea level (or with road access less below 5 metres) in coastal townships since 2010. The Agreements acknowledge that climate change may detrimentally affect the land in the future and that access roads to the townships are already affected by flooding and this may be exacerbated in the future.

The permit exemption for dwellings above 2.5 metres has been specifically drafted to benefit Port Welshpool, which is the lowest lying township and the most affected by the LSIO. The exemption has the additional benefit of excluding from permit requirement new dwellings in the other coastal townships affected by the LSIO.

Tarwin Lower has been excluded from the 2.5 metre exemption because the township is affected by riverine flooding which is potentially more dangerous than coastal inundation. Riverine flooding can last a long time, can have fast flowing water and contain a large amount of debris. These factors mean that it is prudent to require a permit trigger for a new dwelling in the LSIO in Tarwin Lower.

Coastal inundation and storm surge at 2100

As discussed above, the SPPF requires councils to consider climate change at 2040 in urban areas and 2100 in other areas. The predicted worst case scenarios at both 2040 and 2100 have been mapped along the entire Victorian coastline.

To achieve consistency with other councils (including Bass Coast Shire Council) the 2100 flood level is being used to define the extent of the proposed LSIO across both urban and non-urban areas. The precautionary principle should apply to inundation mapping when human life is potentially at risk. This method also avoids the creation of mapping anomalies where step changes in the LSIO's application would occur at points where land changes from an urban to a non-urban zone. Flooding does not stop at zone boundaries and it would fail the 'common sense' test to draw hard boundaries around a township on the basis that urban land is somehow less likely to flood.

The impacts of climate change, and policy responses to climate change as they relate to coastal development are likely to change between now and 2100. Presently it is not known, with any high degree of certainty, the impact climate change may have on our coastal townships. However 2040 is only 27 years away and this is comfortably within the construction lifespan of the average new dwelling. For these reasons it is prudent to apply the 2100 flood mapping in the townships to alert all current and future residents of the potential threats even if Council continues to allow new development to occur.

Options

The options are to update the inundation mapping in the Planning Scheme or retain the current information.

The current mapping affects extensive areas of land not affected by inundation but fail to identify land that is affected. This presents a liability to Council because the Planning Scheme does not accurately identify known land use and development hazards.

Council has the option to proceed with the application of the LSIO without consideration to climate change sea level rise however this would fail to meet the minimum requirements of the SPPF provisions. It would also result in inconsistencies in coastal planning processes between South Gippsland Shire Council and Bass Coast Shire Council and would fail to appropriately respond to the precautionary principal which guides responsible authorities in their consideration of development controls regarding human safety.

Proposal

It is proposed to seek authorisation from the Minister for Planning to prepare a planning scheme amendment to update the current inundation overlay controls and apply the Land Subject to Inundation Overlay to all known affected areas and along the coastline having consideration to climate change impacts to the year 2100.

FINANCIAL CONSIDERATIONS

The amendment will be processed by Council using the Planning Department's existing operational budget.

It is likely that an Independent Planning Panel will be required to consider submissions to the amendment. Panel costs are paid by Council. The more submissions received the longer the Panel Hearing will take and the higher the Panel cost will be. It is not possible to estimate likely Panel costs until exhibition has concluded, however it is anticipated that many submissions might be received and the Panel costs are likely to exceed \$20,000. This matter will be further considered prior to any decision being made by Council to refer submissions to a Panel.

RISK FACTORS

The current absence of accurate inundation information in the Planning Scheme presents a liability to Council. Processing the amendment will remove this risk from Council.

CONCLUSION

The Planning Scheme amendment will have positive benefits in reducing the burden of inundation controls on landowners whose land is not subject to inundation and ensuring that appropriate planning consideration is given to

the development of land where risk does exist. The current absence of accurate mapping in the Planning Scheme is a liability to Council. It is important that the maps be updated to identify risk prone land so that current and future landowners, as well as public authorities, are aware of the need to consider the potential for risk when looking to buy and sell land and in the preparation of development plans.

It is recommended that Council seek authorisation from the Minister for Planning to prepare a planning scheme amendment and exhibit the amendment in accordance with normal practice, and due to the extensive application of the overlay across the shire, extend the exhibition by two months.

RECOMMENDATION

That Council:

1. Seek authorisation from the Minister for Planning to prepare a planning scheme amendment to implement updated inundation mapping and Land Subject to Inundation Overlay Schedule generally in accordance with the provisions detailed in Attachments 1 and 2 into the South Gippsland Planning Scheme.
2. Exhibit the Planning Scheme Amendment in accordance with Council's normal practice including postal notification to all affected landowners and with the exhibition period extended to two months.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Hill

SECONDED: Cr Hutchinson-Brooks

THAT COUNCIL:

1. **SEEK AUTHORISATION FROM THE MINISTER FOR PLANNING TO PREPARE A PLANNING SCHEME AMENDMENT TO IMPLEMENT UPDATED INUNDATION MAPPING AND LAND SUBJECT TO INUNDATION OVERLAY SCHEDULE GENERALLY IN ACCORDANCE WITH THE PROVISIONS DETAILED IN ATTACHMENTS 1 AND 2 INTO THE SOUTH GIPPSLAND PLANNING SCHEME.**
2. **EXHIBIT THE PLANNING SCHEME AMENDMENT IN ACCORDANCE WITH COUNCIL'S NORMAL PRACTICE INCLUDING POSTAL NOTIFICATION TO ALL AFFECTED LANDOWNERS AND WITH THE EXHIBITION PERIOD EXTENDED TO TWO MONTHS.**

CARRIED UNANIMOUSLY

Attachment 1 Proposed LSIO Schedule

SOUTH GIPPSLAND PLANNING SCHEME

1.0
C

SCHEDULE TO THE LAND SUBJECT TO INUNDATION OVERLAY

Shown on the planning scheme map as LSIO.

¶

Note: The map on page 4 of this schedule identifies the administrative areas of the two floodplain management authorities in South Gippsland Shire.

¶

Inappropriate development in areas susceptible to inundation can endanger life and result in costly property damage. Buildings in floodplains can be washed away and endanger other properties and increase localised flood levels due to the obstruction to water flows. Development in floodplains can lead to water contamination from septic and sewerage systems leading to long term health problems. Developments in floodplains must be appropriately managed to minimise the risk and cost to both private landowner and the broader community.

The Land Subject to Inundation Overlay (LSIO) has been applied to coastal townships in consideration of likely inundation and coastal storm surge inundation resulting from climate change sea level rise at the year 2100. The impacts of climate change cannot be predicted with absolute certainty however the precautionary principle should be used when considering the intensification of development in coastal areas. The application of the LSIO over existing urban-zoned lots in coastal townships does not prohibit development but seeks to facilitate continued development with appropriate and practical safeguards.

1.0 → Permit requirement

1.0
C

A permit is not required for any of the following:

- → A new dwelling on urban zoned land in the townships of Port Welshpool, Port Franklin, Sandy Point, Waratah Bay and Venus Bay provided the finished floor level of the habitable building is 2.5 metres or more above Australian Height Datum (AHD);
- → A ground floor extension to an existing habitable building (including a dwelling) provided the proposed floor level is at or above the existing floor level and the gross floor area of the extension does not exceed 20 square metres;
- → An upper storey extension to an existing building within the existing building footprint;
- → A single replacement dwelling provided that the floor level is above the applicable floor levels set by the relevant floodplain management authority;
- → A non-habitable building (other than industrial or commercial buildings) with a floor area less than 20 square metres;
- → A non-habitable building, or extension to a non-habitable building (other than industry or commercial buildings), provided the finished floor levels are above the applicable floor levels set by the relevant floodplain management authority;
- → A pergola, open sided carport or in-ground swimming pool / spa (including plant equipment and safety features normal to a pool / spa) associated with an existing dwelling;
- → An open sided deck or verandah associated with an existing dwelling that does not impede the flow of floodwaters and has a floor area no greater than 20 square meters;
- → A rainwater tank associated with an existing dwelling, or the agricultural use of land, provided that the footprint of all rainwater tanks associated with the dwelling does not exceed 20 square metres;
- → Open type fencing (excluding paling and colourbond style fencing, brick and concrete walls) and maintenance to existing fencing;
- → Open sports ground with no grandstands or raised viewing areas, playgrounds, picnic shelters and barbeques;

SOUTH GIPPSLAND PLANNING SCHEME

- → A pump shed;
- → An agricultural farm building or structure, with permanent open sides;
- → A mast, antenna, power pole, light pole, or telecommunication tower;
- → An outdoor advertising sign/structure, provided that it does not impede floodwater flows;
- → Works ancillary to an existing building, including landscaping and pathways that do not alter the existing surface profile by more than 150 mm;
- → Works associated with roads, roadsides or any other access way (public or private) that do not alter the existing surface level by more than 150mm;
- → Works associated with roads, roadsides or any other access ways (public or private) carried out by a public authority that have received written consent from the relevant floodplain management authority;
- → Earthworks in accordance with a *whole farm plan* approved by the responsible authority and relevant floodplain management authority;
- → Dams less than 3,000 cubic metres capacity (3 mega litres) provided no embankment is above natural ground level;
- → Works associated with vine or horticultural trellises or watering systems;
- → Routine and maintenance works that do not affect the height, length or location of a levee, embankment or road;
- → Buildings and works undertaken by Gippsland Ports and South Gippsland Shire Council associated with boat ramps, jetties, sea walls, marinas, groynes, boardwalks, walkways, landings, beach refurbishment, swing moorings, navigational aids, beacons and signs.

2.0 → Application requirement

Unless agreed in writing by the relevant floodplain management authority an application to construct a building or construct or carry out works must be accompanied by four sets of plans, drawn to scale, which show:

- → The boundaries and dimensions of the site;
- → Relevant ground levels, to Australian Height Datum, taken by or under the direction or supervision of a licensed land surveyor;
- → The layout of existing and proposed buildings and works;
- → Floor levels of any existing and proposed buildings, to Australian Height Datum, taken by a licensed surveyor;
- → The existing conditions including watercourses, vegetation and contour intervals at suitable scale;
- → The 100 year Average Recurrence Interval flood level (1 in 100 year flood level) from the relevant floodplain management authority. The flood level information must not be greater than 3 months old;
- → Any additional information requested in writing from the floodplain management authority.

3.0 → Referral of Applications

An application to construct a building or construct or carry out works, or an application to amend a permit, does not require referral to the relevant floodplain management authority if the application satisfies one of the following:

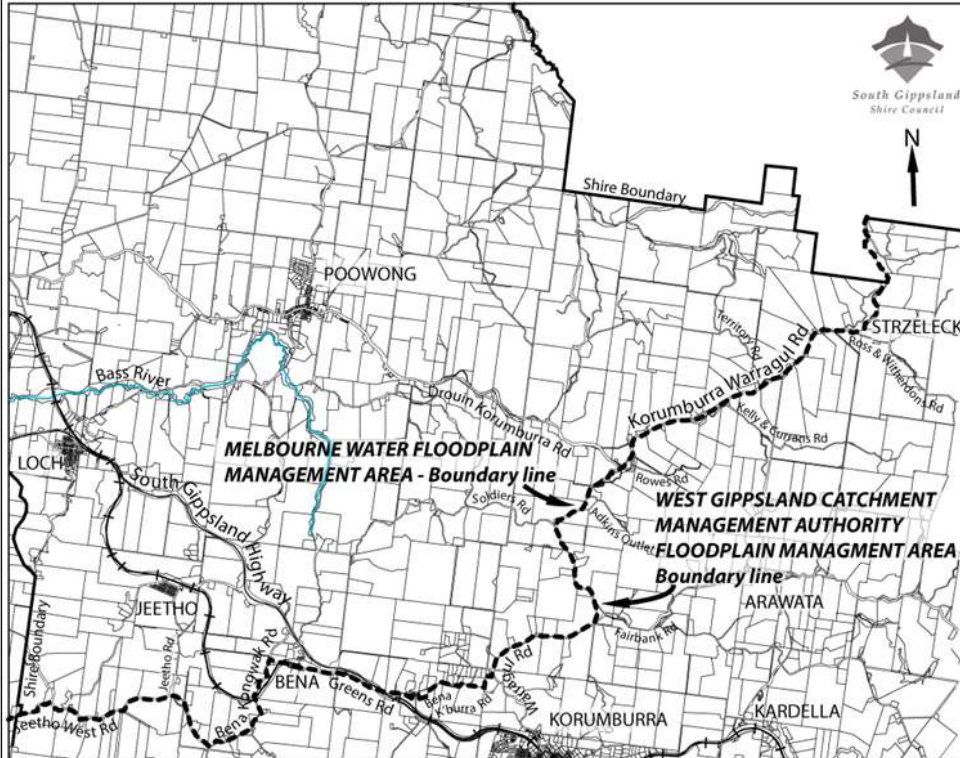
- → Is accompanied by the relevant floodplain management authority's written approval, which must:

SOUTH GIPPSLAND PLANNING SCHEME¶

- → be granted not more than three months prior to lodging with the responsible authority;¶
- → quote the reference number and date of the approved plans; and¶
- → states the applicable flood level and any required floor levels.¶
- → Is in accordance with an adopted local floodplain development plan or other agreement between the floodplain management authority and the responsible authority.¶
- → Complies with a building envelope, filling levels and floor levels specified by the relevant floodplain management authority for the subject land in the previous six months.¶

SOUTH GIPPSLAND PLANNING SCHEME

**BOUNDARY LINE OF FLOODPLAIN MANAGEMENT
AUTHORITY AREAS - SOUTH GIPPSLAND SHIRE**



Key

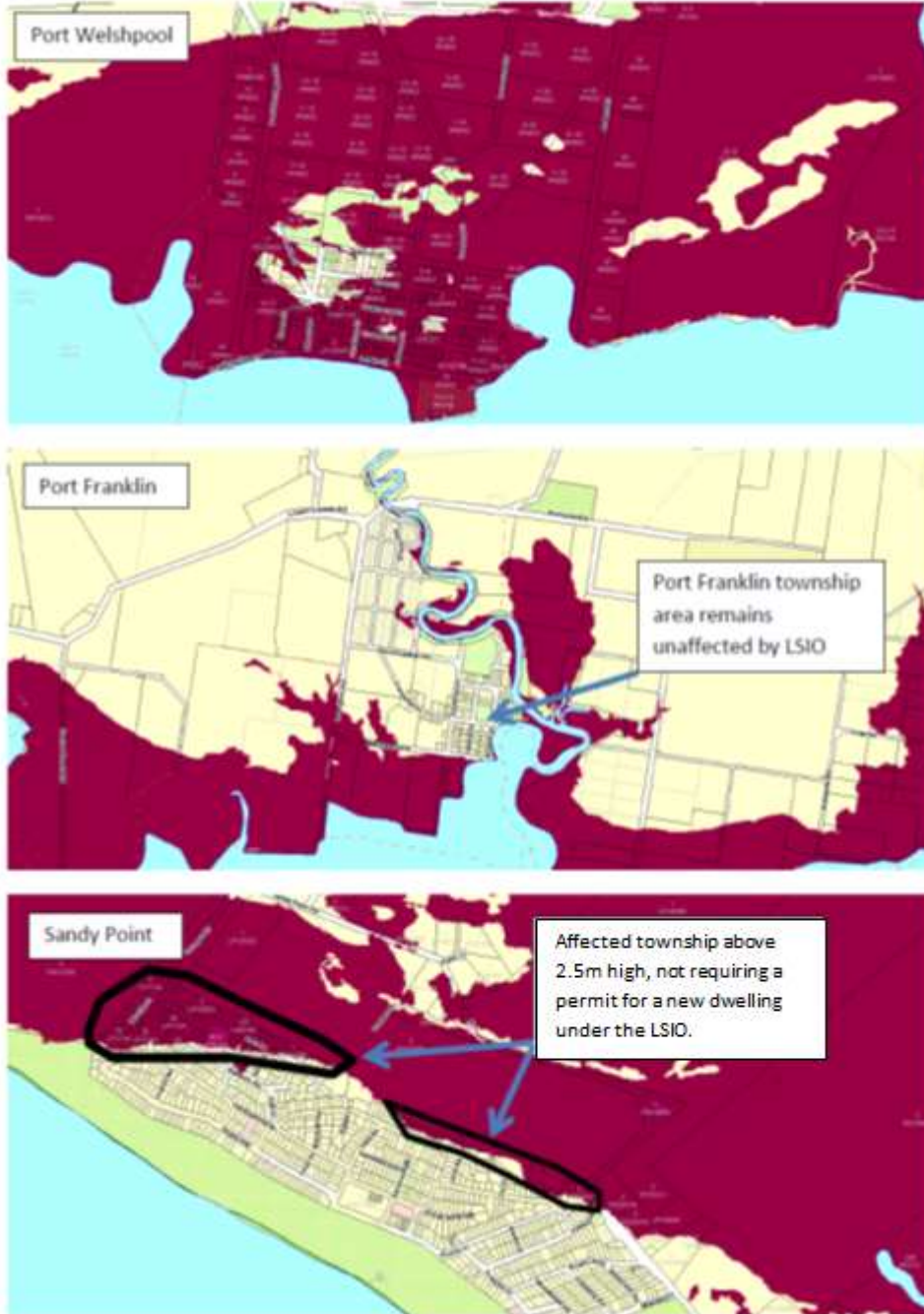
----- Boundary line identifying the administrative areas of Melbourne Water (MW) and the West Gippsland Catchment Management Authority (WGCMA) within South Gippsland Shire.

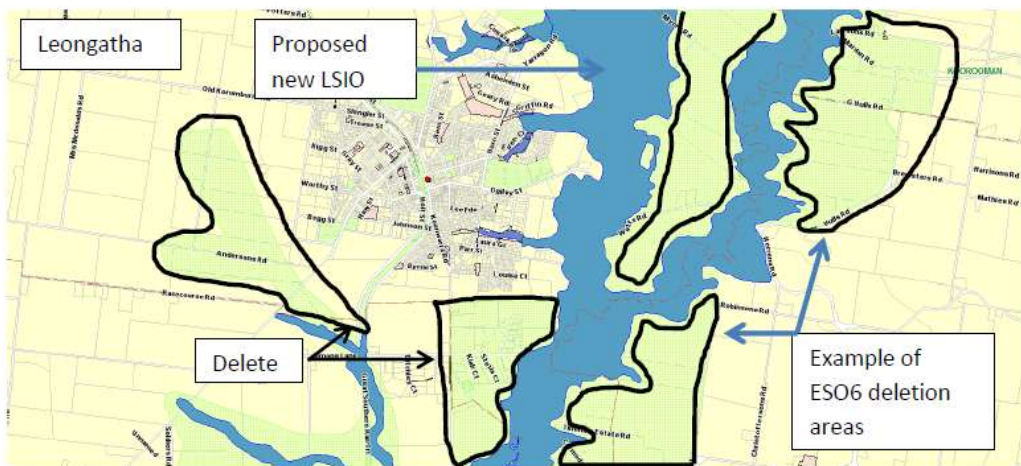
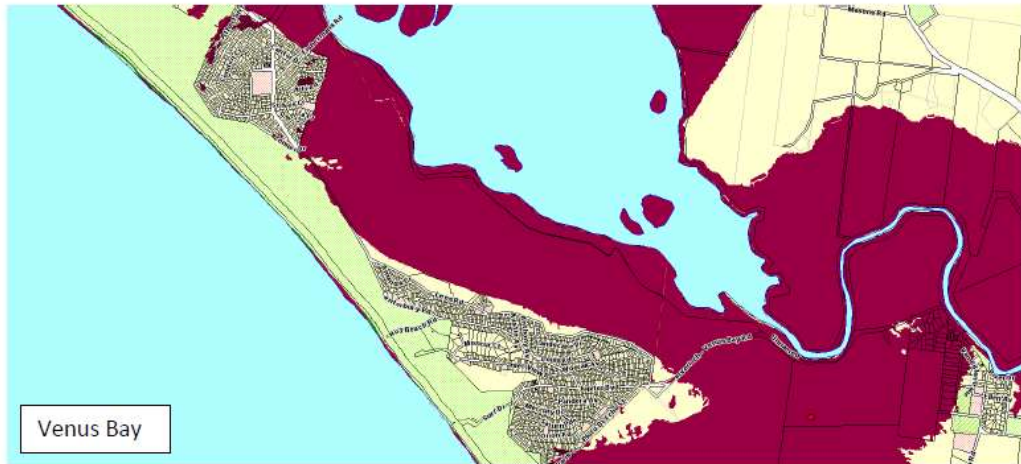
Notes:

1. Precise details of the location of the boundary line (aligned to the cadastre) can be gained from MW and the WGCMA.
2. Enquiries regarding flood heights north of the boundary line should be directed to MW. Enquiries south and east of the line (the balance of South Gippsland Shire) should be directed to the WGCMA.
3. South Gippsland Shire Council does not provide flood height information.

Attachment 2
Map of proposed flood control additions and deletions

Proposed Land Subject to Inundation Overlay







E.8 FORMALISE NEW ROAD NAME FOR THE ROAD OFF RIFLEBUTTS ROAD, KORUMBURRA AS 'ANTHONY COURT'

Engineering Services Directorate

EXECUTIVE SUMMARY

The purpose of this report is to formalise the name of the 65 metre unnamed road off Riflebutts Road in the Township and Parish of Korumburra as 'Anthony Court'. Refer to **Attachment 1** for a map of the road location.

Document/s pertaining to this Council Report

- **Attachment 1** - Map of Road Location.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Local Government Act 1989
- Road Management Act 2004
- Guidelines for Geographic Names 2010 (Version 2 January 2013)
- AS/NZS4819:2011 Rural and urban addressing

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Road Naming Procedure 2013.

COUNCIL PLAN

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

CONSULTATION

- The Korumburra and District Historical Society.

Council Report

- 26 June 2013 Proposed New Road Name for road off Riflebutts Road Township and Parish of Korumburra.

Public submission process

- 1 July 2013 Public notice in Council's Noticeboard and Council Website.

- 1 July 2013 Letters sent to adjoining properties.
- 30 July 2013 Submissions close.

There were no submissions received on conclusion of the public consultation period resulting from the Council Meeting for the proposed new road name of 'Anthony Court'.

REPORT

Background

At its Ordinary Council Meeting held on 26 June 2013, Council resolved the following:

1. *Commence the process to name the 65 metre long unnamed road, traversing in a southerly direction off Riflebutts Road, in the Township and Parish of Korumburra as 'Anthony Court'.*
2. *Give public notice in the local newspapers and on Council's website week commencing 1 July 2013 of the proposal and write to all affected land owners with a property abutting the road proposed to be named.*
3. *In the public notice clearly state:*
 - a. *A person may make a submission to the proposal no later than 30 July 2013 addressed to the Assets Technical Officer, South Gippsland Shire Council, Private Bag 4, Leongatha 3953 or delivered to the Council Office, 9 Smith Street, Leongatha.*
 - b. *Copies of submissions (including submitters' names and addresses) will be made available at the Council meeting at which the proposals are considered and Council is required to make submissions available for public inspection for a period of twelve months.*
4. *Receive a final report at the next appropriate Council meeting on the outcome of the public consultation process including copies of any submissions received.*

Discussion

As a result of a recent subdivision off Riflebutts Road, Korumburra, a road has been created that requires naming as the new lots fronting the road will require formal addresses. A court bowl has been constructed at the end of the road as part of the subdivisional works. The developer of this land has submitted a request to Council to name this road 'Anthony Court' after his grandparents.

In line with Council Policy, the Korumburra and District Historical Society has been consulted regarding the proposed name for this unnamed road off Riflebutts Road, Korumburra. The Historical Society has indicated their support for the recommendation put forward to Council to name the road 'Anthony Court'.

The naming of roads and streets is a local government responsibility under the Local Government Act 1989 and is processed in accordance with the Road Naming Procedure 2013. This name proposal is in keeping with community expectations and conforms to the principles outlined in Sections 1.8 and 4.1 of the Guidelines for Geographic Names 2010.

History

The names of Thomas Anthony, H A Anthony, Don Anthony and R L Anthony are remembered among the contracting companies / contracting culture that were so much a part of the history of the former Korumburra Shire. To name the road after this family would be a tribute to the memories of this family who lived in close proximity to the road.

Name Duplications Search

A Vicnames 15km duplicate name search has been carried out for the name 'Anthony', resulting in no duplications or similar sounding names.

Proposal

It is proposed that Council formalise the new name for the 65 metre long unnamed road, in the Township and Parish of Korumburra as 'Anthony Court'.

FINANCIAL CONSIDERATIONS

There will be no cost to Council for the supply and installation of a new sign for the road. This will be provided by the developer of the new subdivision.

RISK FACTORS

There is minimal risk to Council as the methodology for the naming of roads is contained in the Guidelines for Geographic Names 2010 and this proposal conforms to the principles outlined in Sections 1.8 and 4.1.

CONCLUSION

It is Council's responsibility to ensure all properties have a formal address from a public safety and risk management perspective, as unnamed roads potentially create confusion for emergency services, communication services and the general public. Therefore, it is appropriate to name this road.

RECOMMENDATION

That Council:

- 1.** Pursuant to Schedule 10 Clause 5 (1)(a) of the Local Government Act 1989, formalise the new road name for the 65 metre long unnamed road, in the Township and Parish of Korumburra as 'Anthony Court'.
- 2.** Forward the proposed new road name to the Registrar of Geographic Place Names for final consideration and approval.
- 3.** Subject to Geographic Place Names approval of the proposed new road name, place a notice in local newspapers and advise abutting land owners and Emergency Service Providers of the new road name.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Newton

SECONDED: Cr Davies

THAT THE RECOMMENDATIONS IN ITEMS E.8 AND E.9 BE ADOPTED.

CARRIED UNANIMOUSLY

Attachment 1 Map of Road Location



E.9 PROPOSED ROAD OPENING OFF DEVLIN ROAD, FOSTER

Engineering Services Directorate

EXECUTIVE SUMMARY

This report recommends Council commence statutory procedures to declare a 50 metre section of unused government road, south east of Devlin Road, Foster, Parish of Wonga Wonga South, open to public traffic to provide legal abuttal to Lot 5 LP87673.

Document/s pertaining to this Council Report

- **Attachment 1** - Overall Plan of the Proposed Road Opening.
- **Attachment 2** - Survey Plan of the Proposed Road Opening.
- **Attachment 3** - Powers of Council.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Local Government Act 1989 (Sections 204(2), 207A(c) and 223)
- Planning and Environment Act 1987 (Section 183(2))
- Road Management Act 2004
- Road Management Plan 2013

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Road Opening Procedure 2013
- South Gippsland Planning Scheme
- Infrastructure Design Manual

COUNCIL PLAN

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

CONSULTATION

- It is proposed to place a public notice of the declaration in the local newspapers and on Council's website week commencing 7 October 2013 in accordance with Section 223 of the Local Government Act 1989, and send letters to adjoining properties.

- The submission period is 28 days from publication and is proposed to close on 5 November 2013.
- If people request to speak to their submission, a Submission 223 Hearing will be held on 20 November 2013 at 1.15pm in the Council Chamber, Leongatha.
- Council will receive a further report to discuss the outcome of feedback from adjoining owners and the Section 223 process. If appropriate, recommend declaring the road open to public traffic and place notice in the Government Gazette.

REPORT

Council has received a request from a land owner to open a section of unused government road, south east of Devlin Road, Foster, Parish of Wonga Wonga South, to provide legal abuttal to Lot 5 LP87673 located at the rear of 22 Hall Road, Foster. This would then allow legal public road access to this property.

The road to be opened is currently unconstructed and will need to be constructed to standards equivalent of a 'Rural Access Road', being a 4.0 metre wide carriageway with table drains to suit, in accordance with the Infrastructure Design Manual. This is a 'formed and gravelled' no through road with traffic volumes below 50 vehicles per day.

A Special Charge Scheme could be implemented in the future if the road needs to be upgraded in accordance with the Infrastructure Design Manual to service any future development adjoining the unnamed road.

An aerial plan of the proposed road opening is below.



Refer to **Attachment 1** for a copy of the overview plan and **Attachment 2** for a copy of the survey plan of the proposed road opening.

Discussion

The proposal to open the 50 metre portion of unused government road shall only proceed to gazettal, subject to the following conditions:

- The applicant enters into a Section 173 Agreement under the Planning and Environment Act 1987, to construct the road to a suitable standard and bears all costs associated with the opening and construction of the road.
- The construction of the road should be completed prior to any building or construction works occurring on the land.
- To maintain the road during the twelve month Defects Liability Period agreed to by Council, following which Council will be responsible for the maintenance of the road in accordance with the Road Management Plan 2013.

- To obtain all relevant Permits before commencing works to construct the road.

This Agreement shall end upon the expiry of the Defects Liability Period agreed to by Council in regards to the works provided and to the satisfactory completion of works and rectifications required during the Defect Liability Period. As soon as is reasonably practical after the ending of the Agreement and subject to the owner making an application in writing to Council, Council shall, at the expense of the owner, make an application to the Registrar of Titles to cancel the recording of this agreement pursuant to Section 183(2) of the Planning and Environment Act 1987 to all or the relevant part of the land as the case may be.

Proposal

It is proposed that Council commence statutory procedures to consider the road as described and as shown on the plan in the recommendation, be open to public traffic.

FINANCIAL CONSIDERATIONS

All costs associated with the design and construction of the road shall be the responsibility of the applicant.

The future maintenance costs of this section of road are estimated to be \$250 per annum. This can be accommodated in Council's Road Maintenance Operating Budget when required.

RISK FACTORS

Council's risks associated with road openings are mitigated as the process is in accordance with the Road Management Act 2004 and Council's Road Management Plan 2013.

If Council does not open the road the applicant will not have legal access to Lot 5, LP87673.

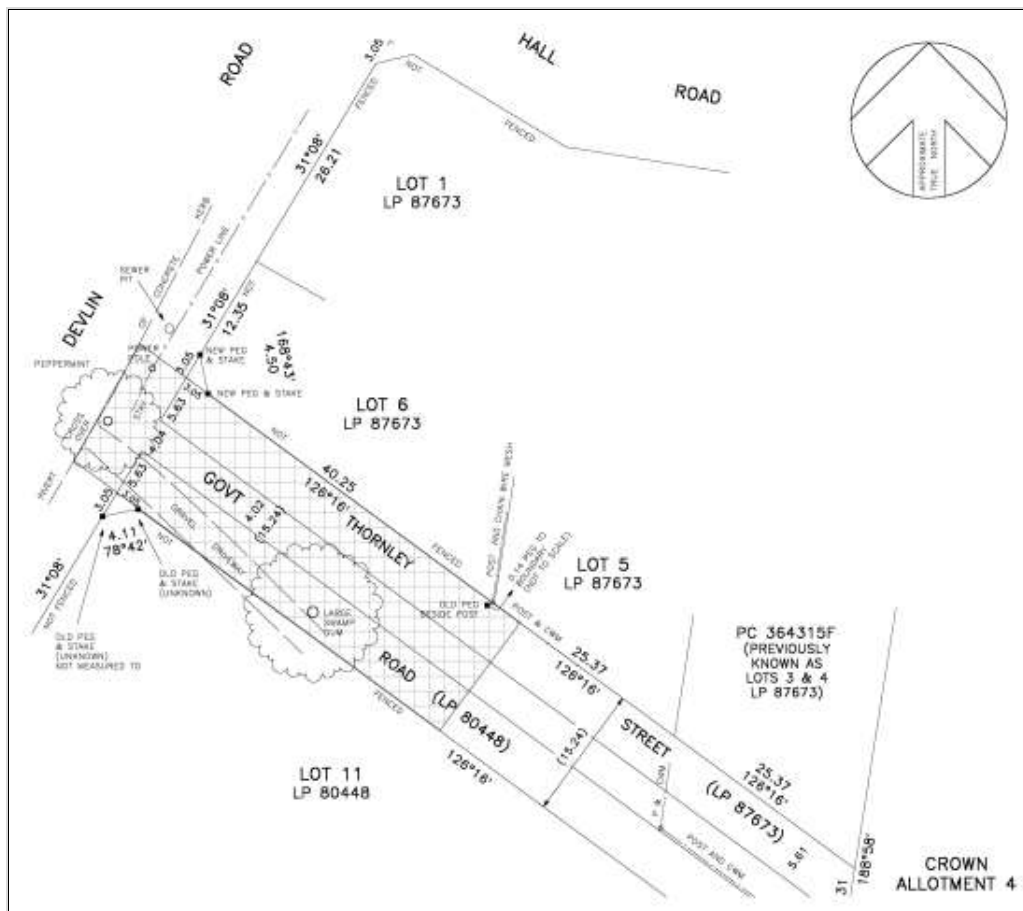
CONCLUSION

It is considered appropriate that Council commence statutory procedures to declare the 50 metre section of unused government road, south east of Devlin Road, Foster, Parish of Wonga Wonga South, open to public traffic to provide legal abuttal to the applicant's property being Lot5, LP87673.

RECOMMENDATION

That Council:

1. Commence statutory procedures pursuant to Section 204(2), Section 207A(c) and Section 223 of the Local Government Act 1989, to propose to declare the 50 metre section of unused government road, south east of Devlin Road, Foster, Parish of Wonga Wonga South open to public traffic to provide legal abuttal to the applicant's property (shown cross hatched on the plan below), as a road that is required to be open to public traffic.



2. Give public notice in the local newspapers and on Council's website week commencing 7 October 2013 of the proposal in accordance with Section 223 of the Local Government Act 1989 and write to all affected land owners with a property abutting the road proposed to be declared open to the public for traffic.
3. In the public notice clearly state:
 - a. A person may make a submission to the proposal no later than Tuesday 5 November 2013 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.

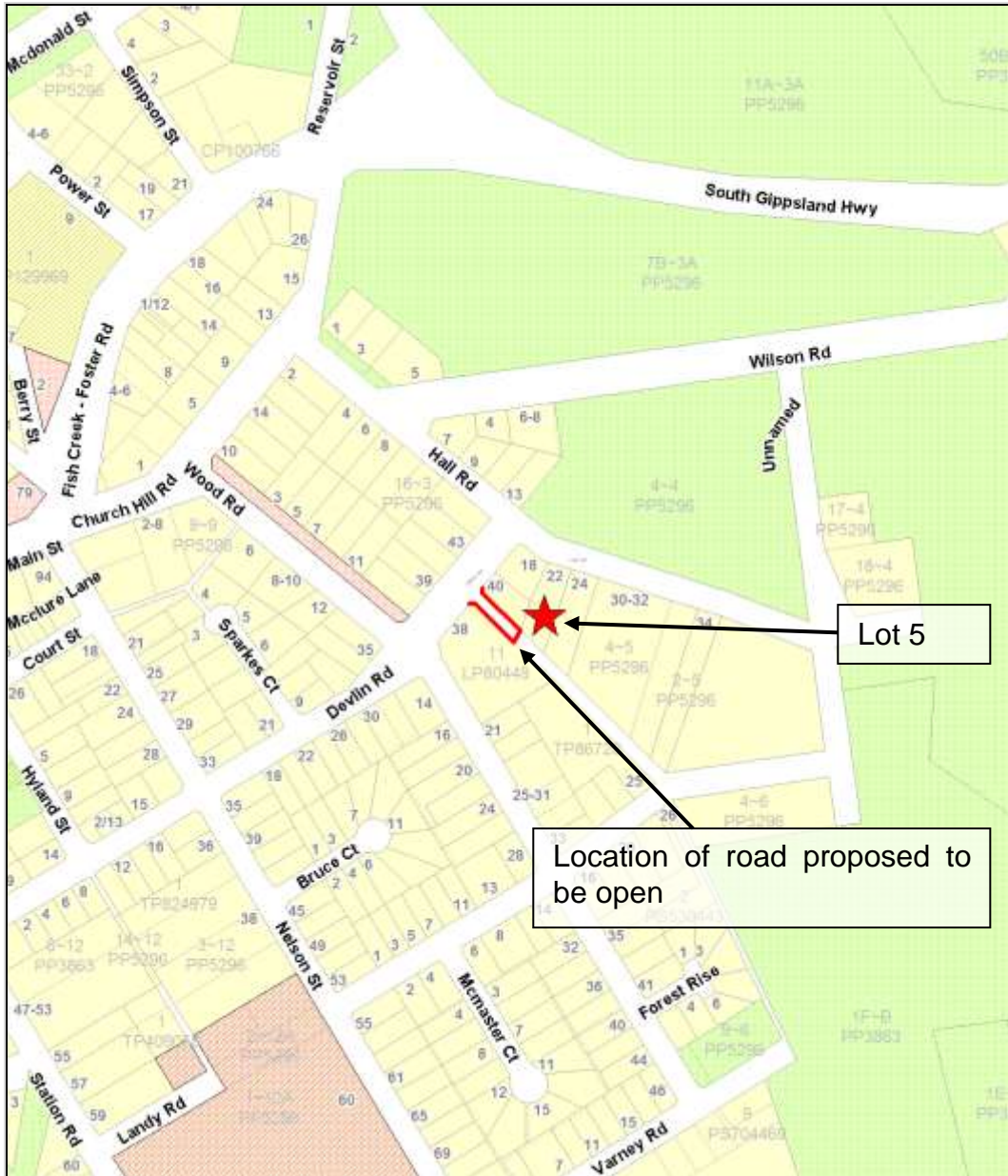
- b. **Any person making a written submission is entitled to state in their submission that he or she wishes to appear in person, or be represented by a person specified in the submission, at a meeting to be heard in support of their submission.**
 - c. **Copies of submissions (including submitters' 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 twelve months.**
 - d. **The time, date and place for hearing of submissions.**
4. **Fix the time, date and place for hearing persons who wish to be heard in support of their submission at the 223 Hearing Session on Wednesday 20 November 2013 at 1.15pm in the Council Chamber, Leongatha and include these details in the public notice.**
 5. **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 practicable.**
 6. **Appoint a committee comprising of Councillors present at the 223 Hearing Session on Wednesday 20 November 2013 at 1.15pm to hear the submissions and prepare a report containing all submissions received for the purpose of the submission hearing.**
 7. **Receive a final report at the next appropriate Council Meeting of its proceedings and a summary of the outcome of the Section 223 process.**

STAFF DISCLOSURE OF INTEREST

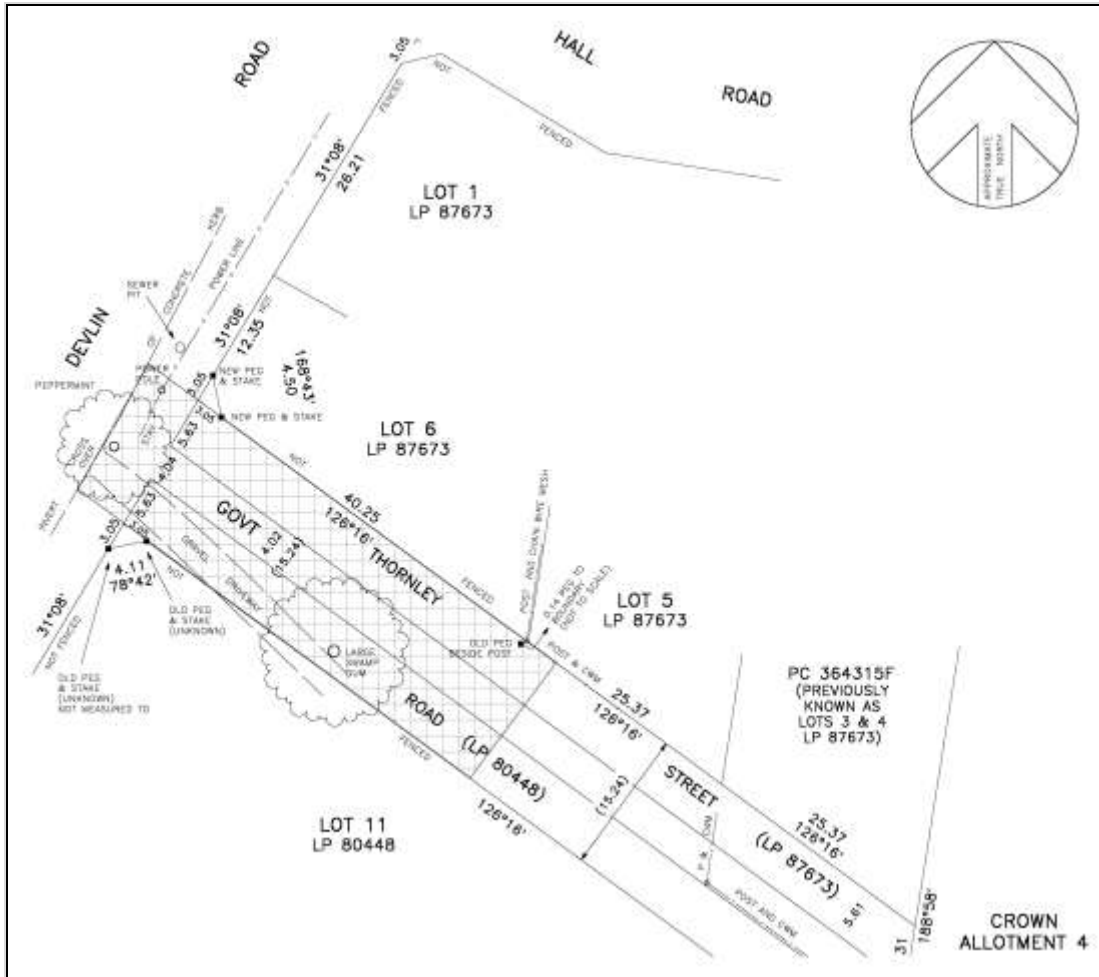
Nil

NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 86.

Attachment 1 Overall Plan of the Proposed Road Opening



Attachment 2 Survey Plan of the Proposed Road Opening



Attachment 3 Powers of Council

Council has the power under Section 204 of the Local Government Act 1989 (the Act) to open roads. The Act states:

204. Council May Declare A Road To Be A Public Highway Or To Be Open To The Public

1. A Council may, by notice published in the Government Gazette, declare a road in its municipal district to be a public highway for the purposes of this Act.
2. A Council may, by resolution, declare a road that is reasonably required for public use to be open to public traffic.
3. A road does not become a public highway by virtue of a Council resolution made under sub-section (2).

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.

Nil

SECTION G – GENERAL QUESTION TIME

G.1 QUESTION TIME

Nil

G.2 ANSWERS TO PREVIOUS QUESTIONS ON NOTICE

Nil

CLOSED SESSION

Consideration of confidential matters under the Local Government Act 1989, Section 89(2).

According to Section 89 of the Local Government Act 1989 (the Act), Council may consider items in closed session. There must be a resolution to move 'In Committee' stating the reasons why the matter(s) need to be considered in this way. The reasons provided for within the Act are matters concerning personnel, personal hardship, industrial issues, contracts, proposed developments, legal advice or any other matter that Council considers would be prejudicial, to it or any other person.

Once 'In Committee' discussions and debate have concluded, a further resolution to resume open Council is required.

ITEM 1 COMMUNITY GRANTS

ITEM 2 PERSONNEL MATTER

RECOMMENDATION

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

1. Community Grants pursuant to Section 89(2)(h) as provided for by the Local Government Act 1989; and
2. Personnel Matter pursuant to Section 89(2)(a) as provided for by the Local Government Act 1989.

MOVED: Cr Fawcett

SECONDED: Cr Hutchinson-Brooks

THAT COUNCIL CLOSE THE MEETING TO THE PUBLIC TO ALLOW FOR CONSIDERATION OF:

1. **COMMUNITY GRANTS PURSUANT TO SECTION 89(2)(H) AS PROVIDED FOR BY THE LOCAL GOVERNMENT ACT 1989; AND**
2. **PERSONNEL MATTER PURSUANT TO SECTION 89(2)(A) AS PROVIDED FOR BY THE LOCAL GOVERNMENT ACT 1989.**

CARRIED UNANIMOUSLY

SECTION H - MEETING CLOSED

NEXT MEETING

The next Ordinary Council Meeting open to the public will be held on Wednesday, 23 October 2013 commencing at 2pm in the Council Chambers, Leongatha.

Meeting closed at 3.37pm.

CONFIRMED:.....

CR KIERAN KENNEDY – MAYOR

Date:.....