



South Gippsland
S h i r e C o u n c i l

Come for the beauty, Stay for the lifestyle

COUNCIL AGENDA PAPERS

25 March 2015

**ORDINARY MEETING NO. 389
COUNCIL CHAMBERS, LEONGATHA
COMMENCING AT 2PM**

MISSION

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

SOUTH GIPPSLAND SHIRE COUNCIL

**NOTICE IS HEREBY GIVEN THAT ORDINARY MEETING NO. 389
OF THE SOUTH GIPPSLAND SHIRE COUNCIL WILL BE HELD ON
25 MARCH 2015 IN THE COUNCIL CHAMBERS, LEONGATHA
COMMENCING AT 2PM**

INDEX

SECTION A - PRELIMINARY MATTERS	1
A.1 WELCOME	1
A.2 OPENING PRAYER.....	1
A.3 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS	1
A.4 APOLOGIES.....	1
A.5 CONFIRMATION OF MINUTES	1
A.6 REQUESTS FOR LEAVE OF ABSENCE	1
A.7 DECLARATION OF CONFLICT OF INTEREST FOR COUNCILLORS.....	2
A.8 DECLARATION OF CONFLICT OF INTEREST FOR STAFF	4
A.9 PETITIONS.....	4
A.10 COUNCILLOR REPORTS	4
SECTION B - NOTICES OF MOTION AND/OR RESCISSION	5
B.1 NOTICE OF MOTION NUMBER 676 – A NEW BUDGET STRATEGY AVOIDING AUSTERITY AND PRESERVING SERVICES AND INFRASTRUCTURE.....	5
SECTION C - COMMITTEE REPORTS	13
SECTION D – PROCEDURAL REPORTS.....	14
D.1 FINANCE PERFORMANCE REPORT JULY - FEBRUARY 2015 ...	14
D.2 REPORT ON ASSEMBLY OF COUNCILLORS - FEBRUARY 2015.....	18

D.3	COUNCILLOR DISCRETIONARY FUND ALLOCATION REPORT	30
D.4	DOCUMENTS SEALED AND CONTRACTS AWARDED OR VARIED BY THE CHIEF EXECUTIVE OFFICER - FEBRUARY 2015	33
SECTION E - COUNCIL REPORTS.....		36
E.1	PETITION RESPONSE - WARATAH BAY TO SANDY POINT OFF ROAD SHARED TRAIL.....	36
E.2	PETITION RESPONSE - 'SAVE OUR POOLS' OUTDOOR SWIMMING POOLS.....	39
E.3	PETITION RESPONSE - REQUEST FOR THE SEALING OF LESTER ROAD, YANAKIE	42
E.4	PROPOSED 2015 – 2016 BUDGET INCORPORATING THE LONG TERM FINANCIAL PLAN.....	46
E.5	REVISED AQUATIC STRATEGY FOR PUBLIC EXHIBITION	61
E.6	NEW LEASE BETWEEN COUNCIL AND THE CORNER INLET MOTORCYCLE CLUB INCORPORATED PREMISES: PART OF COUNCIL'S LAND AT 2746 MEENIYAN PROMONTORY ROAD, YANAKIE	66
E.7	PLANNING PERMIT APPLICATION 2014/243 - USE AND DEVELOPMENT OF AN OUTDOOR RECREATION FACILITY (SKATE RAMP AND STOREROOM/CHANGE ROOM) AND BUILDINGS (DWELLING, SKATE RAMP AND STOREROOM/CHANGE ROOM) WITHIN 100 METRES OF A WATERWAY AT 80 RESTLEE DRIVE NYORA (BEING L6 LP212922K PARISH OF LANG LANG EAST)	77
E.8	PLANNING SCHEME AMENDMENT C105 - MEENIYAN WASTEWATER TREATMENT PLANT (REZONE TO PUBLIC USE ZONE 1 AND APPLY ENVIRONMENTAL SIGNIFICANCE OVERLAY 4) – REQUEST TO PREPARE AMENDMENT.....	113
E.9	PLANNING SCHEME REVIEW 2011-2014 - ADOPTION AND SUBMISSION TO MINISTER FOR PLANNING.....	119
E.10	RECREATION RESERVES MAINTENANCE GRANTS DISTRIBUTION.....	124
E.11	COUNCILLOR SUPPORT AND EXPENDITURE POLICY REVIEW	129

SECTION F - URGENT OR OTHER BUSINESS	135
SECTION G – GENERAL QUESTION TIME	136
CLOSED SESSION.....	140
SECTION H - MEETING CLOSED.....	141

Tim Tamlin
Chief Executive Officer

SECTION A - PRELIMINARY MATTERS

A.1 WELCOME

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

A.2 OPENING PRAYER

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

Amen

A.3 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

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

A.4 APOLOGIES

A.5 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the South Gippsland Shire Council Ordinary Meeting No. 388, held on 25 February 2015 in the Council Chambers, Leongatha be confirmed.

A.6 REQUESTS FOR LEAVE OF ABSENCE

A.7 DECLARATION OF CONFLICT OF INTEREST FOR COUNCILLORS

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

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

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

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

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

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

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

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

Privacy

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

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

A.8 DECLARATION OF CONFLICT OF INTEREST FOR STAFF

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

A.9 PETITIONS

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

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

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

A.10 COUNCILLOR REPORTS

SECTION B - NOTICES OF MOTION AND/OR RESCISSION

B.1 NOTICE OF MOTION NUMBER 676 – A NEW BUDGET STRATEGY AVOIDING AUSTERITY AND PRESERVING SERVICES AND INFRASTRUCTURE

PURPOSE

To table a report for Council consideration of a Budget Strategy that aims to avoid future austerity type Budgets and to introduce a different approach that has been used successfully by other organisations and councils to improve productivity, raise performance and diversify incomes.

MOTION

I, Councillor Don Hill, advise that I intend to submit the following motion to the Ordinary Council Meeting scheduled to be held on 25 March 2015.

‘THAT COUNCIL RECEIVE THE REPORT IN ATTACHMENT 1.’

Attachment 1 South Gippsland at the Cross Roads

INTRODUCTION

Council is clearly at a crossroads. We are facing an increasingly uncertain times with rate capping, an uncertain economy and significant losses of revenue forecast for national and state governments. Two paths are in front of it and indeed the community.

One path is to continue as is with an incremental approach, without any real focus on raising efficiency and effectiveness of operations. Without a planned strategic business approach to running the business faced with rate capping, the first response is to meet these through cuts in infrastructure spending. Once these have been done, further reduction of expenditure to Consumer Price Index (CPI) will mean cuts to direct services and staff. Such an approach is capitulating to austerity politics through the absence or willingness to show real courageous leadership.

The other path, the one following, is to take strategic business approach through better leadership. To focus on raising productivity, performance and diversifying income streams. To unleash the productivity potential of the digital revolution and constructive community partnerships to reduce costs. We (Cr Hill and Cr McEwen) have been raising the need now for two years for Council to focus on productivity, performance and diversifying income streams. The current budget inevitably has austerity measures in it because our advice was not heeded, falling on deaf ears. We went on spending like a drunken sailor just expecting our community to pick up the tab. As a consequence rates have risen by 7.9% annually over the past ten years.

Cr Hill and Cr McEwen propose that Council need to shift **From** → **To**:

From:	To:
More of the same approaches	Strategic Business Leadership Approach
Incremental Budgeting	Strategic Budgeting with Clear Targets for Savings
Administrative Cost Plus Budgeting	Strategic Leadership & Business Strategies
Administrative Control & Bureaucracy	Annual Planned Productivity Targets
Bloated Management Structure	Lean Flat Structures with Empowered Teams
Automatic Rates Rises	Focus On Improved Performance & Diversifying Income

Council's current budget is a **gamble** in the short run that further reduction to financial assistance grants won't occur and more cost shifting to local

government forcing Council to deeply cut services and staff. Council's current budget is a **gamble** in the medium term as it relies on both being able to increase rates above CPI, which unless there is a change in government will be impossible and running down asset renewals and forcing the cost onto future generations. It assumes that CPI will be 3% when it is currently tracking around 2.5%.

We have attempted to put forward these different approaches for 2 years. We have been faced with denial that there was unallocated moneys (\$34m), which has been acknowledged by finance staff and is being used to rescue the proposed budget this year. We have been faced at best with derision and criticism about our ideas, which have been dismissed out of hand. We have been criticised for even raising ideas with the community, as if such democratic practises were wrong or evil.

The jig is now up! While it is late in the day we still have the chance of turning around the 'titanic' like Council. We desperately need a new approach to be able to ensure that we will not be driven into cutting staff and services, cutting pools, HACC services and community grants. We are still more than willing *to work collaboratively* with our fellow Councillors and senior staff to avoid the austerity staring us in our face. But we have to go beyond new ideas being dismissed out of hand in the absence of any logical debate and discussion. We all desire fair rate rises, quality services and infrastructure. Councillors and senior managers have to show the *courageous leadership* now to change the old fashioned approaches that have simply led to exceptionally high rates and rate rises.

To move forward requires us all to work together with a more mature debate and partnership between Councillors, Councillors and Senior Staff and the Community. The fear of change, of the new and failure has to be let go. We have to be open to new ideas, learn from others successes and focus on reducing rates, raising productivity and improving service. We offer these ideas to Councillors, to Senior Staff and the Community with the hope that there is a level of maturity and respect and that we have to develop a shared vision for the future based on a different strategic business approach. The overarching objective now must be to be more strategic in our approaches in order to protect service and have more affordable rates.

A BUSINESS STRATEGY, SUSTAINABLE FINANCIAL PLAN & AFFORDABLE RATES

Irrespective of rate capping, we can no longer assume that we can increase rates around 8% effectively with compound rate rises with impunity. Currently, with some notable exceptions (caravan parks, zero based budgeting reviews) we are really using a 'cost plus' budgeting approach. We set capital costs, add in operational cost and initiatives and establish rate rises to balance the budget.

We are a \$60m business and we need to develop a business strategy and approach to how we set targets for overall affordable budget, productivity growth, efficiency and effectiveness. We need an approach where the

community can see real leadership in addressing cost pressures for council and reducing rates rises for the community. We have been very effective in reducing operating costs, but it is ludicrous when units do not have sufficient operational budget to do their job properly. Efficiency eventually has diminishing returns and must give way to effectiveness measures.

We need to take a strategic business approach to running our organisation.

OBJECTIVES OF THE BUSINESS STRATEGY

Currently council's plan's primary focus is on operational planning. There is no coherent strategic business plan with clear business objectives and targets and an understanding of our products and markets. We need business strategy that:

- Develops a real vision for where people want to be in 10-20 years, as the basis for strategic business planning and what role they want council to play.
- Establishes clear quantified targets for cost savings in the organisation to deliver affordable rates rises and allow us to renew our 21st century infrastructure (community hubs etc).
- To develop business strategies/plans for shared services, raising productivity, asset realisation and organizational development to reduce costs and raise productivity, efficiency and organisational effectiveness.
- To develop business strategies for coal creek, caravan parks, pools and other key council assets/service to reduce costs and increase returns
- Strategy to pursue more cooperative partnership between council and communities in the management of local facilities.

KEY PROPOSED STRATEGIES

Raising Productivity

Enhanced productivity & innovation - Up to 30% of energy is lost in bureaucracy, administration and silo thinking. Investment in cultural alignment of people and organisation and new technology can return easily 0.5% p.a. or 1% of rates per annum.

Capitalising on the digital revolution - Improving digital access to council information, increasing range of transactions and payments that can be made on line, redesigning services and function based on a customer centric approach and working with communities to transform how we collaboratively deliver services offers major scope for significant savings. Savings in banking, in retail, in media & education from such digital approaches are saving

anything from 5-30% of operation costs. A digital distributed council will not need a \$20m building if it operates on a digital distributed model.

Flatter management structures - Reducing managers and developing high performance teams. Council in 2013/4 was 22% above the level of managers for large rural shires. (All councils pay different rates for managers – banded and senior office range) Reducing management to the average would save 1.5% of rates.

Better procurement - Better procurement can return up to ten times investment. Council spends \$28m on materials annually. A 0.1% saving in procurement is \$280k or 0.8% rate reduction.

Second stage zero based reviews - Council has already thoroughly examined area internally. It has not as is best practice benchmarked areas against other similar councils of staffing, management and operations. We need to be open to innovation in process, structure and management. There are several areas of council that appear to be overstaffed in comparisons. Council has 17% of its resources in support function which appears high.

Improving Performance

Commercial approach to services - Clear business strategies are required for investing and managing council business units (Coal Creek & Caravan Parks) Potential for 1.4% savings.

Shared Services - Shared services are a proven ways to reduce costs. It takes a clear commitment from councillors and officers and up to 3 years to develop them. (E.g. cloud computing)

Diversifying Income

Strategic business investments - Councils following a prudent process have invested in partnerships that return significant monies. The proposed school camp could return between \$650k-\$1.2M p.a. for an initial investment of \$3.5m.

Grow the shire slightly faster - Slowly through strategic branding increasing growth rates starting with a conservative figure under the ABS population growth figure. Initiate high end population developments drawing upon tourism and environmental areas.

SUGGESTIONS TO BRING IN BETWEEN 2% AND 2.5% BUDGET OVER 15 YEARS

In June 2014 Councillors Hill and McEwen promoted 4 main areas which would bring down the rate rises to around 3.5%. If dot points 5 and 6 are included, we would have less than a 2.5% rate rises for the 15 years budget.

1. Return the \$34 million in unallocated funds to ratepayers
2. Reduce forward estimates for CPI to realistic levels
3. Savings within pool budget reflecting reduced operating costs
4. Remove unrequired infrastructure from capital works

ALL THESE CAN BE INCLUDED IN THE BUDGET THIS YEAR

- 1. Return the \$34 million in unallocated funds to the ratepayers**
Financial capacity review - Officers have stated that this is now \$36 Million

AMOUNT: \$36 M

- 2. CPI over-estimated going forward 15 year Budget**
Last three Budgets shows how much over-estimated the CPI figures for capital works was; Officers have stated that CPI in Cap Works was at 1.3% above CPI.

AMOUNT: \$4.4 M

- 3. Savings within pool budget reflecting reduced operating costs**
Savings of 25% to Pool budget (operating and maintenance)

AMOUNT: \$2.5 M

- 4. Remove unrequired infrastructure from capital works**
I.e. Nyora Hub removed.

AMOUNT: \$8.0 M

TOTAL AMOUNT SAVED IS \$50.9 MILLION

- 5. Reducing expenditures.**
Productivity Savings 1% (Staff Numbers)

AMOUNT \$4.4 M
Capital Works Reductions (New Works/Extensions-Splash Hydro)

AMOUNT \$3.7 M
Caravan Parks (Reduce Rate of Capital Expenditure)
AMOUNT \$1.8 M

Realistic EBA Agreement (2016-2020 and beyond)
AMOUNT \$3.5 M

- | | |
|---|-----------------------|
| 6. Raising diversified revenue streams | |
| Coal Creek School Camp | AMOUNT \$9.6 M |
| Coal Creek Day Activities | AMOUNT \$0.4 M |
| Coal Creek Lease Café | AMOUNT \$0.9 M |
| Population growth increase for Shire | AMOUNT \$6.9 M |

TOTAL AMOUNT SAVED IS \$31.2 MILLION

OVERALL TOTAL AMOUNT SAVED IS \$80.4 MILLION
Without the caveats and shortcomings of the draft Council Budget.

THE WAY FORWARD - FOCUS ON NEW BUSINESS DEVELOPMENT

Digital Strategy for refocusing Council

Digital technology is allowing industry after industry to redesign how they provide services and to significantly reduce their transaction costs leading up to 5-30% of savings. A council utilising existing digital technologies and a distributed service approach in partnership with communities would require half the office space now required and reduce our proposed precinct by up to \$10m.

Business case for a digital approach to tourism and economic development

Currently less than 1% of tourists use the visitor information centres, which are costing up to \$270k. Now over 62% of Australians access information book and buy services on hand held digital devices and over 90% now use the web. If council invested in developing a common digital platform and used a range of digital information kiosks and integrated community hubs (Korumburra, Leongatha, Foster & Mirboo north) volunteers can continue to play their role, but a seamless digital presence can get to a significantly wider audience and rationalise the data collection and proliferation of web systems (over ten currently).

Business case for continuous innovation project and program

Council has sporadically set productivity improvement targets, which have been met by a variety of means. Productivity of excellent organizations is consistently raised by 1-2% per annum. Councils own staff in the Risk area and in fleet and in IT have saved of \$0.5m over 5 years or \$100k per annum. Council needs to commit, as many organisations have been required, to a target of 0.5-1% productivity improvement per annum. To do this investment is appropriate training and support is required. The target however needs to be annual and accountable.

Cultural transformation strategy for cultural alignment

Given that average organisations lose 20-30% of productivity through inefficient bureaucracy and processes with investment in appropriate cultural realignment program and development of high performance teams a return of 2% is realistic over a 10 year period. Assuming this operates only in non-capital items this would represent a saving of \$5m.

Partnerships and collaborations with the community

We need to explore the potential for using such approaches to services and facilities (pools, halls, community hubs etc). Pools would save us some \$2.5Million.

Strategy for shared services & cloud computing

Shared services save money. However shared services need to be developed over 3-4 years to get agreement and implementation. We need to continue the work to identify potential shared services and commence

discussions with our Gippsland Local Government Network (GLGN) and other councils.

Green bio-composting of wastes reducing tip costs and sales to farmers

The introduction of the green bins and the study on composting opens up the potential that has been used now by tens of council to bio-compost wastes. Green and putrescibles wastes make up 50% of councils wastes collected or 12% of overall. Diverting 12% of waste stream will save around \$140k on capital costs annually. And the compost sold would bring in an additional \$100k. Assuming 12 year's operation this would bring in an additional \$4.8m.

Business case for investments in procurement (up to 1% savings pa is the industry norm)

Best practice procurement approaches can save up to 1% per annum. While council is using some of the best strategies there still is substantial room for improvement and a real target of 0.25% p.a. would save \$8m over the Long Term Financial Plan.

The longer we delay taking a strategic business approach the more difficulties we will have in reigning in rates rises let alone dealing with rate capping.

Report submitted by Councillors Don Hill and Andrew McEwen.

SECTION C - COMMITTEE REPORTS

Nil

SECTION D – PROCEDURAL REPORTS

D.1 FINANCE PERFORMANCE REPORT JULY - FEBRUARY 2015

Corporate Services Directorate

EXECUTIVE SUMMARY

The financial performance to February 2015 shows the following high level outcomes:

- Operating result: \$1.582 million surplus which is \$1.883 million unfavourable compared to the year to date budget projection of \$3.465 million surplus. The major contributor to the variation is timing of grant income
- Capital works: \$5.737 million expenditure which is \$1.418 million behind year to date budget of \$7.155 million.
- Cash assets: Projected 30 June \$14.098 million (original budget \$9.657 million).
- Underlying working capital ratio: Projected 30 June 1.83 to 1 (original budget 1.56 to 1)
- The projected financial outcome for 2014/15 is a \$5.671 million surplus. This is \$418,000 unfavourable than the original \$6.089 million budgeted surplus.
- The longer term financial performance indicators show that the financial plan (adjusted for budget carry forward and other budget adjustments) is financially sustainable.

Document/s pertaining to this Council Report

- **Appendix 1** - Financial Performance Report to 28 February 2015

A copy of **Appendix 1 - Financial Performance Report to 28 February 2015** is available on Council's website: www.southgippsland.vic.gov.au or by contacting 5662 9200.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989 - Part 7 Financial Management

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Long Term Financial Strategies

COUNCIL PLAN

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

CONSULTATION

Not Applicable

REPORT

Background

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

Council each year sets an Annual Budget within a 15 year Long Term Financial Plan framework. Guidance is provided by the Long Term 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 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 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 information financial updates to be provided to Council and the community in a timely manner.

The reporting timelines include:

- August: Report picks up financial implications of previous year's financial results as well the budget 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 commencement of the annual 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 comprehensive financial statements and performance statements are produced, subject to external audit and form part of the Annual Report.

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.

Section 2 – Annual year to date financial analysis.

This section analyses the implications of the year to date performance and the projected outcome for the financial year end.

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 Long Term Financial Strategies key performance indicators.

FINANCIAL CONSIDERATIONS

Activities within the Council 2014-2015 Annual Plan are funded through the 2014-2015 Budget.

The Financial Performance Report provides a high level analysis of Council's position for the July to February period.

The forward budgets projections include the Proposed 2015/16 Budget / LTFP as will be presented to Council on 25 March.

The State Government has announced that it will introduce rate capping for all Victorian Councils in 2016/17. The rate rises in the forward years have been set at 3.0% from 2016/17 to 2022/23 and thereafter at 4.0%. When compared to the previous year's Long Term Financial Plan, Council over a 14 year period (2015/16-2026/27) will collect \$57.8m less rates and charges. (This is reflected in current proposed budget papers)

Victorian councils will be provided definite direction by January 2016 on how rate capping will be required to be implemented for the following year's 2016/17 budget.

Depending on the level at which rates are capped Council may need to undertake a further review of services that are provided to the community with the aim of reducing the level of rate payer subsidy for services undertaken by Local Government on behalf of the State and Federal Government.

RISK FACTORS

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

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 February 2015.

RECOMMENDATION

That Council receive and note the Financial Performance Report (Appendix 1) for the period July to February 2015.

STAFF DISCLOSURE OF INTEREST

Nil

D.2 REPORT ON ASSEMBLY OF COUNCILLORS - FEBRUARY 2015

Corporate Services Directorate

EXECUTIVE SUMMARY

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

The matters listed in this report were presented or considered, at either an Advisory Committee Meeting, Councillor Strategic Briefing Session or Public Presentation Session in February 2015.

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 4 February 2015		
Financial Sustainability Steering Committee	<p>Councillors Attending:</p> <p>Crs Hill, Harding, Brunt, Davies, Kennedy, Fawcett, McEwen, Newton and Hutchinson - Brooks.</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • 3rd Cut Draft Budget, including Capital Works • Proposed draft Annual Initiatives • Council priority outcomes, including activities in response to community engagement activities
Planning Committee	<p>Councillors Attending:</p> <p>Crs Hill, Harding, Brunt, Davies, Kennedy, McEwen, Newton and Hutchinson - Brooks.</p> <p>Conflict of Interest:</p> <p>Cr Nigel Hutchinson-Brooks declared a Conflict of Interest with respect to the <i>Koonwarra Agricultural Commercial Precinct</i>.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Conflict of Interest • Decisions for November/December 2014 • VCAT Decisions January 2015 • Statutory Planning Applications of Significance, Strategic Planning & Development Projects • Briefing – Burra Foods Amendment C99 – Panel Report • Future Strategic Planning interests

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 4 February 2015		
Executive Update	<p>Councillors Attending:</p> <p>Crs Hill, Harding, Brunt, Davies, Kennedy, McEwen, Newton and Hutchinson - Brooks.</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Pool Contract • IT Strategy briefing
Council Timetable for Feb/ March 2015	<p>Councillors Attending:</p> <p>Crs Hill, Harding, Brunt, Davies, Kennedy, McEwen, Newton and Hutchinson - Brooks.</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics Discussed:</p> <p>Council timetable changes for Feb / March 2015.</p>
Wednesday 11 February 2015		
Financial Sustainability Steering Committee	<p>Councillors Attending:</p> <p>Crs Hill, Harding, Brunt, Davies, Fawcett, McEwen, Newton and Hutchinson - Brooks.</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • 'Our Say' discussion with theme champions with topics including: <ul style="list-style-type: none"> – Culture and Arts Strategy – Rates Reduction – Mirboo North Pool • OurSay Engagement Process update • Cr Hill provided a presentation on options for the draft Budget consideration

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 18 February 2015		
Ordinary Council Agenda Topics Discussion 25 February 2015	Councillors Attending: Crs Fawcett, Kennedy, Newton, Harding, Hutchinson-Brooks, McEwen, Davies and Brunt. Conflict of Interest: Nil disclosed.	Topics Discussed: Ordinary Council Agenda Topics 25 February 2015.
Executive Update	Councillors Attending: Crs Fawcett, Kennedy, Brunt, Newton, Harding, Hutchinson-Brooks, McEwen and Davies. Conflict of Interest: Nil disclosed.	Topics Discussed: <ul style="list-style-type: none"> • Council website development • Personnel item • Burra Foods EPA meeting
Corner Inlet Motorcycle Club Lease	Councillors Attending: Crs Hill, Harding, Brunt, Davies, Kennedy, Fawcett, McEwen, Newton and Hutchinson - Brooks. Conflict of Interest: Nil disclosed.	Topics Discussed: <ul style="list-style-type: none"> • Major changes in the new Lease to the Corner Inlet Motorcycle Club.

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 18 February 2015		
Revised Aquatic Strategy	Councillors Attending: Crs Fawcett, Kennedy, Brunt, Newton, Harding, Hutchinson-Brooks, McEwen, Hill and Davies. Conflict of Interest: Nil Disclosed.	Topics Discussed: <ul style="list-style-type: none"> • Feedback on the draft Aquatic Strategy 2015-20
Great Southern Rail Trail Marketing and Branding Project OPEN DAY SESSION	Councillors Attending: Crs Fawcett, Kennedy, Brunt, Newton, Harding, Hutchinson-Brooks, McEwen, Hill and Davies. Conflict of Interest: Nil Disclosed.	Topics Discussed: <ul style="list-style-type: none"> • Marketing Plan for the whole of the Great Southern Rail Trail.

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 18 February 2015		
Public Presentations	Councillors Attending: Crs Hill, Harding, Brunt, Davies, Kennedy, Fawcett, McEwen, Newton and Hutchinson - Brooks.	
OPEN DAY SESSION	Conflict of Interest: Nil disclosed.	
Presentations were made to Council by the following community members:		
Sonia Weston , Manager of Ramahyuck District Aboriginal Corporation and local traditional landowner and Auntie Ada Weston-Hume , Traditional Elder of the Boon-Wurrung regarding 'Deadlies 2015'.		
Paul Ahern , representing the Waratah Bay Community Association regarding Waratah Bay Strategy Plan.		
Cathy Giles , regarding bringing a Petition to Council on Sandy Point Trail to Waratah Bay.		
Ian Southall and Maddy Harford representing Southern Gippsland Community Energy Interim Working Group regarding Southern Gippsland Community Energy Working Group.		
Adrian James , project officer regarding Connect Food Action Project – Project Overview.		
Neil Olsen and Thea Dent , member community group 'Our Korumburra' regarding Council Agenda Item E2 Planning Scheme Amendment C99 Burra Foods Buffer - Adoption of Amendment.		
Paul Norton regarding Potable Water Issues.		

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 18 February 2015		
Domestic Wastewater Plan	<p>Councillors Attending:</p> <p>Crs Hill, Harding, Brunt, Davies, Kennedy, Fawcett, McEwen, Newton and Hutchinson - Brooks.</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Development of a Tarwin River Water Supply Catchment Policy • Development of and implementation of a Domestic Wastewater Management Plan
Financial Sustainability Steering Committee	<p>Councillors Attending:</p> <p>Crs Hill, Harding, Brunt, Davies, Kennedy, Fawcett, McEwen, Newton and Hutchinson - Brooks.</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • ‘Our Say’ Community engagement to inform the Budget • 4th cut draft Budget, including Fees and Charges • Financial Review of Cr Hill’s budget proposals
<p>Public Presentations</p> <p>EVENING OPEN SESSION</p>	<p>Councillors Attending:</p> <p>Crs Harding, Brunt, Davies, Kennedy, Fawcett, McEwen and Newton.</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 18 February 2015		
Presentations were made to Council by the following community members:		
Lucy Evangelista regarding Petition – Save Our Pools: Korumburra, Poowong, Foster and Mirboo North.		
Christine McKenzie and Glenn Brown regarding Council Agenda Item E2 Planning Scheme Amendment C99 Burra Foods Buffer - Adoption of Amendment.		
Thursday 19 February 2015		
Municipal Emergency Management Planning Committee	Councillors Attending: Cr Hutchinson - Brooks. Conflict of Interest: Nil disclosed.	Topics Discussed: <ul style="list-style-type: none"> • VicSES – MEMP Audit Confirmation • Working Groups – Terms of Reference – Review and feedback • Review of MEMPlan parts 1 – 5 and appendices • Review of MEMPlan parts 6 – 7 • Risk Review Process • Public Events Awareness • NDRGS Collaboration Project - Gippsland Update • Red Cross South Gippsland Emergency Services Catering Out Sourcing Arrangements • Agency Reports • Training Exercises • Update on Tarwin Lower Local Flood Guide

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 25 February 2015		
Ordinary Council Agenda Topics Discussion	Councillors Attending: Crs Harding, Brunt, Davies, Kennedy, Fawcett, McEwen, Newton and Hutchinson - Brooks. Conflict of Interest: Nil disclosed.	Topics Discussed: <ul style="list-style-type: none"> • Ordinary Council Agenda Topics for 25 February 2015
Public Presentation Session OPEN DAY SESSION	Councillors Attending: Crs Harding, Brunt, Davies, Kennedy, Fawcett, McEwen, Newton and Hutchinson - Brooks. Conflict of Interest: Nil disclosed.	
<p>Presentations were made to Council by the following community members:</p> <p>Walter Aich, Project Manager and Toine Bovill President of the Dumbalk and District Progress Association regarding Dumbalk and District Progress Association Development and Lease on Old Kindergarten site.</p> <p>David Amor, Les Guilfoil and Viv Pepper representing community group 'Our Korumburra' regarding Council Agenda Item E2 Planning Scheme Amendment C99 Burra Foods Buffer - Adoption of Amendment.</p> <p>Grant Crothers, Managing Director Burra Foods representing the application to the Planning Scheme amendment proposed in Council Agenda Item E2 Planning Scheme Amendment C99 Burra Foods Buffer - Adoption of Amendment.</p>		

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 25 February 2015		
Coal Creek Community Park and Museum School Camp Presentation	Councillors Attending: Crs Hill, Harding, Brunt, Davies, Kennedy, Fawcett, McEwen, Newton and Hutchinson - Brooks. Conflict of Interest: Nil disclosed.	Topics Discussed: <ul style="list-style-type: none"> Information session on School Camps
Ordinary Council Agenda Topics Discussion	Councillors Attending: Crs Hill, Harding, Brunt, Davies, Kennedy, Fawcett, McEwen, Newton and Hutchinson - Brooks. Conflict of Interest: Nil disclosed.	Topics Discussed: <ul style="list-style-type: none"> Ordinary Council Agenda Topics for 25 February 2015
Councillor / CEO Session	Councillors Attending: Crs Hill, Harding, Brunt, Davies, Kennedy, Fawcett, McEwen, Newton and Hutchinson - Brooks. Conflict of Interest: Nil disclosed.	Topics Discussed: <ul style="list-style-type: none"> Question time in Council Meetings

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Thursday 26 February 2015		
Korumburra Round Table	<p>Councillors Attending:</p> <p>Cr McEwen</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Korumburra community groups' activities update • New members • Council update, including: • A&P Society funding. • "Our Say" open again – encourage Round Table to have input. • Futures Workshop, Sunday March 22, Community Rooms, 1.30-4.30pm • Events Calendar promotion • Signage/Gateway project • Matching Korumburra Town Centre Framework Plan activities to those projects raised in first Futures Workshop. • New volunteer/s for Facebook page. • Council commitment to maintain secretariat support for Round Table. • Decision for KCDA to be fund-holders for Round Table – but protocols/policies etc not yet decided

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Friday 27 February 2015		
Access & Inclusion Advisory Committee	Councillors Attending: Cr Newton Conflict of Interest: Nil disclosed.	Topics Discussed: <ul style="list-style-type: none">• Business Arising from Previous Minutes: Pedestrian Crossings, Leongatha; accessible parking Korumburra.• Achievement Award for People with a Disability and Australia Day Awards Ceremony• Recommendation that Awards be annual and follow procedures and presentation as per the SGSC Australia Day Ceremony• Advocacy on behalf of inclusion of people with disability in L2P program with no ceiling on age eligibility• Request from DeafAccess Gippsland to attend a future meeting with SGSC A&IAC to fund and organise an interpreter.

RECOMMENDATION

That Council receive and note this report.

STAFF DISCLOSURE OF INTEREST

Nil

D.3 COUNCILLOR DISCRETIONARY FUND ALLOCATION REPORT

Corporate Services Directorate

EXECUTIVE SUMMARY

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

This report details Councillors allocations for the period between 19 January 2015 and 26 February 2015.

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Councillor Discretionary Fund Policy 2014

COUNCIL PLAN

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

REPORT

The following applications have been allocated funding from the Councillor's 2014/2015 Discretionary Fund for the period between 19 January 2015 and 26 February 2015.

- Port Franklin Tennis & Sports Club Inc.: To assist with costs of holding the 8th annual "Alf Wilder Junior Memorial Fishing Experience".

Cr Mohya Davies - \$150

Cr Jeanette Harding - \$150

- Tour De Tarwin Inc.: To assist with costs of funding Tour De Tarwin promotional shirts.

Cr Jeanette Harding - \$100

Cr Mohya Davies - \$233

Cr Andrew McEwen - \$100

Cr Don Hill - \$100

Cr Nigel Hutchinson-Brooks -\$133

Mayoral Fund (Cr Jeanette Harding) - \$234

- University of the Third Age Prom Coast Inc.: To cover the costs of the supply and installation of dual pull-down blinds where the U3APC meet within the Foster Showgrounds (Basketball Pavilion).

Cr Mohya Davies - \$395

Cr Jeanette Harding - \$400

- Bennison Adult Riding Club Inc.: To assist with costs of holding a two day Horse Trails.

Cr Jeanette Harding - \$300

Mayoral Fund (Cr Jeanette Harding) - \$200

- Loch Primary School: To assist with the costs of participating in the Stephanie Alexander Program. Funds will go towards the purchase of an automated rain sensor.

Cr Lorraine Brunt - \$166

Cr Robert Newton - \$168

Cr Andrew McEwen - \$166

- Korumburra and District Darts Association: To assist with costs of purchasing six new dart boards for season 2015/2016.

Cr Robert Newton - \$100

Cr James Fawcett - \$200

Cr Nigel Hutchinson-Brooks -\$200

- Leongatha Chamber of Commerce: To assist with the costs of facilitating the 10 Year Anniversary Retrospective Exhibition of the Great Southern Portrait Prize.

Cr James Fawcett - \$333

Cr Don Hill - \$333

Cr Nigel Hutchinson-Brooks - \$334

- Leongatha Fun Run Organising Committee: To assist with costs associated with the inaugural Leongatha Fun Run.

Cr James Fawcett - \$333

Cr Don Hill - \$333

Cr Nigel Hutchinson-Brooks - \$334

Mayoral (Cr Jeanette Harding) - \$200

An application was also received from the Mirboo North Swimming Pool Committee to assist with the costs of funding the hire of a Fun time Jumping Castle for the Mirboo North Idol 10 year celebrations, however it was assessed as ineligible as they have already been allocated \$1,000 this financial year. The Councillor Discretionary Fund Guidelines requires that an annual allocated limit of \$1,000 from all Councillors, not including any Mayoral allocations (which could be up to an additional \$1,000), will apply to any applicant in any one financial year, unless approved by Council.

FINANCIAL CONSIDERATIONS

Each Councillor is allocated \$4,000 from the Councillor Discretionary Fund in the 2014/2015 Financial Budget. An additional \$2,000 has been allocated to the Mayor to cover a broader focus across the entire Municipality.

CONCLUSION

The unexpended Councillor Discretionary Funds for the 2014/2015 Financial Year as at 19 January 2015 is as follows:

- Cr Mohya Davies - \$1,195
- Cr Jeanette Harding - \$600
- Cr Kieran Kennedy – Nil
- Cr Lorraine Brunt - \$205
- Cr Robert Newton - \$300
- Cr Andrew McEwen - \$250
- Cr James Fawcett - \$533
- Cr Don Hill - \$805
- Cr Nigel Hutchinson-Brooks - \$1,219
- Mayoral Fund - \$616

RECOMMENDATION

That Council receive and note this report.

STAFF DISCLOSURE OF INTEREST

Nil

**D.4 DOCUMENTS SEALED AND CONTRACTS AWARDED OR VARIED BY
THE CHIEF EXECUTIVE OFFICER - FEBRUARY 2015**

Corporate Services Directorate

EXECUTIVE SUMMARY

This document reports to Council the following actions undertaken by the Chief Executive Officer (CEO) which occurred during February 2015, as required by the Council's Instrument of Delegation to the Chief Executive Officer and Procurement Policy:

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

LEGISLATIVE/ ACTION PLANS/ STRATEGIES/ POLICIES

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

COUNCIL PLAN

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

REPORT

Documents Sealed

Under the Act, each Council is a body corporate and a legal entity in its own right. Each Council must have a common seal (like any corporate entity) that is an official sanction of that Council. All courts, judges and persons acting judicially must take judicial notice of the imprint of the common seal of a Council on any document.

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

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

In accordance with the Local Law and Instrument of Delegation, the following are presented to Council as documents sealed in the months of February 2015.

1. Section 173 Agreement between South Gippsland Shire Council and the Owners of 77 Gibson Street, Leongatha in relation to the rezoning of land – Seal Applied 12 February 2015.
2. Section 173 Agreement between South Gippsland Shire Council and the Owners of 30 Paris Crescent, Venus Bay in relation to the development of a single dwelling and associated works – Seal Applied 24 February 2015.
3. Section 173 Agreement for the construction of a Cattle Underpass on Spencers Road, Leongatha North – Seal Applied 24 February 2015.

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

The CEO's delegation of power from the Council allows the CEO to award contracts up to the value of \$250,000 (inclusive of GST). The delegation requires all contracts awarded after a public tender process that are within the CEO’s delegation to be reported to Council at the Council meeting immediately after the contract is awarded.

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

Further, Council’s Procurement Policy requires ‘that Council will also not disclose information about procurements below the statutory thresholds, however, to ensure compliance with Council’s Instrument of Delegation to the CEO, it will be noted in this report that a contract has been awarded following a public tender.

The following contracts have been awarded under the CEO's delegation during February 2015 following a public tender.

- Tender SGC15/26 Provision for a Municipal Precinct Study. Signed 11 February 2015.

Contract variations approved by the CEO

Council's Procurement Policy authorises the CEO to approve any necessary variations to a contract which exceeds the CEO's delegation, to allow the proper fulfilment of the contract, subject to this variation being reported to the next practicable Council Meeting.

There are no contract variations which exceeded the CEO's delegation, made by the CEO during February 2015.

RECOMMENDATION

That Council receive and note this report.

STAFF DISCLOSURE OF INTEREST

Nil

SECTION E - COUNCIL REPORTS

E.1 PETITION RESPONSE - WARATAH BAY TO SANDY POINT OFF ROAD SHARED TRAIL

Community Services Directorate

EXECUTIVE SUMMARY

The purpose of this report is to:

1. Acknowledge the request made by residents and visitors to Sandy Point and Waratah Bay, through a petition received at the Council Meeting held 25 February 2015, for the inclusion of an off-road shared trail between Waratah Bay and Sandy Point in Council's Paths and Trails Strategy; and
2. Propose that the request be addressed when the Paths and Trails Strategy is reviewed in 2015/16.

Document/s pertaining to this Council Report

- **Confidential Appendix 1** - Petition with signatories

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

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Nil

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Economic Development and Tourism Strategy November 2014
- Municipal Health and Wellbeing Plan 2013-2017
- Paths and Trails Strategy 2010

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.

CONSULTATION

Council staff have discussed the proposed trail with members of the Sandy Point Development Group, visited the site of the proposed trail and provided information on the area of the proposed trail that comes under Council management.

The Sandy Point Community Group has discussed the proposal at recent community forums with the local Foreshore Committee, the Department of Environment, Land, Water and Planning (DELWP) and some landowners whose properties are adjacent to the proposed trail.

REPORT

Background

A proposal to develop a walking and riding path between Sandy Point and Waratah Bay, adjacent to the sand dunes, was submitted to Council in 2011. The proposers were advised, at that time, that Council was not intending to take any action to develop this trail as it was not identified in the 2010 Paths and Trails Strategy, and that there were a range of higher priority works required in the Sandy Point and Waratah Bay district.

Council did advise the Sandy Point Community Group that it was happy to discuss the proposal as a potential future project.

A petition, signed by 35 people, was tabled at the Council Meeting on 25 February 2015 from residents and visitors to Sandy Point and Waratah Bay. The prayer of the petition is:

"We, the Residents of and Visitors to Sandy Point and Waratah Bay, request the inclusion of the Waratah to Sandy Point (WASP) Off-road Shared Trail in the South Gippsland Shire Council's Paths and Trails Strategy 2010 (or its updated version in 2015) and that the South Gippsland Shire Council works with the Sandy Point Community Group Inc. to help identify and secure funding opportunities from both within council's own Capital Works Budget and external funding sources including grants, to expedite this trail's construction at the earliest possible opportunity"

Discussion

The Sandy Point community has demonstrated a continued interest in development of a trail linking Sandy Point and Waratah Bay. The Sandy Point Community Group has gained support for this proposal from the local community and visitors, listed this project in their recently developed Community Plan, undertaken discussion with DELWP and the Sandy Point Foreshore Committee of Management and gained in principle support for the establishment of this track. Council is being asked to assist with the development of this trail, with both staff time and capital costs.

This trail is not included in the 2010 Paths and Trails Strategy, but the Strategy is to be reviewed in 2015/16. Investigation of a Waratah Bay to Sandy Point trail could be included in this review. Such an investigation could include assessing construction and maintenance costs, impact on local vegetation and ecology, consultation with adjoining land holders, responsibility for management and maintenance of the trail, and funding sources available for this project if it were to proceed.

Proposal

It is proposed that Council acknowledge the request made through the petition and investigate the potential of developing a trail connecting Sandy Point and Waratah Bay in when Council's Paths and Trails Strategy is reviewed in 2015/16.

FINANCIAL CONSIDERATIONS

No budget allocation has been made in the 2015/16 draft Council budget or in the Long Term Financial Plan to support the construction and maintenance of a trail between Sandy Point and Waratah Bay. Any expenditure on the proposed Trail will need to be considered and prioritised in the context of other capital improvement and extension projects and would require a new allocation of funds by Council

RISKS

Investigation of establishment of a trail between Sandy Point and Waratah Bay may raise community expectations that the project will proceed, but at this time the financial implications are not known.

CONCLUSION

The Sandy Point community has indicated a strong and long standing interest in development of a trail to link their community and Sandy Point. The planned review of the Paths and Trails Strategy in 2015/16 provides an opportunity to consider the community benefit, cost and priority of this proposed trail.

RECOMMENDATION

That Council:

- 1. Note the request for Council to assist in the development of a trail between Waratah Bay and Sandy Point;**
- 2. Include investigation of developing a trail linking Sandy Point and Waratah Bay in the review of the 2010 Paths and Trails Strategy to be undertaken in 2015/16; and**
- 3. Inform the petition author that the petition will be considered as part of the Paths and Trails Strategy review.**

STAFF DISCLOSURE OF INTEREST

Nil

E.2 PETITION RESPONSE - 'SAVE OUR POOLS' OUTDOOR SWIMMING POOLS

Community Services Directorate

EXECUTIVE SUMMARY

The purpose of this report is to:

1. Acknowledge the strong community sentiment contained in the petition received by Council at its Meeting held on 25 February 2015 regarding the changes made in 2014/15 to the outdoor pool conditions for seasonal operation of the Korumburra, Poowong, Foster and Mirboo North pool;
2. Set out a proposed course of action to consider the concerns raised; and
3. Refer any relevant outcomes of the review to the revision of the Strategic Direction for Aquatic Facilities in South Gippsland 2015-2020.

Document/s pertaining to this Council Report

- **Confidential Appendix 1** - Petition with signatories

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

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Nil

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Strategic Direction for Aquatic Facilities in South Gippsland February 2012

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

Background

A petition relating to Korumburra, Poowong, Foster and Mirboo North outdoors pools, containing 1900 signatures was presented to Council at the public briefing session held 18 February 2015. The prayer of the petition is:

"We, the people of South Gippsland, object to the changes being imposed on local swimming pools in the townships of Korumburra, Poowong, Foster and Mirboo North. We see the later opening time, the limitations of forward forecasting and the increase of the minimum temperature to 26° as devaluing the important community assets that are found in our local swimming pools.

We call on South Gippsland Shire Council: to return 12noon opening times; to resume temperature evaluation to the day of opening; and to re-instate the 24° minimum opening temperature. We request that council fulfil its Aquatic Strategic Plan commitment to work in partnership with the community to actively promote pools in the Shire and develop a range of programs and activities that increase utilisation."

Discussion

Prior to the 2014/15 outdoor pools season changes were made to the outdoor pool service level in an attempt to reduce the cost of providing the service.

These changes included increasing the opening temperature to 26 degrees and opening from 3pm on school days. Since the commencement of the season the community has provided feedback to Council opposing these changes.

The petition was received by Council with only three weeks remaining in the 2014/15 outdoor pools season.

At the conclusion of the season a review of the operations of the outdoor pools will be conducted. The review will consider all community feedback received during the pool season, including social media feedback, feedback from the respective pool committees and the petition. It will also consider feedback from the YMCA, contracted to manage the service and changes that have already been made to the contract to increase public access. It will consider season attendance, income and expenditure, forecast and actual temperatures and the impact of changes made to the service level.

Proposal

It is proposed that Council acknowledge the strong community sentiment contained in the petition and conduct a full review of the 2014/15 outdoor pool season with a briefing to Council in May 2015.

FINANCIAL CONSIDERATIONS

The review will be conducted within the existing allocated resources.

CONCLUSION

Altering the service level at the outdoor pools was done following careful consideration and investigation. The transition has been the subject of considerable community criticism. A review of the impact of the changes will provide information to assist Council in considering any changes to be implemented for future seasons.

RECOMMENDATION

That Council:

- 1. Thank the lead petitioner for taking the time to bring the petition before Council;**
- 2. Undertake a review on the operations of the 2014/15 outdoor pools season with a briefing on the outcomes of the review to be presented to Council by May 2015;**
- 3. Inform the lead petitioner of the review to be undertaken, the timeframes and that the petition will be considered as part of the review; and**
- 4. Refer relevant outcomes of the review to inform the development of the Strategic Direction for Aquatic Facilities in South Gippsland 2015-2020.**

STAFF DISCLOSURE OF INTEREST

Nil

E.3 PETITION RESPONSE - REQUEST FOR THE SEALING OF LESTER ROAD, YANAKIE

Engineering Services Directorate

EXECUTIVE SUMMARY

The purpose of this report is to:

1. Inform Council of the petition received on 6 February 2015 requesting that Council give consideration to the sealing of Lester Road, Yanakie.
2. Recommend that Council does not support this request on the basis that usage does not meet the required trigger in the relevant Service Statement in the Road Infrastructure Asset Management Plan.

Document/s pertaining to this Council Report

- **Attachment 1** - Petition Prayer.
- **Confidential Appendix 1** - Petition with signatories.

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

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Local Government Act 1989
- Road Management Act 2004

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Road Infrastructure Asset Management Plan 2011
- Road Management Plan 2013

COUNCIL PLAN

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

CONSULTATION

In preparation of this report, discussions have been held within the Engineering & Assets Department. The Operations Department has been consulted in relation to any maintenance issues for this road. The Planning Department has also been consulted to ascertain if there are any known development proposals along Lester Road which may change traffic volumes into the future.

The principal petitioner who has organised this petition has also been consulted in terms of advice on how the petition is being managed through the Council process. However, no advice has been provided with respect to the recommendation in this report.

REPORT

Background

A petition with 165 signatures was received on 6 February 2015 requesting Council give consideration to the sealing of Lester Road, Yanakie. The principal petitioner is the operator of the caravan park on Lester Road and the signatures were collected over the summer period from late November 2014 to early February 2015. It is noted that out of the 165 names on the petition, 16 reside in South Gippsland Shire which represents less than 10% of the total numbers.

There have been previous requests from residents to seal this road, particularly given its increased usage over the summer period by road users accessing the Shallow Inlet Caravan Park, the adjacent camping ground and boat ramp.

Discussion

The most relevant reference document for a decision to seal an existing gravel road is the Service Statement - Unsealed Roads / Rural Gravel to Seal Program. This document is contained in the Road Infrastructure Asset Management Plan 2011.

The trigger point for consideration of sealing an existing rural gravel road is a minimum traffic volume of 150 vehicles / day.

Based on the most recent traffic counts for Lesters Road, this trigger value is reached for the summer period. Counts conducted from 23 December 2014 to 5 February 2015 shows an average volume of 169 vehicles / day. Individual daily counts during this period can be up to 250 vehicles / day.

However, counts taken during the non-seasonal period show volumes at a considerably lower level. Three counts taken in 2005, 2009 and 2010 in the months of November, September and July respectively show counts ranging from 52 - 64 vehicles per day.

It is noted that Lester Road is one of the coastal roads that has recently been ripped, shaped and re-compacted to produce a more resilient surface and reduce gravel loss. The other coastal roads are Walkerville South Road, Bear Gully Road, and Cape Liptrap Road. This work was carried out during December 2014 and the result has been encouraging. There will be consideration of similar treatments in future years.

Proposal

It is proposed that Lester Road, Yanakie be left as an unsealed road.

FINANCIAL CONSIDERATIONS

There is currently no budget to seal Lester Road, Yanakie. To seal this 3km length of road would cost approximately \$800,000.

RISKS

The risk associated with sealing this road is that it would set a precedent in sealing roads that do not meet the trigger of 150 vehicles per day.

CONCLUSION

It is considered that sealing Lester Road due to increased volumes over a short period of the year is not justified at this stage given the other pressures on Council's budget.

RECOMMENDATION


That Council:

- 1. Thank the lead petitioner for taking the time to bring the petition before Council;**
- 2. Not support this request on the basis that usage does not meet the required trigger in the relevant Service Statement in the Road Infrastructure Asset Management Plan and Council does not have funding available for this work; and**
- 3. Notify the lead petitioner of its decision.**

STAFF DISCLOSURE OF INTEREST

Nil

**Attachment 1
Petition Prayer**

<p>Petition to Sth Gippsland Shire Council</p> <p>Petition Request</p> <p>We the undersigned request that Council give consideration to:</p> <p>Bitumen sealing of Lester Rd Yanakie 3960</p> <p></p>
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E.4 2015-2016 PROPOSED ANNUAL BUDGET INCORPORATING THE LONG TERM FINANCIAL PLAN

Corporate Services Directorate

EXECUTIVE SUMMARY

This report addresses the South Gippsland Shire Council Annual Budget (Proposed Budget) for the 2015-2016 financial year that has been prepared by Council and tabled, refer **Appendix 1**. Sections 2 and 3 of the Proposed Budget set out the strategic initiatives Council aims to implement in 2015-2016 in order to achieve the objectives set in the 2013-2017 Council Plan. These sections, in effect, contain the annual plan actions and indicators to be achieved in 2015-2016.

For the 2015-2016 financial year the Proposed Budget has the following features:

- Operating expenditure (including depreciation) will be \$57.33 million;
- Capital expenditure will be \$17.09 million;
- Total debt redemption will be \$nil;
- Total cash outflows will be \$63.16 million;
- Total cash inflows will be \$61.65 million;
- Cash at end of financial year will be \$12.94 million;
- Increase in rates will be 4.90% and 2.00% for waste services;
- Rate and charges income will be \$38.28 million.

The budgeted financial statements for the 2015-2016 Budget and Long Term Financial Plan are both financially responsible and sustainable. They are validated by a series of key financial performance indicators.

The Victorian State Government has announced that local government rates will be capped from 2016/17. Victorian councils will be provided definite direction by January 2016 on how rate capping will be required to be implemented for the following year's 2016-2017 Budget.

It is recommended that Council endorse the 2015-2016 Proposed Annual Budget and commence a Section 223 public consultation process inviting formal written submissions from the community on the Proposed Budget, with a closing date of Wednesday 29 April 2015. Formal written submissions must be provided in accordance with the legislative requirements of Section 223 in the Local Government Act 1989.

Section 223 public submissions will be heard at a Council briefing session on Wednesday 20 May 2015 at 12.30pm and then considered and determined at

a Special Meeting of Council on Wednesday 10 June 2015 commencing at 12.45pm at the Council Chambers Leongatha.

In addition to the formal submission process and as a final component to the on-line community engagement held throughout the year, it is recommended that Council endorse an on-line forum that allows the community to provide comments informally to the Proposed Budget. This on-line forum would run concurrently with the formal process. Ideas and comments submitted through this forum will not constitute a formal Section 223 Submission as they do not comply with the legislative requirements, however the comments made will be provided to Council for their final Budget deliberations.

An open public participation 'Community Question and Answer on the Proposed Budget' will be held on Wednesday 15 April at 1pm at the Council Chambers Leongatha, in the middle of the public consultation period. This opportunity will allow community members to ask questions prior to the submission time closing.

The Council has reviewed the strategic directions in the 2013-2017. Council has determined that the strategic directions are sound and are directing Council towards the outcomes that need to be achieved. No changes are proposed to the 2013-2017 Council Plan this year. The four year rolling Strategic Resource Plan will be included in the 2013-2017 Council Plan when the final 2015-2016 Budget is adopted in June 2015.

Document/s pertaining to this Council Report

- **Appendix 1** – 2015-2016 Proposed Annual Budget

A copy of **Appendix 1 - 2015-2016 Proposed Annual Budget** is available on Council's website: www.southgippsland.vic.gov.au or by contacting 5662 9200.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989 Sections 127, 129 and 223

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Long Term Financial Strategies

COUNCIL PLAN

Outcome:	4.0	A Leading Organisation.
Objective:	4.1	Improve the Financial Sustainability of Council, Including Diversifying Revenue Streams.
Strategy:	4.1.1	We will explore innovative ways of increasing revenue and reducing expenditure where appropriate.

- 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

The development of the Budget and Long Term Financial Plan has been prepared having regard to the 18 meetings/workshops and various discussions Council has held since September 2014 as part of the Financial Sustainability Steering Committee. These have included:

- 3 September 2014 – Capital Works Program Review;
- 15 October 2014 - Strategic Financial Issues briefing session;
- 22 October 2014 - Capital Works Program Review;
- 29 October 2014 - Strategic Financial Issues briefing session;
- 5 November 2014 – New Initiatives briefing session;
- 19 November 2014 – Long Term Financial Strategies briefing session and all Community OurSay Initiatives submitted;
- 25 November 2014 – Community Workshops at Meenyan to discuss community budget considerations and OurSay Top 5 priorities;
- 3 December 2014 – Council Briefing Draft Budget and consideration of Community OurSay Top 10 Priorities;
- 17 December 201 – Financial Strategy adopted by Council and briefing to consider Community Workshop feedback;
- 20 January 2015 – Council review of the Council Plan directions, future two year outcomes and proposed annual initiatives for 2015-2016;
- 21 January 2015 - Council Workshop on the Draft Budget;
- 28 January 2015 – Briefing sessions with three of the Top 5 Our Say priority authors to discuss their proposals in detail;
- 4 February 2015 - Council Briefing Draft Budget;

- 11 February 2015 - Briefing sessions with two of the Top 5 Our Say priority authors and key advocates of the Rate Cut Priority to discuss their proposals in detail;
- 18 February 2015 - Council Briefing Draft Budget and Annual Initiatives, highlighting responses to community requests included;
- 4 March 2015 – Council Briefing on Proposed Budget Snapshot and Draft Budget;
- 11 March 2015 – Consideration of the survey results and ideas submitted in the second online ‘OurSay’ engagements;
- 18 March 2015 - Council Briefing Draft Budget and final review of the 2015-2016 Proposed Budget.

Further to these discussions Council implemented an exciting and extensive community engagement program to inform the Budget. These included two on-line community engagement activities and two community workshops to seek input into the draft Budget prior to its endorsement.

The first on-line forum ran between 27 October and 14 November 2014. The question Council asked the community was: “What would be your priorities if you were developing the Council Budget 2015-2016?” 765 participants submitted 98 ideas, cast 4, 223 votes and provided 336 supporting comments. Three quarters of the ideas were requesting new or expanded services for consideration in the budget, the remaining quarter were either cost neutral or seeking budget cuts. A number of these were for advocacy requests that would not specifically impact the budget.

The two Community Workshops held at Meeniyan on 25 November 2014 involved 51 participants. The top 5 priority ideas raised through the on-line engagement were discussed in detail. Opportunity was provided for other topics to be raised for Council’s consideration.

The second on-line forum ran from 25 February to 9 March 2015. This forum had two parts. The first part involved a five question survey asking participants to prioritise the main functions of Council in order of importance. 165 people participated in the survey, with 1 being Most Important and 5 being Least Important. The results are shown in the table below:

Priority Order	Functional Area
1 (Highest)	Provision of physical infrastructure, such as roads, footpaths, drainage and bridges as examples
2	Provision of a range of community services, such as recreation, youth, family, aged and environmental services as examples
3	Providing for the good planning and orderly development of the Shire
4	Promoting tourism and the economic and employment development of the Shire
5 (Lowest)	Provision of a smaller number of basic services and a greater reduction of rates

The second part of the forum was an open opportunity for participants to provide a general comment or idea. 68 people participated in this part. 24 ideas were presented, 287 votes cast and 41 comments provided. The key theme arising from this engagement was to encourage Council to pursue productivity improvements. Several additional requests for new or expanded services were raised, along with several ideas for raising revenue. A number of ideas were for advocacy requests.

Once the Proposed Budget is endorsed by Council, external consultation is to be conducted through a formal Section 223 public consultation period scheduled for a minimum of 28 days during April 2015. The Budget will then be finalised and presented to Council for final adoption on 24 June 2015 and presented to the Minister for Local Government by 30 June 2015.

As a final component to the on-line community engagement held throughout the year, Council is encouraged to hold a third on-line forum that allows the community to comment informally to the Proposed Budget. This forum would run concurrently with the formal process. Ideas and comments submitted through this forum will not constitute a formal Section 223 Submission, as they do not comply with the legislative requirements, however the comments generated will be provided to Council for their final Budget deliberations.

An open public participation 'Community Question and Answer on the Proposed Budget' is also proposed to be held on Wednesday 15 April 2015 at 1pm at the Council Chambers Leongatha. This opportunity will allow community members to ask questions on the Proposed Budget to build their understanding of what it contains and what this may mean for them, prior to the submission time closing.

REPORT

Background

Council has taken on board concerns raised by the community in regard to the pressure increasing rates is having on ratepayers. However Council faces many challenges in trying to keep rate rises as low as possible. The second on-line engagement indicated community preferences were higher for the provision of services and infrastructure and lesser for providing only basic services and giving greater rate reductions. The supporting ideas were encouraging Council to pursue greater productivity to keep rate rises as low as possible while still delivering quality services and infrastructure.

In the past twelve months Council established and has utilised a Financial Sustainability Committee consisting of all Councillors and the Executive Leadership Team to review services, consider service resourcing and budgets by line item and to review the capital works program. The focus has been aimed at finding efficiencies, determining if changes to service levels can be managed or are required, and consider how to deal with challenges that continually place upward pressures on rates.

As outlined in the Consultation section, a proactive community engagement program has also been undertaken this year. The ideas generated and comments provided by the community have been an integral part of Council's budget deliberations. While Council has not been able to accommodate all the requests, a good number of them have been factored into the Proposed Budget and these are outlined in the **Appendix 1**, Chapter 3 'Services, Initiatives and Service Performance Indicators'.

Outlined below are some of the major challenges and constraints Council has taken into consideration as it has prepared the Proposed Budget and Long Term Financial Plan:

- Legislative and regulatory requirements are increasing and consume a major proportion of the Budget. Many Council services exist to meet these legislative requirements. Other services are discretionary, however when they are provided there are often significant legislative requirements governing how they are delivered.
- Rate Capping is to be introduced by the State Government for the 2016-2017 financial year. Council has taken a proactive approach to the Long Term Financial Plan to respond to this new requirement. This impost is likely to result in limited investment in new or expanded capital infrastructure in future years. Service levels may also need to be reduced, depending on the extent of the rate cap. Opportunities to generate income from other sources than rates, shared services and productivity improvement will all be considered as a means to keep rates as low as practicable.
- Services tied to government grants are subject to State or Commonwealth funding adjustments. State and Federal funding sources can no longer be relied on for a consistent level of income.
- Increasing responsibilities continue to be transferred by State and Federal Government to Local Government. These can either place an upward pressure on rates or shift resources from other areas of service provision to cover the new requirements.
- Risk management and the litigious nature of communities require Council to assess strategic and operational risks to determine an appropriate risk appetite to protect the safety and well-being of the public and staff, and resourcing requirements to manage risks.
- Customer expectations regarding service provision are often compared to established metropolitan councils. The differences between the two are extensive. South Gippsland's 3,300km geographic area, the significantly fewer number of ratepayers contributing to rating income and repetition of community facilities for the Shires 23 distinct communities, are all factors that impact heavily on the level of service Council can provide.

- There is an increasing demand for better/more services and infrastructure by the community, but these are often expected to be delivered at little or no cost, or preferably with cuts to rates.

Council has deliberated extensively over the past seven months to find an appropriate balance between addressing these challenges, meeting the legislative requirements imposed on local government and responding proactively to priority community needs and wants. Ideas generated through the on-line community engagement, the two community workshops and public presentations made throughout the year have been beneficial to assist Council in striking an appropriate balance. The 2015-2016 Proposed Budget, contained in Appendix 1, is the culmination of these intensive deliberations. It is now presented to the community for their consideration and comment, prior to the 2015-2016 Annual Budget's formal adoption at the end of June 2015.

Discussion

The Council has reviewed the strategic directions in the 2013-2017. Council has determined that the strategic directions are sound and are directing Council towards the outcomes that need to be achieved. No changes are proposed to the 2013-2017 Council Plan this year. The four year rolling Strategic Resource Plan will be included in the 2013-2017 Council Plan when the final 2015-2016 Budget is adopted in June 2015.

The Victorian State Government has announced that local government rates will be capped from 2016/17.

The Proposed 2015-2016 Annual Budget and Long Term Financial Plan reflects the stringent focus Council has taken in aiming for rate reductions, while responding to the rating pressures outlined above.

The rate rises in the forward years have been modelled at 3.0% from 2016/17 to 2022/23 and thereafter at 4.0%. When compared to the previous year's Long Term Financial Plan, Council over a 14 year period (2015/16-2026/27) will collect \$57.8m less rates and charges.

Victorian councils will be provided definite direction by January 2016 on how rate capping will be required to be implemented for the following year's 2016/17 budget.

The table below compares the Budget and Long Term Financial Plan's rate rises to the Budget that was adopted in 2014-2015. The beneficial impact arising from the reductions outlined above is shown in the 2015-2016 Financial Plan – Rates line below (2nd line), compared to the original 2014-2015 Financial Plan – Rates line below (1st line).

	2015-2016	2016-2017	2017-2018	2018-2019
2014-2015 Financial Plan - Rates	5.50%	5.00%	4.75%	5.00%
2015-2016 Financial Plan - Rates	4.90%	3.00%	3.00%	3.00%

There is a 1.02 increase in Full Time Equivalent (FTE) across all three directorates from 2014/15. The main adjustments include a reduction of 1 FTE Strategic Planning Officer and 1 FTE Manager Assets position. There were 3 FTE positions created for apprentices. Employee costs are forecast to be \$23.09 million which is an increase of 3.6% or \$812,000 compared to 2014/15.

Council is committed to continuing its focus on undertaking detailed reviews of services in 2015-2016 to continually seek out improved efficiencies, while responding to the needs of the community and addressing other cost pressures that arise throughout the year.

Rating Strategy 2014-2018

Council in June 2014 adopted a Rating Strategy 2014-2018 (Rating Strategy) that has changed the rating structure to achieve a more equitable distribution of the rate burden.

The more significant changes that will be implemented in 2015/16 include removing the Municipal Charge, increasing the Vacant, Commercial, Industrial and Cultural & Recreational differential rates and reducing the Farm differential rate. As a result the amount of rates and charges paid by some property owners will increase whilst other property owners will experience a decrease. Property owners need to be aware that these changes will reflect in higher or lower rate increases for their individual situations than the average 4.9%.

The following table summarises the major changes for the differential land categories:

Differential rate	2014/15 Differential to the General Rate	2015/16 Differential to the General Rate
General rate	100%	100%
Industrial rate	102.5%	105 %
Commercial rate	102.5%	105%
Farm rate	80%	70%
Vacant land rate	175%	200%
Cultural and recreational rate	43.75%	50%

The definition of Farm Land was also revised in 2014/15 so that it aligns with the Australian Valuation Property Classification codes. The objective of the

revision was to only capture rateable properties which have primary production as its substantive use and exclude properties where primary production is secondary or incidental to the property uses (commonly referred to as lifestyle properties). Council can raise a municipal charge to cover some of its administrative costs. The total revenue from the municipal charge must not exceed 20% of the sum total of the Council's total rate revenue from a municipal charge and total revenue from general rates. For 2015/16 it will be reduced to nil% (previous 2014/15 year 10%).

The following table summarises the differential rates for the 2015/16 year:

Type or class of land	2014/15 cents / \$CIV	2015/16 cents / \$CIV	Change
General rate	0.452857	0.542455	19.78%
General rate for rateable industrial properties	0.464179	0.569577	22.71%
General rate for rateable commercial properties	0.464179	0.569577	22.71%
General rate for rateable farm properties	0.362286	0.379718	4.81%
General rate for rateable vacant land properties	0.792500	1.084909	36.90%
General rate for rateable cultural and recreational land properties	0.198125	0.271227	36.90%

The following table summarises the municipal charge for the 2015/16 year:

Type of Charge	Per Rateable property 2014/15 \$	Per Rateable property 2015/16 \$	Change
Municipal	181.70	nil	-100%

Implementation

Council is legislatively required to prepare and then adopt an Annual Budget.

The tabled Proposed Budget document in **Appendix 1** is the Budget for the purposes of preparing a budget under Section 127 of the Local Government Act 1989.

The Proposed Budget follows the Best Practice Guidelines prepared by a working party consisting of Chartered Accountants Australia and New Zealand, LG Pro, LG Financial Professionals and the Municipal Association of Victoria (MAV).

Council will be required to give 28 days notice of its intention to adopt the proposed Budget (**Appendix 1**) and make the Proposed Budget available for inspection at its offices. A person has the right to make a written submission on any proposal contained in the Proposed Budget and any written submission must be considered before the adoption of the Budget.

The final step is for Council to adopt the Budget after receiving and considering any submissions from interested parties. It is proposed to hear submissions at a Council meeting to be held on 20 May 2015 commencing at 12.30pm. Council will then consider and determine submissions at a Special Meeting of Council to be held on 10 June 2015 commencing at 12.45pm in the Council Chambers Leongatha, and adopt the 2015-2016 Annual Budget at the Ordinary Council Meeting to be held on 24 June 2015.

Making A Formal Section 223 Submissions

The Local Government Act 1989, includes a formal process for the public to respond to the Proposed Budget. This process has specific requirements that both submitters and Council are required to follow. Each formal submission received will be presented to Council with the submitters name and contact details provided. The formal submissions will be available for public inspection for the following 12 months.

Council requires people who are making formal submissions to the Budget in accordance with S223 of the Local Government Act 1989 to meet the following requirements:

- Prepare a written submission (letter format) that includes the person's name, address and contact details (contact details may include e-mail, land line and/or mobile phone number)
- The written submission must be legible and include the issue(s) to be raised.
- The written submission must be addressed to the Chief Executive Officer, South Gippsland Shire Council, Private Bag 4, Leongatha 3953, delivered to the Council Office, 9 Smith Street, Leongatha, or e-mailed to council@southgippsland.vic.gov.au.
- Written submissions are to be received by Council by 5.00pm on Wednesday 29 April 2015.

- Correspondence received after 5.00pm on Wednesday 29 April will not be included as a formal s223 submission, however they would be incorporated with the informal on-line community feedback to Council.
- 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 their submission, at an open meeting to be heard in support of their submission.
- Any person that does not state in their submission that they wish to appear in person or be represented by a person specified in their submission, will not be provided with a time allocation at the hearing to speak to their submission.
- People that have not indicated they wish to speak to their submission, would be required to use Council's normal public presentation sessions if they choose to speak at a later stage.
- Copies of submissions (including submitter's names and addresses) will be made available at the Council or Special Committee meeting at which the submissions are heard and then again at the Special Council meeting when they are considered and decided.
- Council is required to make submissions available for public inspection for a period of twelve months.

Making An Informal Comment On The Proposed Budget Using OurSay

Many community members have participated through the OurSay on-line forum and at the community workshops over the past five months. A third and final on-line OurSay budget forum for this year, will run concurrently with the formal process. This informal engagement allows the community to comment and provide general feedback on the proposed Budget. Ideas and comments generated from this forum will be provided back to Council as part of their final budget deliberations.

People using the OurSay forum would not be able to speak at the hearing of formal submissions. However, they would be welcome to make a presentation through a regular scheduled Public Presentation session at any time, if they choose. People need to be aware of the two approaches and choose the most appropriate approach for their comments.

The formal process should be used if they wish for Council to formally consider and respond to their submission. People that do not require a formal consideration and response may prefer to use the informal approach using the OurSay forum.

Options

Council may endorse the Budget (**Appendix 1**) as presented or consider any final amendments, prior to the commencement of the public consultation program.

FINANCIAL CONSIDERATIONS

Council has a legislative requirement to comply with the following principles of sound financial management:

- Prudently manage financial risks relating to debt, assets and liabilities;
- Provide reasonable stability in the level of rate burden;
- Consider the financial effects of Council decisions on future generations; and
- Provide full, accurate and timely disclosure of financial information.

A key component of sound financial management is the preparation of an Annual Budget within a longer-term business framework. An Annual Budget that considers the longer-term financial ramifications is a good business management practice.

For the 2015-2016 financial year, the Proposed Budget includes the following features:

- Operating expenditure (including depreciation) will be \$57.33 million;
- Capital expenditure will be \$17.09 million;
- Total debt redemption will be \$nil;
- Total cash outflows will be \$63.16 million;
- Total cash inflows will be \$61.65 million;
- Cash at end of financial year will be \$12.94 million;
- Increase in rates will be 4.90% and 2.00% for waste services;
- Rate and charges income will be \$38.28 million.

The financial integrity of the Budget and Long Term Financial Plan has been validated by a series of financial performance indicators.

RISKS

Council has legislated time constraints and specific responsibilities set out in the Local Government Act 1989 (Act) for preparing an Annual Budget. The

Council must adopt the Budget by 30 June 2015. Failure to meet these timelines and obligations would result in Council's failure being published in the Annual Report of the Office of Local Government. Endorsing the Budget and commencing the formal public consultation process will work towards ensuring the required legislative timelines and requirements can be met.

Further, under Section 136 of the Act, Council is required to manage financial risks prudently, having regard to economic circumstances and ensure that decisions are made and actions are taken having regard to their financial effects on future generations.

CONCLUSION

The 2015-2016 budgeted financial statements are financially responsible and sustainable.

The Proposed Budget (**Appendix 1**) is presented to Council for endorsement prior to commencing a formal public consultation review that will close on 29 April 2015. It is recommended submissions be heard by Council at a hearing session to be held on 20 May 2015 commencing at 12.30pm. They will then be considered and decided at a Special Meeting of Council on 10 June 2015 commencing at 12.45pm in the Council Chambers, Leongatha.

RECOMMENDATION

That Council:

- 1. Endorse the 2015-2016 Proposed Annual Budget Incorporating the Long Term Financial Plan, contained in Appendix 1, under Section 127 of the Local Government Act 1989;**
- 2. Approve commencement of the statutory procedure to invite public submissions on the 2015-2016 Annual Budget pursuant to clause section 129 of the Local Government Act, 1989;**
- 3. Give public notice on Tuesday 31 March 2015 of the 2015-2016 Proposed Annual Budget in accordance with Section 129 of the Local Government Act 1989 and commence a Section 223 Public Consultation process inviting written submissions from the community on the proposed 2015-2016 Budget by close of business on Wednesday 29 April 2015;**
- 4. In the public notice on Tuesday 31 March 2015 clearly state:**
 - a. Preparation of 2015-2016 Proposed Annual Budget incorporating the 15 year Long Term Financial Plan.**
 - b. A person proposing to make a submission under section 223 of the Act must do so by Wednesday 29 April 2015. The**

submission must be addressed to the Chief Executive Officer, South Gippsland Shire Council, Private Bag 4, Leongatha 3953 or delivered to the Council Officer, 9 Smith Street, Leongatha.

- c. All formal written submissions will be considered in accordance with section 223 of the Act.**
 - d. Any person making a written submission is required to state in their submission if he or she wishes to appear in person, or be represented by a person specified in their submission, at an open meeting to be heard in support of their submission.**
 - e. Copies of submissions (including submitter's names and addresses) will be made available at the Council or Special Committee meeting at which the submissions are considered and Council is required to make submissions available for public inspection for a period of twelve months.**
 - f. The time, date and place for hearing of submissions.**
 - g. Following consideration of the submissions, Council may amend the budget or not amend the budget.**
-
- 5. Authorise the Chief Executive Officer to fix the time, date and a place for the section 223 hearing for persons who have indicated in their written submission that they wish to be heard in support of their submission, as Wednesday 20 May 2015 commencing at 12.30pm in the Council Chambers, Leongatha;**
 - 6. Appoint all Councillors in attendance to hear the submissions;**
 - 7. Advise those persons who have indicated in their written submission that they wish to be heard in support of their submission, of the date, time and place of the hearing of submissions, as soon as possible;**
 - 8. Authorise the Chief Executive Officer to fix the time, date and place to consider and determine the submissions for inclusion in the final 2015-2016 Annual Budget at a Special Meeting of Council on Wednesday 10 June 2015 commencing at 12.45 pm in the Council Chambers, Leongatha;**
 - 9. Authorise the Chief Executive Officer to conduct an on-line forum that allows the community to respond informally to the Proposed Budget. This forum will run concurrently with the formal process. Ideas and comments submitted through this forum will not constitute a formal Section 223 Submission as they do not meet the legislative requirements, however the ideas generated will be**

provided to Council as additional community feedback for their final Budget deliberations;

- 10. Advertise a public participation Community Question and Answer session on the 2015-2016 Proposed Annual Budget Wednesday 15 April 2015 at 1.00pm; and**
- 11. Require the final 2015-2016 Annual Budget be presented to Council for adoption at a Council Meeting on Wednesday 24 June 2015.**

STAFF DISCLOSURE OF INTEREST

Nil

E.5 REVISED AQUATIC STRATEGY FOR PUBLIC EXHIBITION

Community Service Directorate

EXECUTIVE SUMMARY

Council developed an Aquatic Strategy (Strategy) to guide provision of aquatic services in 2012.

A revised Strategy has been developed, taking into account:

- The implementation of the current Strategy since 2012;
- Councillor and community feedback;
- Pool master plan recommendations;
- Changes in management of Council's pools; and
- Changes in some service levels at some outdoor pools.

Further input is sought from the community through a public exhibition process and on-line discussion forum prior to finalising the 2015-2020 Aquatic Facilities Strategy.

Document/s pertaining to this Council Report

- **Appendix 1** - Draft Strategic Direction for Aquatic Facilities in South Gippsland 2015-2020
- **Appendix 2** - Appendix to Strategy (Current Aquatic Facility Provision and Projected Costs)

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

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

N/A

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- 2012-2016 Strategic direction for Aquatic Facilities in South Gippsland
- Social Community Infrastructure Blueprint
- Council's Long Term Financial Plan

COUNCIL PLAN

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

CONSULTATION

Extensive consultation has been undertaken with Councillors via the Financial Sustainability Committee during September to December.

Community input into operations of Council pools has been provided over the last 3 years through development of master plans for four pools, direct engagement with Section 86 committees and pool volunteers and the Our Say engagement process. There has been interest by some communities to take over the management of their local pool.

Formal community consultation on the revised strategy has not yet commenced. It is proposed that following Council's endorsement of the Draft Strategy that it be placed on public exhibition with community feedback sought through written submissions, public presentations and online comments.

REPORT

Background

Council established a Strategic Direction for Aquatic Facilities in South Gippsland in 2012, which was to be reviewed in 2016/17. Council resolved in April 2014 to bring forward the review to 2014/15.

Since the adoption of the initial Aquatic Strategy in February 2012:

1. Master plans have been developed for the Toora, Poowong, Mirboo North and Korumburra Pools;
2. Council has liaised with the Mirboo North Swimming Pool Planning Committee to consider future development of this facility;
3. Poowong Pool Section 86 Special Committee resigned and a volunteer committee formed to assist Council and the YMCA to operate the venue;
4. The 2012/13 and 2013/14 seasons resulted in better attendances at all facilities than the two previous seasons due to sustained periods of hot weather during the season;

5. The 2014/15 season has seen a significant drop in attendances due to a very cool start to summer and a reduction in Councils service level;
6. Foster Pool activated attendance and budget trigger points, resulting in a report to Council as per the 2012/16 Strategy recommendations;
7. In September 2014 new contract management arrangements were put in place with all pools, excluding Toora, to be managed by a single contractor; and
8. Council reduced the service level for Mirboo North, Korumburra, Poowong and Foster pools by increasing the temperature for opening of these pools to 26 degrees, reducing the opening hours at some pools to achieve consistency across the 4 outdoor pools and by delaying the opening date for Foster by approximately two weeks. These changes were implemented to reduce the overall cost to Council of providing the aquatic service by 10%, whilst keeping all services open at the most used periods e.g. when days are 26 degrees and higher. Initial feedback from the community indicates that they are dissatisfied with the new level of service provided by Council, and a return to the previous opening temperature of 24 degrees is being requested.

Discussion

The revised Strategy endorses the key elements of the 2012 Strategy; including continued investment all Council managed facilities but with a set of key triggers that will prompt a review of the viability of a service if necessary.

This revision reflects a number of changes:

1. Strategic Principle - consideration to transfer a local outdoor pool to community ownership and management if Council, as a result of trigger report, resolves to withdraw from provision of the service;
2. Strategic Principle - consideration to transfer a local outdoor pool to community ownership and management at the request of a community;
3. Community Ownership of Outdoor Pools - a description of when community ownership would be considered by Council, the requirements of a community proposing to take on the role and the obligations of Council to facilitate the transfer;
4. Pool Closure - a description of when pool closure would be considered and the process to be undertaken;
5. Triggers - more detailed advice on the triggers and what steps Council will take, in partnership with the local community, if a trigger is activated;
6. Recommendations - establishing Pool Support groups, which will replace the current Section 86 Special Committees. The delegations in the Section 86 Committees are focused on these Committees having

management responsibility for outdoor pools, but this role is no longer required as all Council pools are now managed by contractors appointed by Council; and

7. Endorse the draft Strategy for Aquatic Facilities in South Gippsland 2015-2020; for public exhibition and receive a report and final strategy at the 27 May 2015 Council Meeting.

FINANCIAL CONSIDERATIONS

The Draft Revised Strategy does not recommend any expenditure that is not currently listed in the Long Term Financial Plan and does not identify any specific savings. However, the revised Strategy does include the option to transfer ownership of a pool to a community entity if Council resolves to withdraw from provision of a specific service. Any such transfer of ownership and management of a pool is expected to provide modest operational and maintenance savings, and potentially significant long term capital savings.

RISKS

Development of this revised Strategy for the next 5 years provides a clear picture of the resources required to support the pools and reduces the risk of unplanned expenditure on aquatic services.

The revised Strategy will provide greater clarity for the broader community on the cost pressures associated with Council operating 6 pools in the Shire, and will support a stronger level of engagement between the pool community and Council.

CONCLUSION

Council invests a significant proportion of rate revenue into providing aquatic facilities across South Gippsland. These facilities are highly valued by the community, and are generally well patronised for the 3-4 month season the outdoor pools operate.

However, the high cost of providing the current level of service and a responsibility to ensure service levels are sustainable obliges Council to consider a range of options for aquatic services into the future, including community ownership of facilities. The Draft Strategy provides a good opportunity for Council and the South Gippsland community to work together to provide aquatic facilities that are both sociably responsible and financially sustainable.

RECOMMENDATION

That Council:

- 1. Endorse the Draft Strategic Direction for Aquatic Facilities in South Gippsland 2015-2020 for public exhibition for a period of 28 days;**
- 2. Invite written submissions from the community until the closing date of 17 April 2015;**
- 3. Consider written submissions and where appropriate amend the final Strategic Direction for Aquatic Facilities in South Gippsland 2015-2020; and**
- 4. Present the revised Strategy to Council for consideration of adoption as soon as practicable after the closing of submissions.**

STAFF DISCLOSURE OF INTEREST

Nil

**E.6 NEW LEASE BETWEEN COUNCIL AND THE CORNER INLET
MOTORCYCLE CLUB INCORPORATED PREMISES: PART OF
COUNCIL'S LAND AT 2746 MEENIYAN PROMONTORY ROAD, YANAKIE**

Engineering Services Directorate

EXECUTIVE SUMMARY

This report recommends Council enter into a 10 year lease with the Corner Inlet Motorcycle Club Inc (CIMCC) for Council's land at 2746 Meeniyon Promontory Road, Yanakie (the Site).

Document/s pertaining to this Council Report

- **Attachment 1** – Plan showing distances between the track and adjoining properties.
- **Confidential Appendix 1** – Proposed new lease.

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

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Local Government Act 1989 (Sections 190 and 223)
- 2015 Manual of Motorcycle Sport (Motorcycling Australia) - Section 15(d) – Technical Regulations
- Motorcycling Australia - Sound Control Manual - 1st Edition - January 2013

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Land Ownership Policy
- Leasing Policy

COUNCIL PLAN

Outcome:	3.0	Integrated Services and Infrastructure.
Objective:	3.1	Deliver affordable modern community facilities Through an integrated approach to planning and infrastructure development.
Strategy:	3.1.4	We will plan for service needs for the Shire's changing demographic.

CONSULTATION

External consultation

External consultation has included:

- Discussions with representatives of the CIMCC in order to reach agreement on the following matters:
 - methods for noise monitoring;
 - acceptable noise levels; and
 - provision of a site environmental management plan.

An agreement has been reached on the above matters and is discussed in the summary of major changes to the lease later in this report.

- Public notification of Council's proposal to lease the Site and enter into a new lease with the CIMCC was advertised on 5 March 2014, 25 March 2014 and 23 April 2014.
- Discussions with Motorcycle Victoria who advised on methods for noise monitoring and acceptable noise levels for the Site in accordance with Motorcycling Australia - Sound Control Manual 2013 and 2015 Manual of Motorcycle Sport (Motorcycling Australia) (the Manuals).
- Discussions with an independent acoustical engineer to obtain advice on the proposed noise levels in the Manual and testing to be adopted by the CIMCC.

Internal consultation

Internal consultation has included meetings and discussions between Council's Property, Bio-Diversity, Planning and Engineering Departments to share knowledge on a broad range of matters relating to the use of the Site.

REPORT

Background

When the current lease was negotiated in 2004 it did not have the capacity to sufficiently address noise monitoring and noise levels, dust suppression and siltation issues. This was because specific industry standards did not exist for motorcycle tracks, in particular any noise monitoring guidelines. In the absence of specific industry standards, the Environment Protection Authority (EPA) was approached for advice. The advice given to Council by the EPA at the time was that the lease could refer to the *"Anzus Draft - Technical Basis Assessment of Noise from Motorsports"*. However, these Anzus guidelines were deficient for our purposes in that they did not place any obligation on the

CIMCC to monitor noise levels and report the results to Council as Landlord. Nevertheless, these were used in the current lease.

The lack of a specific industry standard resulted in a lease that contained inadequate noise monitoring controls and contributed to ongoing complaints from surrounding landowners and conflicts between Council and the CIMCC.

With the current lease reaching its expiry date, it presented an opportunity to commence discussions with the CIMCC and adjoining landowners on appropriate noise monitoring controls to be included in any new lease. The outcome of these discussion have been reported to Council and discussed at Council briefings as follows:

- **Reports to Council**

- Council Meeting – 26 February 2014

This report sought Council's approval to negotiate a new lease with CIMCC as the current lease was due to expire on the 31 August 2014.

The outcome of this report was that Council resolved to approve the commencement of the statutory procedures pursuant to Sections 190 and 223 of the Local Government Act 1989 for a new lease with the CIMCC.

- Council Meeting – 16 April 2014

This report sought Council's approval to an extension of the submission period and to advertise an amended Public Notice with an accurate representation of the leased area.

The outcome of this report was that Council resolved to extend the public submission period and revoke the original submission period.

- Council Meeting – 27 August 2014

This report presented the outcome of the Section 223 Hearing at the Special Committee of Council held on 18 July 2014 where submissions were heard in regards to Council's proposal to lease the Site and enter into a new lease. The report also recommended commencing negotiations with the CIMCC for a new for a term of 10 years.

The outcome of this report was that Council resolved as follows:

1. *Commence negotiations with the Corner Inlet Motorcycle Club Inc. for a new lease based on the draft lease as provided in Confidential **Appendix 1** for a term of 10 years.*

2. *Notify all submitters of Council's decision to negotiate a new lease with the Corner Inlet Motorcycle Club Inc.*
3. *Receive a further report to enter into a new lease once negotiations have been finalised.*

- **Special Committee of Council**

- Special Committee of Council – 18 June 2014

At this Special Committee, Council reviewed and heard the submissions received to its public notification pursuant to Sections 190 and 223 of the Local Government Act, 1989 which proposed a new lease with the CIMCC.

The outcome of this Special Committee was that Council would receive a further report recommending its proceedings with regards to the proposed new lease.

- **Confidential Briefing to Council**

- Confidential Council Briefing - 18 February 2015

At this last Briefing, Council was provided with an update of proceedings/negotiations and a summary of major changes to the new lease. Questions were asked relating to general enforcement of the tenant's obligations. These questions and answers are provided below:

- *Are there controls in the new lease to deal with breaches of the Lease?*
 - Clause 33 of the new lease governs the control of breaches.
- *How will Council implement those controls?*
 - Minor issues will be dealt with contacting the CIMCC by telephone and discussing the breach and its intentions to rectify. A follow-up letter will be sent to capture the outcomes of the telephone conversation.
 - For a repeat offence, Council will again telephone the CIMCC to advise we will be treating the matter as a breach of the lease unless the matter is rectified within a set timeframe.
 - If there is failure to adhere to the request, Council will issue a default notice.

- *How will the CIMCC be managing the environmental aspects of the Site?*
 - The CIMCC must prepare a Site Environmental Management Plan (SEMP) within 6 months of the commencement of the new lease. This SEMP is to be to the satisfaction of Council. Special condition 18 of the new lease captures this obligation.

Discussion

Negotiations have been ongoing with the CIMCC since the resolution of Council at its meeting on 27 August 2014.

Current Lease

The current lease expired on 30 August 2014. It contains an over holding clause, which enables the CIMCC to remain on the Site on a month to month basis if both parties are in agreement.

New Lease

- **Leased Area**

In the new lease, the leased area has been reduced to include the motorcycle track only and informal use of the overflow car park. The Plan contained in **Attachment 1** shows this. The adjoining reserve is now partially leased to Crown Castle (Australia) Pty Ltd for a telecommunications facility in conjunction with the NBN Co. Wireless Broadband Network roll out.

- **Term and rental**

A 10 year term with a community rental of \$104 per annum + GST.

- **Specific Industry Standards**

The introduction of the Manual provides guidelines on noise monitoring and noise level obligations that have been included in the new lease.

These guidelines are enforced by Motorcycling Australia and Motorcycle Victoria. As the CIMCC is affiliated with Motorcycle Victoria it has the benefit of technical support and advice on issues relating to noise monitoring and noise levels.

2015 Manual of Motorcycle Sport – Section 15(d)

Section 15(d) of this Manual relates to sound emissions and sound controls. It provides guidelines around the testing of machines (bikes) the type of sound apparatus to be used and methods. It requires clubs such as CIMCC to do the following:

- Purchase a Sound Level Meter (SLM) for the testing of bikes using the track.
- Train club stewards to undertake noise testing in accordance with Motorcycling Australia Section 15(d) Technical Regulations, Section 15 -19.
- Individual bikes are to be tested in a static position to establish noise level emissions (i.e. when bikes are at the start line when noise levels are at the loudest).
- If bikes fail to meet the standards, the stewards are required to instruct the rider to remove the bike from the track.
- Keep a log of conditions on the track for each day it is in use. The information recorded would include temperature, wind direction, cloud density, and rainfall as all these variables would impact on the noise levels recorded for the day.

However, Section 15(d) does not include any guidelines about the testing of noise around the track or being emitted from the premises. We have addressed the requirement to monitor noise around the track via Section 18.2(f) of the Lease:

“Testing of Noise Emission Maximum

The Tenant must, on each day that the Track is in use, monitor the noise emissions by undertaking testing and monitoring in a manner similar to that described in special condition 18.2(b) ("Testing"). In undertaking the Testing, the Tenant must:

- *ensure that there are at least 3 locations from which the Testing is undertaken around the Premises at any one time;*
 - *comply with the Sound Control Manual, and best practice, with respect to all aspects of sound measurement and testing, including, but not limited to, the calibration, use and location of measurement instruments;*
 - *comply with all reasonable directions of the Landlord in relation to the Testing.”*
- **Acoustical Advice and Noise Testing**

To assist in understanding appropriate noise levels, an acoustical engineer was asked to provide advice on interpretation of the noise levels in Section 15(d) of the Manual (the noise level in Section 15(d) is 112db). The advice received was that this noise level would contribute to elevated noise levels from the track and therefore, Council and the CIMCC should reach agreement on a lower noise level.

To reach agreement on the lower noise level, Council approached Motorcycle Victoria for advice and they agreed to conduct testing at the Yanakie Track. This was done on 9 November 2014. They also conducted testing at a similar track in Warrnambool where the same type of bikes ride. During the testing at Warrnambool, consideration was given to the distance of adjoining properties to the Yanakie track. The result of the testing in Warrnambool was sound levels between 80 - 103dbL depending on class of bikes.

After referring to the acoustical advice and testing results, agreement was reached with CIMCC and as shown in Section 18.2(c) of the new Lease:

“18.2 (c) Noise averages”

The parties agree that the sound levels for the following types of events held at the Premises are to be, approximately:

	Event Type	Agreed Sound Level
1.	General meetings	90dB(A)
2.	Club days	90dB(A)
3.	Training and coaching sessions	90dB(A)
4.	Gippsland Motocross Championships and other similar competitive racing events (including Vipers / Classics)	95dB(A)

- *Tolerance level of +3dbL for event types 1-3 and tolerance level of +4dbL for event type 4.*
- *The noise testing will be conducted at a range of 50m from the start line and at a 45° angle.*

- **Summary of Major Changes in New Lease**

Table 1 below summarises the major changes to the new lease:

Table 1: Summary of major changes to the new lease

Major change item	Section in New Lease	Comments
Site Environmental Management Plan	Special condition 18.1 and Schedule 5.	<p>The CIMCC is required to prepare a Site Environmental Management Plan that addresses various items including:</p> <ul style="list-style-type: none">• Managing vegetation and rehabilitation; and• Methods for noise control. <p>There is a timeframe of 6 months from the commencement date for the</p>

Major change item	Section in New Lease	Comments
		CIMCC to complete this as well as providing the Landlord with a Compliance Report at bi-annual intervals.
Noise Monitoring	Special condition 18.2	<p>The Lease provides specific obligations on the CIMCC regarding noise control and monitoring.</p> <ul style="list-style-type: none"> Noise testing is to be in accordance with 2015 Manual of Motorcycle Sport – Section 15(d) and Motorcycling Australia – Sound Control Manual 2013, Noise average of 90dbL is provided for each type of event.
Dust Suppression	Special condition 18.3 and Schedule 5.	This forms part of the SEMP. The Tenant must undertake positive action to mitigate dust at all events – such as watering the track.
Vegetation Management	Schedule 5	<p>This forms part of the SEMP. The Tenant must address methods for managing revegetation and rehabilitation.</p> <p>Inspection of the leased premises by Council's Bio-Diversity and Planning Officers annually.</p>
Calendar of Events	Special condition 18.4 Calendar of Events	<p>The CIMCC are to prepare and provide a Calendar of Events to Council (Property Department) for approval by the end of January of each year. Council will circulate to adjoining property owners early February.</p> <p>The CIMCC are to post the Calendar of Events on their website. A total of 25 events are provided for. The CIMCC must not hold events that are not listed on the Calendar of Events.</p> <p>If an event is postponed due to an incident beyond the control of the CIMCC, the CIMCC may, with Council's approval, hold the event on another date.</p>

Proposal

It is proposed to approve and grant the lease to the CIMCC in accordance with **Confidential Appendix 1**.

FINANCIAL CONSIDERATIONS

There is minimal financial risk to Council from an operational perspective to enter into a new lease with the CIMCC as the ongoing maintenance of the Site and facilities will be the responsibility of the CIMCC.

RISKS

Liability

As a Council asset, the Site is included on Council's global insurance policy. The CIMCC is required to maintain a public liability insurance cover of \$20,000,000 annually to mitigate the risk to Council as the owner and the general public.

Community opinion

The granting of the lease will ensure the continued provision of this important recreational activity for the local and broader community.

The risk to Council's reputation by granting the new lease is minimal. Council has demonstrated a transparent process in accordance with the provisions of the Local Government Act 1989, Sections 190 and 223 and recognised the concerns of adjoining landowners with the inclusion of relevant controls.

CONCLUSION

The approval of the new lease will provide certainty for the CIMCC to commence improvements at the Site to accommodate their growing membership.

At the same time, surrounding landowners should be comfortable that the new lease has been prepared to take into account their concerns by making reference to the Manuals and the requirement to prepare and comply with a SEMP. These provide specific and measurable performance obligations by the CIMCC that Council can enforce.

RECOMMENDATION

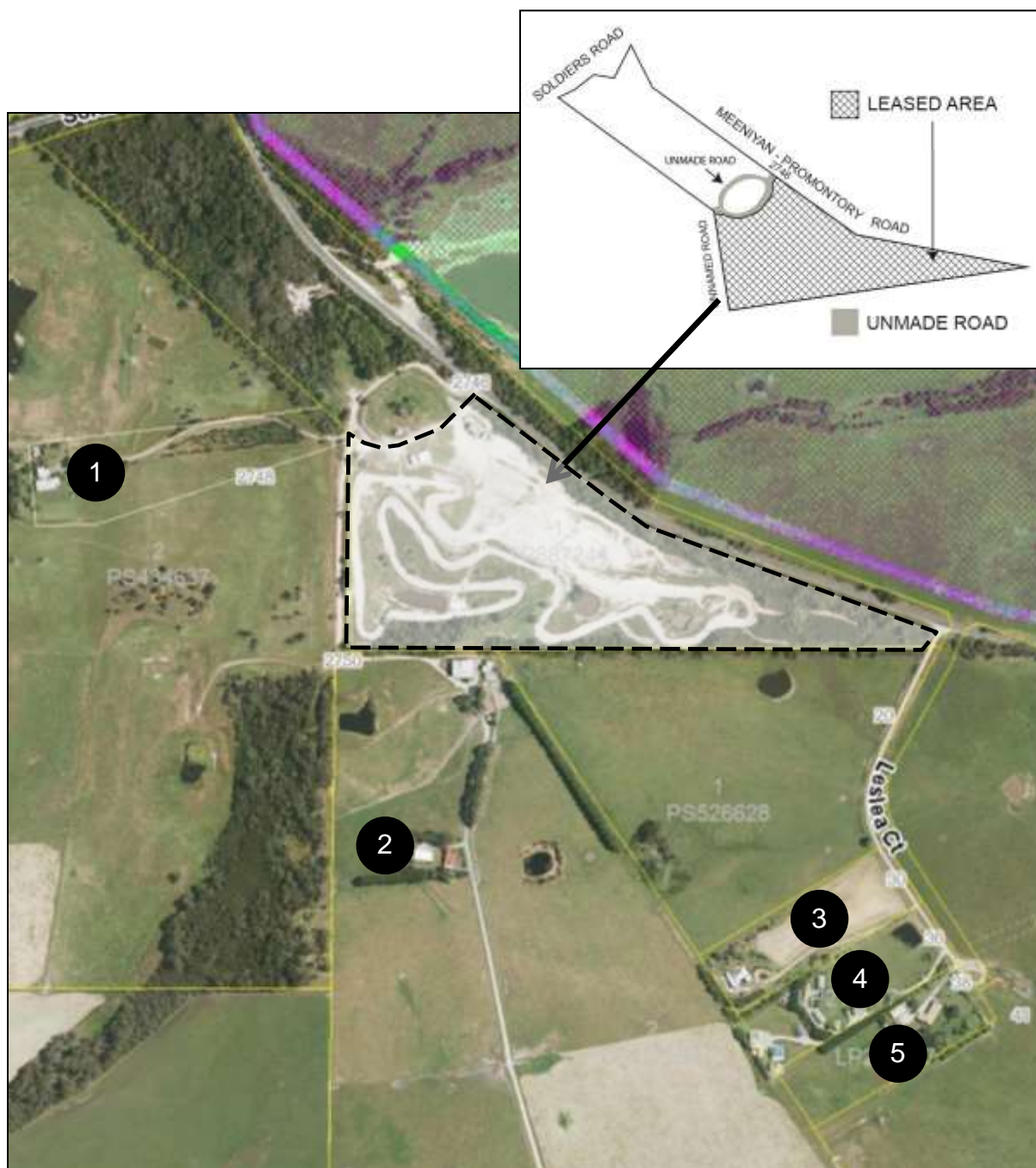
That Council:

- 1. Approve the new lease (Confidential Appendix 1) to the Corner Inlet Motorcycle Club Inc. for a term of ten years at a rental of \$104 per annum + GST.**
- 2. Authorise the Chief Executive Officer to execute the new lease as described in item 1 above.**

STAFF DISCLOSURE OF INTEREST

Nil

Attachment 1 **Plan detailing adjoining properties, distance from track (noise assessment)**



#	Address	Distance from Track
1.	2748 Meeniyon Promontory Road	303 meters
2.	2750 Meeniyon Promontory Road	195 meters
3.	30 Leslea Court	346 meters
4.	36 Leslea Court	410 meters
5.	38 Leslea Court	462 meters

E.7 PLANNING PERMIT APPLICATION 2014/243 - USE AND DEVELOPMENT OF AN OUTDOOR RECREATION FACILITY (SKATE RAMP AND STOREROOM/CHANGE ROOM) AND BUILDINGS (DWELLING, SKATE RAMP AND STOREROOM/CHANGE ROOM) WITHIN 100 METRES OF A WATERWAY AT 80 RESTLEE DRIVE NYORA (BEING L6 LP212922K PARISH OF LANG LANG EAST)

Development Services Directorate

EXECUTIVE SUMMARY

The application is to use and develop land in a rural living zone for an Outdoor Recreation Facility comprising a large skate ramp and a store room/change rooms. Consent is also required to construct the dwelling, associated buildings and the skate ramp within 100 metres of a designated waterway.

Twenty-three (23) written submissions were received, of which 12 were objections and 11 were written in support of the proposal.

Objections relate to the visual impact of the skate ramp, the noise and potential for traffic problems arising from regular use of the ramp and during events. Submissions in support of the proposal refer to the benefits for skateboard riders offered by the facility and the economic benefits flowing to the local area associated with use of the facility.

The application is recommended for approval, subject to conditions regulating the use of the facility, including a limit on the number of people able to use the ramp and restriction on events.

Document/s pertaining to this Council Report

- **Attachment 1** – Local Area Map and Aerial Photo
- **Attachment 2** - Zones and Overlays
- **Attachment 3** - Site Plan
- **Attachment 4** – Plan and Elevations of Skate Ramp
- **Attachment 5** - Floor Plan and Elevations of Storeroom/Change rooms
- **Attachment 6** - Floor Plan and Elevations of Dwelling
- **Attachment 7** – Site Photos taken 30 September 2014
- **Attachment 8** - Summary of Submissions
- **Confidential Appendix 1**- Copy of Submissions

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

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Planning and Environment Act 1987 (the Act)

COUNCIL PLAN

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

CONSULTATION

The application was referred and notified in accordance with section 52 and 55 of the Act.

Notice of the application was sent to landowners and residents adjoining the site. The application was available for the public to view at Council's office in Leongatha.

Twenty-three (23) written submissions have been received; twelve (12) were objections and eleven(11) were in support.

The application was referred to Melbourne Water for advice regarding works over a waterway.

REPORT

Background

The subject land is at 80 Restlee Drive Nyora, being Lot 6 LP212922K Parish of Lang Lang East. The land is private land owned by the applicant.

The land is in the Rural Living Zone under the provisions of the South Gippsland Planning Scheme. No overlays affect the land.

The land has been developed with a number of sheds (hay shed and general purpose storage shed) and a dwelling is currently under construction. The land has also been developed with a skate ramp and storeroom/change room.

The application arises from a planning and building enforcement matter following a history of complaints about the use and development of the skate ramp and occupation of the general purpose storage shed.

The applicant had originally sought advice from Council and been advised that the skate ramp did not need a planning permit as it was considered to be ancillary to the use of the land for a dwelling. This position has since been reviewed having regard to the fact the dwelling on the land is not complete, the size and scale of the ramp and the proposed use of the ramp for training and public events.

In investigating the occupation of the shed it was also found that a planning permit is required for development of the dwelling, the skate ramp and the storeroom/change room as they are within 100 metres of a designated waterway that runs through the centre of the site.

The enforcement matters arising from the non-compliance of the development are identified by way of background, however are not considerations when determining the appropriateness of the application. Compliance matters are assessed and resolved in accordance with Council's compliance and enforcement policy.

In the course of the current planning application advice from Melbourne Water was sought in relation to buildings within 100 metres of the waterway. Melbourne Water has raised no objections to the proposal.

(Refer **Attachment 1** - Aerial Photo)

(Refer **Attachment 2** - Zones and Overlays)

Discussion

Proposal

The application is for the use and development of the land for an Outdoor Recreation Facility (skate ramp and storeroom/ change rooms) and for the development of buildings (dwelling, skate ramp and storeroom/change rooms) within 100 metres of a designated waterway.

The proposed Outdoor Recreation Facility comprises two sections, one on either side of the waterway that runs through the site.

The first section, on the western side of the site, is a 77 metre long, 6 metre wide ramped roll-in jump on the western side of the waterway. The ramp is elevated approximately 4 metres above natural ground level at its highest point. The ramp increases in height close to the waterway to enable a skateboarder to jump a gap over the waterway on to the second part of the ramp.

The ramp jump on the western side of the waterway was partially dismantled during the officers' site visit on 30 September 2014.

The second section, on the eastern side of the waterway the skate ramp comprises a 7 metre high, 12 metre wide steel, plywood and "skatelite" surfaced vertical quarter pipe and ramp. Built beneath the supporting wooden

frame structure of the ramp section is a storage shed and change rooms, accessed by stepped wooden decks from natural ground level.

Logos displayed on the ramp include the terms "Mega ranch" and "Mega Ramp". Mega ranch is the applicants' name for the facility combining references to the skate ramp and golf practice green. MegaRamp is an event organisation and promotion company based in the United States which organises skating events around the world. The application does not describe any relationship of the proposed Outdoor Recreation Facility to the MegaRamp organisation.

The applicant has proposed that the skate ramp will mostly be used by the landowner's family and friends and that a maximum of ten (10) people will use the ramp at any one time.

The applicant has also proposed that three (3) events would be held on the land each year, where professional skateboarders will provide demonstrations or run training sessions for younger athletes.

The proposed dwelling is a 5-bedroom, single storey, timber frame, clad and rendered building with a metal roof. The dwelling is substantially constructed and is in the northern part of the site. Use of the land for a dwelling does not require a permit in the Rural Living Zone. The need for a permit arises from the fact part of the dwelling is within 100 metres of the waterway. The application has been referred to Melbourne Water, the responsible water authority, and no objections to the development of the dwelling have been raised. A separate application to install a septic permit for the dwelling has been approved by Council's Wastewater Department.

The submitted site plan also demonstrates a proposed machine shed/garage and a golf practice green. The garage will be more than 100 metres from a waterway and no planning permit is triggered. No permit is triggered for works for landscaping works such as the golf practice green.

The applicant's submission refers to possible future conversion of the existing store shed into guest accommodation. The applicant has since confirmed that accommodation does not form part of the current application.

(refer **Attachment 3** - Site Plan)

(refer **Attachment 4** - Floor plan and elevations of skate ramp)

(refer **Attachment 5** - Floor plan and elevations of storeroom/change rooms)

(refer **Attachment 6** - Floor plan and elevations of dwelling)

(refer **Attachment 7** - Photos of site taken 30 September 2014)

PLANNING SCHEME REQUIREMENTS AND POLICES

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

- State and Local Planning Policies
- Applicable zone provisions

State Planning Policies

Policy Objectives	
14.02-1 Catchment planning and management Objective To assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment.	18.02-4 Management of the road system Objective To manage the road system to achieve integration, choice and balance by developing an efficient and safe network and making the most of existing infrastructure.
15.01-5 Cultural identity and neighbourhood character Objective To recognise and protect cultural identity, neighbourhood character and sense of place.	19.02-3 Cultural facilities Objective To develop a strong cultural environment and increase access to arts, recreation and other cultural facilities.
16.02-1 Rural residential development Objective To identify land suitable for rural living and rural residential development.	

The State Planning Policies aim to protect water quality and protect the character and identity of rural residential areas. The policies also aim to ensure use and development does not compromise safety and efficiency of the road network while increasing access to recreational facilities. The proposal does not conflict with the objectives of the relevant State policy provisions and can be supported.

The proposal has been considered by Melbourne Water and no objections in relation to water quality have been raised. Traffic associated with the occasional use of the facility for events is not expected to exceed the capacity of the existing road network. Subject to provision for screen landscaping around the ramp and conditions limiting the hours and numbers using the skate ramp, the facility is not expected to affect neighbourhood character or amenity.

Local Planning Policies

Policy Objectives	
<p>21.07-2 Land and catchment management</p> <p>Objective 1 To achieve a measurable improvement in the health of the Shire's land and water resources</p>	<p>21.14-2 Recreation, education and health services</p> <p>Objective 1 To provide a wide range of recreation facilities to meet the needs of the community</p>
<p>21.12-1 Transport</p> <p>Objective 1 To maintain a safe and efficient road network across the Shire</p>	

The proposal does not conflict with the objectives of the relevant local policy provisions and can be supported. Melbourne Water has raised no objections to the proposal in terms of its possible impacts on water quality. Provided the use of the outdoor recreation facility is limited in terms of hours and numbers using the skate ramp, the proposal is not expected to affect the safety and efficiency of the road network. The opportunity for occasional events will contribute to the range of recreational experiences available within the local community.

Rural Living Zone

Decision Guideline	Response
<p>The capability of the land to accommodate the proposed use or development.</p>	<p>The land has a site area of 4.6 hectares and has sufficient area to accommodate the proposed dwelling, skate ramp and storeroom/change rooms. The site has been assessed as having sufficient area to provide on-site effluent disposal for the dwelling.</p> <p>The applicant has submitted a site plan demonstrating the site has sufficient area to accommodate up to 14 cars.</p> <p>There is sufficient undeveloped area on the land to provide screen landscaping around the skate ramp and proposed car parking area.</p>
<p>Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.</p>	<p>As described above, the site is considered capable of accommodating the proposed use and development.</p>

<p>Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses (continued)</p> <p>Whether the site is suitable for the</p>	<p>However, in considering whether or not the land is suitable for the proposed use and development it is necessary to consider the likely impacts of the proposed use and development on the adjoining and nearby land uses.</p> <p>The site is situated within an area of Nyora that has been developed for rural living purposes on lots of around 4 hectares in size. The site is at the end of a sealed Council road (Restlee Drive), which is also a cul-de-sac. Restlee Drive connects to Yannathan Road, a major road managed by VicRoads.</p> <p>The surrounding land comprises gently sloping hills and many houses have been sited to maximise views while maintaining privacy with screen planting. Larger lots provide the opportunity for a wider range of private recreational opportunities than urban sized house lots. Many people living in rural living areas in Nyora keep grazing animals for recreational use (such as horses) and to assist in managing grass. Use of motor bikes, quad bikes and the like are also common activities enjoyed by residents in rural living and farming areas in the shire.</p> <p>Due to the lower population density in rural living areas, many people associate rural living with lower levels of noise and traffic than may be experienced in towns and cities.</p> <p>The proposal includes development of a dwelling and this component of the proposal is considered wholly compatible with the adjoining and nearby land uses.</p> <p>The proposed skate ramp is considered unusual in any residential area, primarily because of its large size. Due to the amount of land required to build the ramp, it is not possible to build a</p>
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<p>use or development and whether the proposal is compatible with adjoining and nearby land uses (continued)</p>	<p>similar ramp in the backyard of the average house in town.</p> <p>Due to the comparatively limited number of experienced skaters, development of similar ramps is also not as common in rural living areas as swimming pools and tennis courts have become.</p> <p>However, the fact the ramp is large and not common does not necessarily mean the development of the ramp is not compatible with surrounding development.</p> <p>The eastern section of the ramp has been sited adjacent the waterway to minimise its visibility from the road and neighbouring houses.</p> <p>The western section of the ramp is more visible as there is no screening around the ramp or the property boundary and the site is more elevated. It is considered that provided suitable screen landscaping is established around the ramp the "rural" outlook of neighbouring dwellings would be protected.</p> <p>Use of the skate ramp and storeroom and change rooms for private recreational use only is not expected to affect the amenity of the surrounding residents. Private use of the land for recreation is a normal aspect of rural residential living. The proposal limits the number of people using the ramp and times use in order to minimise impacts of noise to surrounding residents. No night time use of the ramp is proposed, when neighbours are most sensitive to noise.</p> <p>However, the applicant proposes to hold three (3) public events over the summer months in association with the facility. It is understood from submissions received that the facility is also used on an invitational basis as a</p>
<p>Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses (continued)</p>	

<p>Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses (continued)</p>	<p>training facility for skaters known to the applicant.</p> <p>The applicant has advised the maximum number of people using the ramp as invited guests to the property would not exceed 10 people. This number of people is considered consistent with private recreational use of the facility and is not expected to generate more noise or traffic than would normally be associated with a rural living environment.</p> <p>However, the use of the facility for events has the potential to impact on the amenity of the local area as a result of increased noise and traffic associated with crowds of spectators.</p> <p>The application demonstrates provision for up to 14 car parking spaces on the land; however events may attract more people than can be accommodated. The effect of people parking in Restlee Drive has the potential to affect traffic flow and safety in Restlee Drive and at the intersection with Yannathan Road, and this is not supported.</p> <p>The application does not demonstrate how events will be managed to address emergency and risk management, traffic and parking, noise, personal safety and provision of toilets.</p> <p>It is considered that provided the number of events is limited and these aspects of event management are addressed to the satisfaction of the responsible authority, occasional events may be a suitable use on the land.</p> <p>Comparable events in other residential areas may include Open Garden Days and private parties.</p>
<p>The impact on the natural physical features and resources of the area and in particular any impact caused by the proposal on soil</p>	<p>The development has been substantially completed and has modified the natural site features.</p>

and water quality and by the emission of noise, dust and odours.	<p>On-going use of the facility is not expected to result in further impacts on the soil and water quality of the area, provided on-site waste disposal for the dwelling is designed and constructed to appropriate standards and provided car parking is limited to the area shown on the submitted plan.</p> <p>Occasional use of the land for events is not expected to affect soil and water quality provided appropriate provision of toilets and bins is made.</p>
The impact of the use or development on the flora, fauna and landscape features of the locality.	<p>The development of the dwelling, skate ramp and storeroom/change room has been substantially completed and impacts on the flora and fauna of the site are not able to be quantified.</p> <p>No new development is proposed except for the formalising of part of the site for on-site car parking. The area of the proposed car park is cleared of native vegetation and use of the area for car parking is not expected to have any impact on the flora, fauna or landscape features of the area provided works are undertaken in a manner that minimises erosion.</p>
The need to protect and enhance the biodiversity of the area, including the need to retain vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.	<p>There are no environmental Overlays affecting the land</p> <p>The site has limited biodiversity values, having been previously cleared of native vegetation and used for farming before being re-subdivided and developed for rural living purposes.</p> <p>No vegetation is proposed to be removed.</p> <p>The need to undertake environmental protection works in the waterway has not been required by Melbourne Water.</p>
The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.	A separate septic permit is required and has been obtained for the use of the land for a dwelling. The land has sufficient area to provide on-site waste

	<p>disposal in accordance with appropriate standards and is not expected to impact on nutrient loads in the waterway.</p> <p>The applicant has not advised how effluent will be managed during events and it is recommended it be a condition of any planning permit to require additional information about on-site toilets during events to ensure there is no impact on waterways.</p>
<p>The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.</p>	<p>The dwelling is a single storey structure that will be partially screened from the road by established vegetation. The design, size and scale of the dwelling are consistent with other houses in the area and no impacts on amenity of the area are expected to arise from the dwelling.</p> <p>The skate ramp and storeroom/change room is not expected to impact on the natural environment and water features as no further building works are proposed.</p> <p>The skate ramp is not visible from any roads and key public viewing points.</p>
<p>The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.</p>	<p>The dwelling is consistent with the established rural residential character and appearance of the area.</p> <p>The skate ramp is an unusual element in the area however the ramp is not considered to significantly impact the character or appearance of the wider area as it is not significantly visible from beyond the site. Although large for its type, the structure itself is an open wooden framework that is reminiscent of rural infrastructure such as sheds and cattle yards.</p> <p>There are no significant landscape overlays on the land or surrounding area and the area is not considered to have natural scenic importance.</p> <p>There are no known features of</p>

	<p>architectural significance on the land or nearby area.</p> <p>Part of the land has been identified as having the potential to be suitable habitat for Giant Gippsland Earthworms. The land has been significantly modified from its natural stage by construction of the dams on the land and it is expected suitable habitat for the worms would have been destroyed by those works. No further development is proposed within the waterway and use of the Outdoor Recreation Facility will not affect the waterway.</p> <p>Part of the land is within an area of Aboriginal Cultural Heritage Significance, however no works are proposed within that area of the site.</p> <p>It is recommended notes be included on any planning permit to advise the applicant of the appropriate procedures in the event any evidence of live Giant Gippsland Earthworms or features of Aboriginal Cultural Heritage significance are found on the site.</p>
<p>The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.</p>	<p>The dwelling has sufficient area for on-site effluent disposal in accordance with appropriate standards and is expected to be able to be connected to the existing electricity network. There is no reticulated water or gas service available to the land. There is sufficient area near the house to provide on-site water tanks.</p> <p>The submitted plans demonstrate a location for on-site car parking. No other infrastructure is proposed for the Skate Ramp.</p>

Whether the use or development will require traffic management measures.	<p>Use and development of the land for a dwelling will not require traffic management measures. Restlee Drive is a sealed Council road with adequate capacity to accommodate the small increase in traffic generated by use and development of the dwelling.</p> <p>The proposed use and development of the Outdoor Recreation Facility is not expected to require traffic management measures provided the number of users of the ramp is limited to 10 as proposed by the applicant.</p> <p>This level of use is similar to the use that would be generated by residents of a single dwelling and would not exceed the capacity of the road.</p> <p>Use of the Outdoor Recreation Facility for a small number of large events will require traffic management measures such as provision of on-site car parking and temporary signage and these matters should be addressed as part of any Event Management Plan.</p>
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SUBMISSIONS

23 submissions were received and these concerns are detailed in the summary table at **Attachment 8**.

The main objections received in relation to the proposal are:

- Visual impact of the skate ramp when viewed from nearby land
- Noise and disturbance resulting from use of the ramp
- Impacts of increased traffic on the local road networks and amenity of the area

Advantages presented in relation to the proposal are:

- Opportunity for use of the ramp by skaters
- Economic benefits arising from increased use of the area by skaters

(refer **Attachment 8** - Summary of Submissions)

RISKS

The decision of this application could be subject to VCAT appeal by interested parties.

CONCLUSION

The proposal results from a long standing compliance issue that has been complicated further by different advice to the applicant about the need for permits. The unique nature of the development has made assessment of the merits challenging as the needs and expectations of neighbours are balanced with the rights of the applicant to use and develop the land.

Following assessment of the proposal against the relevant decision guidelines of the Planning Scheme, it is considered that limited use of the land for an Outdoor Recreation Facility by the applicant's friends, family and invited guests will not significantly affect surrounding residents. A small number of events may be suitable, subject to specific event management plans being prepared and endorsed by Council prior to any event.

The application is recommended for approval by Council on this basis.

RECOMMENDATION

That Council grant a Notice of Decision for the Use and Development of an Outdoor Recreation Facility (Skate Ramp and Storeroom/Change room) and Buildings (Dwelling, Skate Ramp and Storeroom/Change room) within 100 metres of a waterway at 80 Restlee Drive Nyora (being L6 LP212922K Parish of Lang Lang East) subject to the following conditions:

- 1. The building, works and layout as shown on the endorsed plan(s) must not be altered or modified except with the written consent of the Responsible Authority.**
- 2. Except for approved Public Events, no more than 10 people may use the Outdoor Recreation Facility (Skate Ramp, Storeroom/Change rooms) at any time.**
- 3. No Public Events may be held on the land except with written consent of the Responsible Authority.**
- 4. No less than four (4) weeks (minimum 28 calendar days) prior to any Public Event, the applicant must submit a written Event Management Plan for endorsement by Council.**
- 5. The Event Management Plan must address the following matters:**
 - a. First Aid**
 - b. Emergency and Risk Management**

- c. Traffic management and on-site car parking**
- d. Toilets**
- e. Waste management (rubbish)**
- f. Noise and crowd control**
- g. Signage**

The Event Management Plan must include relevant plans of the site

- 6. No food or alcohol is to be sold in association with the Outdoor Recreation Facility at any time, including during Public Events.**
- 7. External amplified public address or speaker systems must not be installed on the premises.**
- 8. The Outdoor Recreation Facility (Skate Ramp and Storeroom/ Change rooms) may only be used during the following times:**
10am – 6pm seven days a week
- 9. No external lighting is to be used in conjunction with the Outdoor Recreation Facility.**
- 10. Within 3 months of the date of issue of the Planning Permit, a permanent screen of indigenous vegetation from the attached Indigenous Plants of South Gippsland Shire must be planted around the south-western section of the Skate Ramp in order to provide an effective visual screen to neighbouring properties. The vegetation must:**
 - a. comprise of a range of storeys, with an emphasis on middle and upper storeys;**
 - b. be protected by way of tree guards or similar until fully established.**

It must be completed and then maintained, to the satisfaction of the Responsible Authority.

The planting of environmental weed species is discouraged and the planting of noxious weeds prohibited (see attached Shire Weed Identification Booklet).

- 11. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:**
 - a. transport of materials, goods or commodities to or from the land**

- b. appearance of any building, works or materials**
 - c. emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil**
 - d. presence of vermin**
- 12. All waste material or other refuse must be obscured from the view of the public and must be disposed of in a manner to the satisfaction of the Responsible Authority.**
- 13. The property must be maintained in a neat and tidy condition to the satisfaction of the Responsible Authority.**
- 14. Prior to holding a Public Event, the area set aside for the parking of vehicles and driveways as shown on the endorsed plans must be:**
 - a. constructed**
 - b. properly formed to such levels that they can be used in accordance with the plans**
 - c. surfaced**
 - d. drained**
 - e. landscaped to provide an effective visual screen to neighbouring properties**
 - f. all to the satisfaction of the Responsible Authority.**

Car spaces and driveways must be kept available for these purposes at all times.

- 15. All stormwater discharging from the development and/or use on the land must be contained within the boundaries of the land to the satisfaction of the Responsible Authority.**
- 16. The dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available all wastewater from the dwelling must be treated and retained within the boundaries of the lot in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.**
- 17. Care must be taken to ensure that the construction of the dwelling and Outdoor Recreation Facility, and their ongoing use, does not cause erosion or degradation to the subject or surrounding land to the satisfaction of the Responsible Authority.**
- 18. This permit will expire if either of the following applies:**

- a. The development is not completed within two (2) years of the date of this permit.
- b. The use of Outdoor Recreation Facility does not start within two (2) years of the date of this permit.

Foot Notes included on Permit:

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

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

- a. the request for an extension of time is made within 12 months after the permit expires; and
- b. the development or stage started lawfully before the permit expired.

The Responsible Authority may extend the time to start the use of the land under part (c) of the expiry condition if the request is made before the permit expires or within 6 months afterwards.

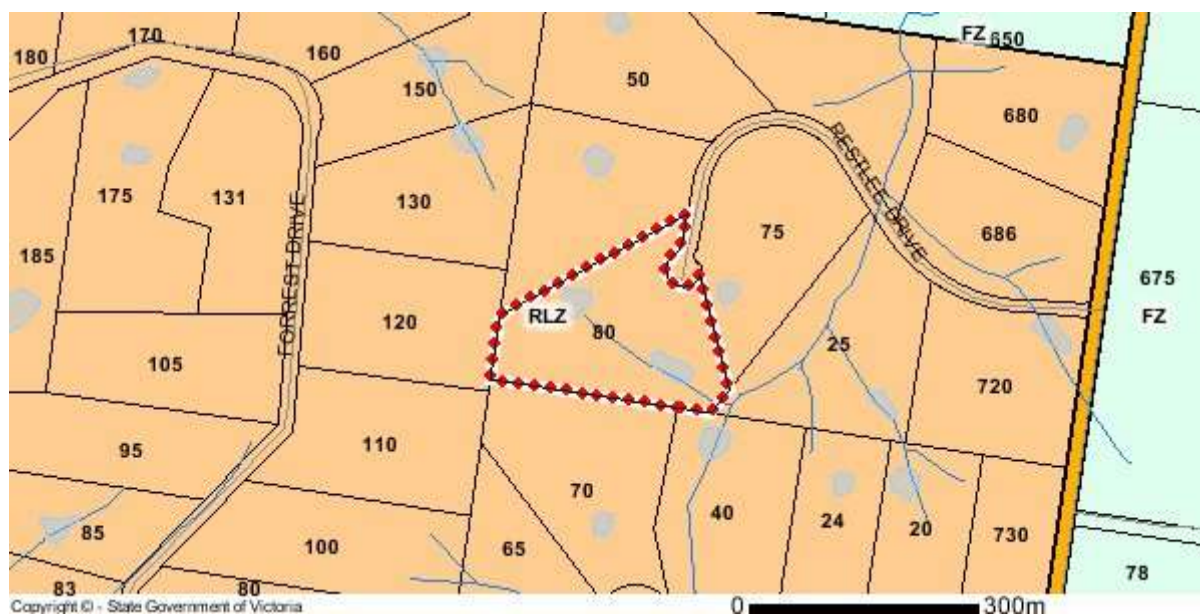
- 20. This permit allows the above land to be used or developed for the purpose specified. It is the permit holder's responsibility to ensure that any other relevant approvals are obtained prior to the commencement of the use or development.
- 21. The owner/applicant is encouraged to check with the relevant service authorities before any excavation work is undertaken (e.g. Telstra, SP Ausnet and South Gippsland Water).
- 22. All works associated with the development must be in a manner consistent with the provisions of the Aboriginal Heritage Act, 2006. Aboriginal Affairs Victoria is the authority for administration of that Act and the proponent is advised to contact GPO Box 2392V, Melbourne, 3001. Telephone 1300 888 544 or (03) 9208 3287.
- 23. The applicant is advised that part of the land may be suitable habitat for Giant Gippsland Earthworms which are a protected species under the Flora and Fauna Guarantee Act 1988.

STAFF DISCLOSURE OF INTEREST

Nil

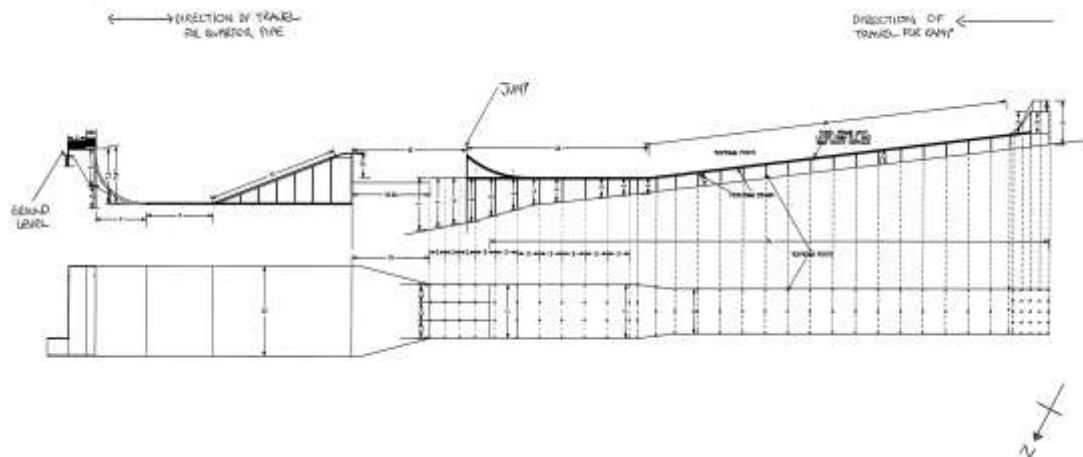
Attachment 2 Zone and Overlays

Zone: RURAL LIVING ZONE (RLZ)

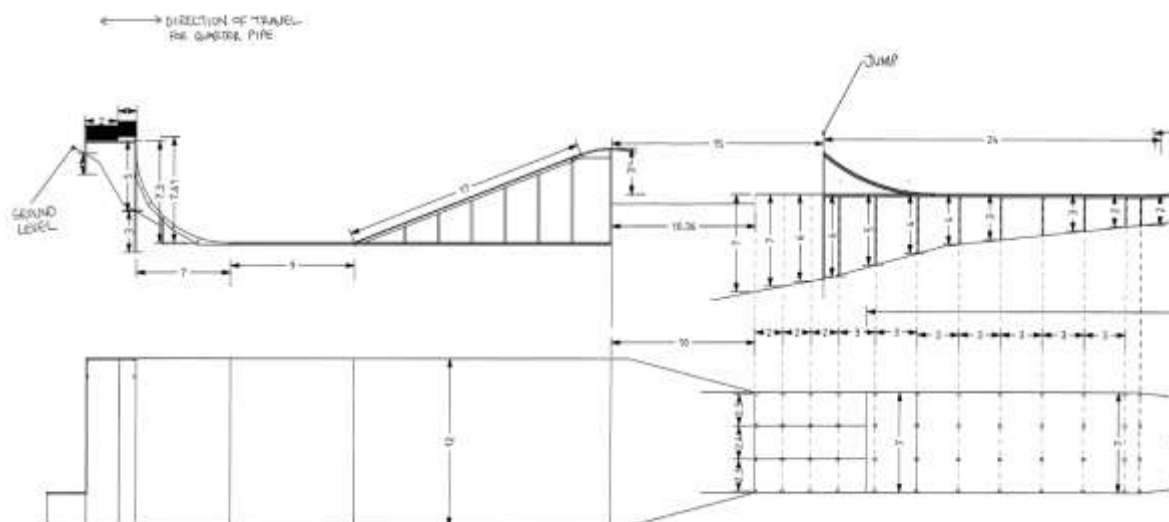


Planning Overlays: - None affecting this land

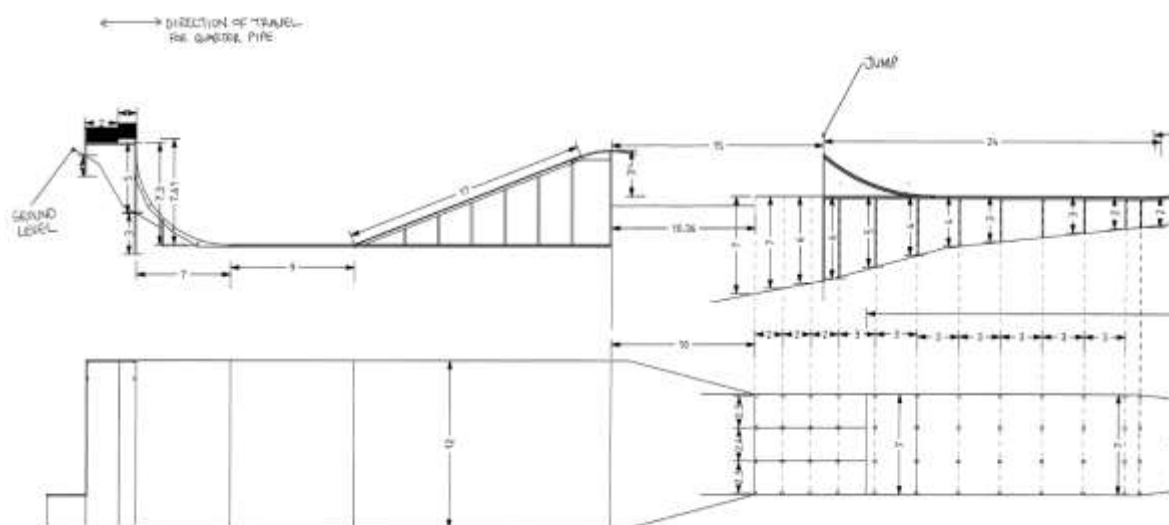
Attachment 4 Plan and Elevations of Skate Ramp Whole of Skate Ramp



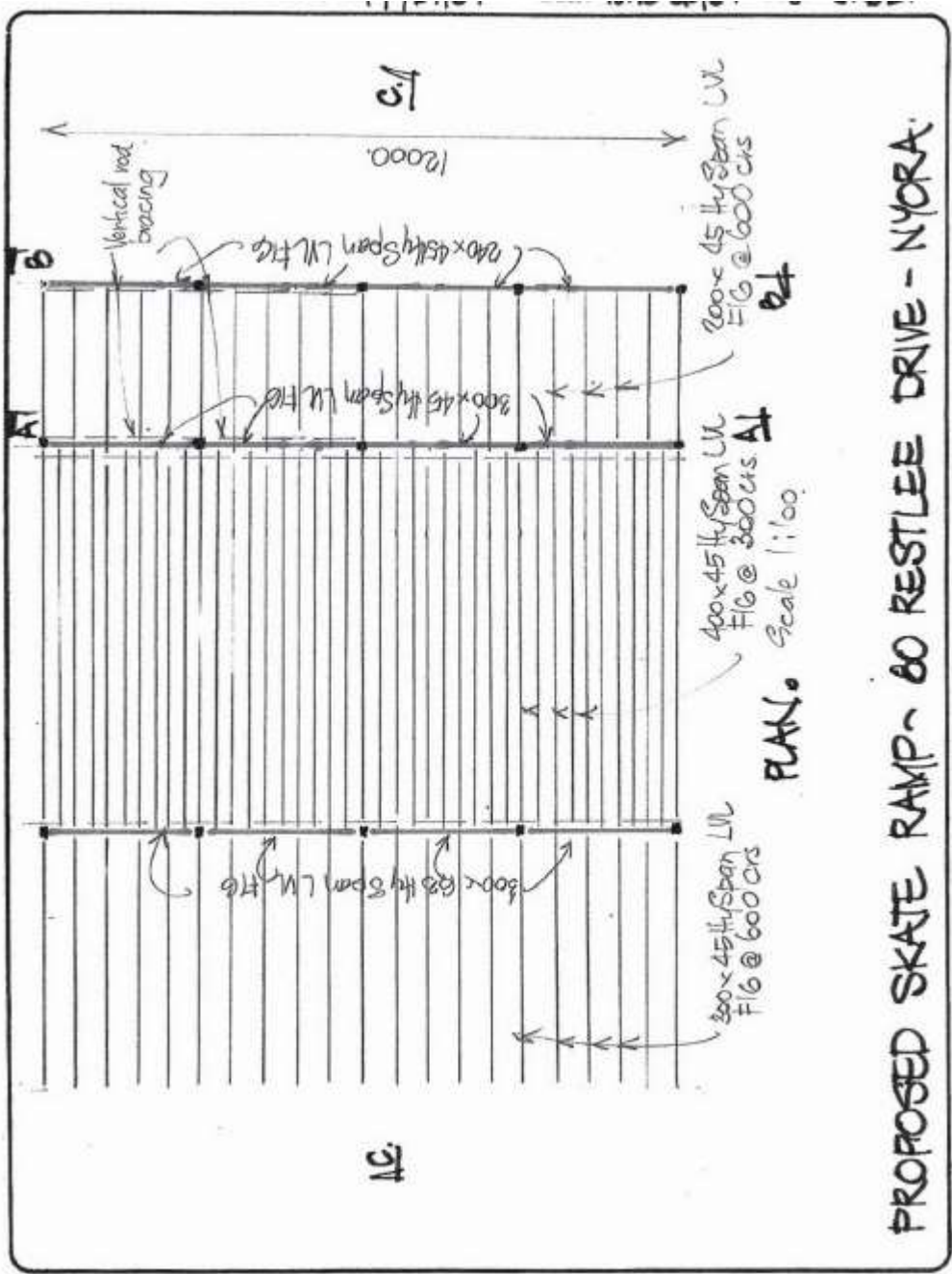
Western section of Skate Ramp



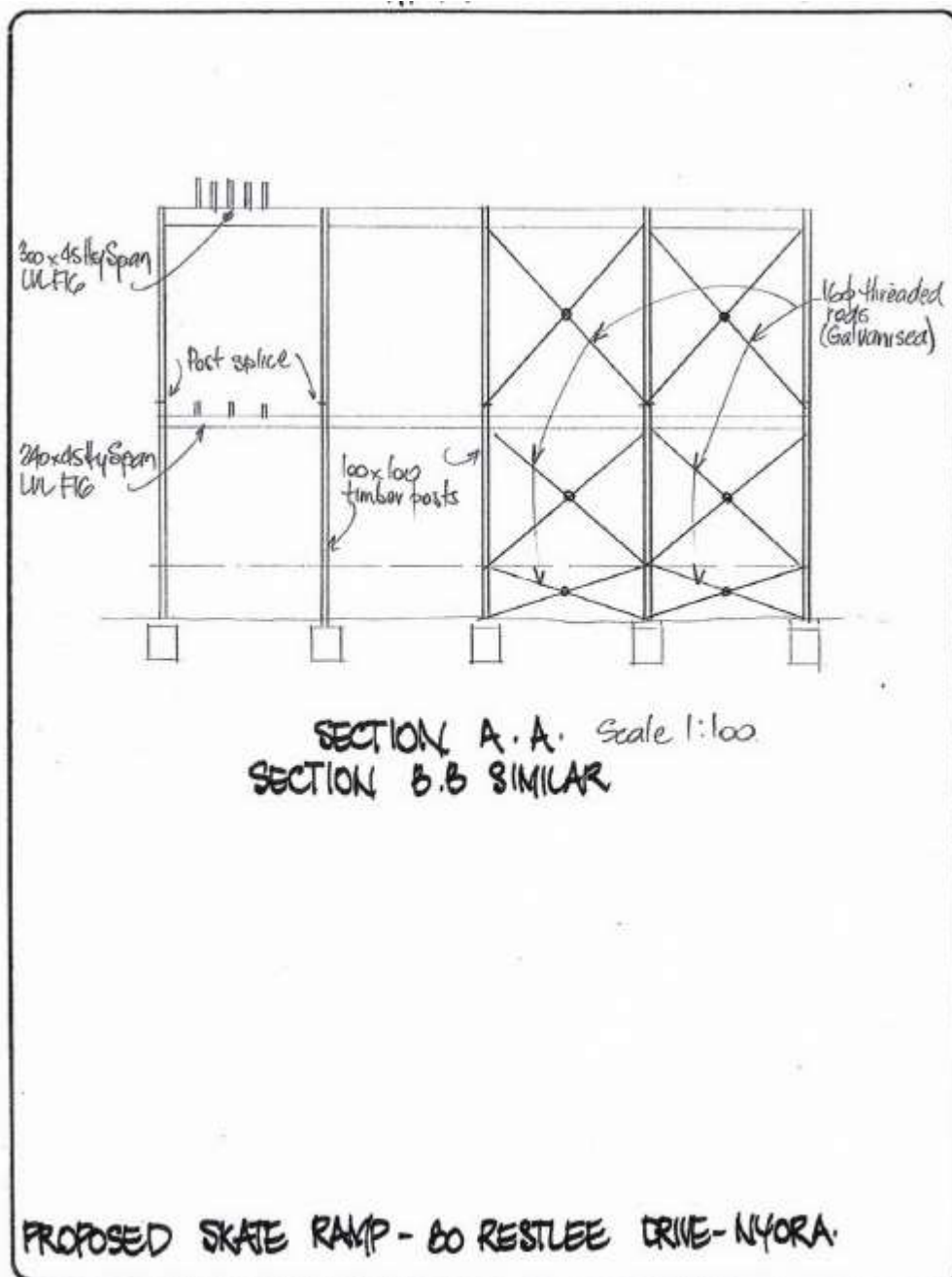
Eastern section of Skate Ramp



Plan of eastern section of Skate Ramp



Cross section of Skate Ramp supports



The image displays a set of architectural drawings for a storage shed. The primary drawing is the **PLAN 1:100**, which shows a rectangular structure with a central **STORAGE SHED** and an adjacent **DECK**. Dimensions are provided for overall size (12000 x 9000) and internal layout. A note specifies a **Colobene "Trandek" roofing at 3 deg pitch on 14x121 T 5 Purl rollers at 300 centres**. Below the plan is **SECTION "A-A" 1:100**, showing a cross-section of the shed with a **Panel Roofing** and **Sub floor framing throughout to be verified by engineer**. To the right are four elevation drawings: **EAST ELEVATION 1:100**, **WEST ELEVATION 1:100**, **SOUTH ELEVATION 1:100**, and **NORTH ELEVATION 1:100**. These show the exterior of the shed with **Colourbond metal roofing at 3 deg pitch** and **1000 high railing** on the deck. A note on the North Elevation mentions **Aluminium P.C. cladding attached 60x40**. A legend at the bottom left lists symbols for electrical meter box, gas meter location, smoke detector location, mechanical ventilation location, exhaust fan location, brookwork articulation joint location, downpipe location, external bag location, ceiling material location, and hot water service location. A project information box at the bottom right identifies the project as **STORAGE SHED (as constructed) 80 RESTLEE DVE. NYORA Mr. PETER WILSON**, prepared by **Jeff McCormick DP AD 1492**, and includes contact information for **JEFFMAN Drafting & Design Service**.

Attachment 6 Floor Plan and Elevations of the Dwelling



**Attachment 7
Site Photos taken 30 September 2014**

Ramp Jump on western side of waterway



Vertical quarter pipe and part of ramp on eastern side of waterway



View of ramp with store room/change rooms under, on eastern side of waterway



View to Storeroom/Change room under ramp on eastern side of waterway



Part of dwelling under construction



Attachment 8
Summary of Submissions

Submissions of Objection	Response
<p>Excessive noise and at inappropriate times will impact on stock and wildlife and result in loss of residential amenity and rural lifestyle.</p> <p>Sources of noise will include cars, motorbikes and crowds of people.</p>	<p>The land is the Rural Living Zone and is surrounded by properties used and developed for rural residential purposes.</p> <p>In order to reduce the impacts of noise and disruption to adjoining properties, the applicant has proposed limiting the number of people using the ramp to no more than 10 people. It is acknowledged that the level of noise generated by use of the skate ramp is not necessarily directly linked to the number of people using the ramp. However, it is recognised that the fewer people using the ramp, the less likely it is that excessive noise will be generated.</p> <p>The applicant's proposed limit of 10 people using the Outdoor Recreation Facility at a time will allow the ramp to be used regularly by the applicant's family and friends, but will assist in reducing noise and disturbance to a level consistent with the rural residential surroundings.</p> <p>The applicant has also proposed that the Outdoor Recreation Facility will only be used between 11am and 4pm daily for 8 months of the year. No night time use of the ramp is proposed and this will ensure that noise is not generated at times when people are most sensitive to excessive noise. It is also noted, that use of the skate ramp will also be dictated by weather conditions, so it is unlikely the ramp will be able to be used continuously during the days and hours of use proposed by the applicant.</p> <p>It is recommended that it be a condition of any planning permit for the hours of use for the outdoor recreation facility to be limited.</p> <p>The application does not include use of the land by motorbikes.</p> <p>Cars visiting the site are not expected to generate significant noise. Restlee Drive is a sealed council road. A comparatively small number of vehicles are expected on the site and cars will not be driven around the site. Noise impacts from cars are not expected to affect adjoining properties.</p> <p>The use of the facility during training events and public demonstrations is expected to generate higher levels of noise above what would normally be associated with use of the land for domestic purposes and may affect the amenity of adjoining property owners. It is recommended that use of skate ramp for events be limited in number.</p>

Submissions of Objection	Response
<p>Size and scale of the ramp and associated activities are not ancillary to rural residential use of the land and jeopardise the quiet enjoyment of the rural lifestyle. The proposed Outdoor Recreation Facility (Skate Ramp and Storeroom/change rooms) is an inappropriate use in a rural living zone.</p>	<p>In relation to the size of the skate ramp</p> <p>The primary concern in relation to the size of the skate ramp is the visual impact of the ramp from adjoining properties. Two aspects have been raised as concerns and are discussed below:</p> <p><u><i>The interruption of views over the site to distant landscapes</i></u></p> <p>At least one existing dwelling has views over the site to distant views of the mountains. In the foreground of the view, the full length of the western side of the skate ramp is clearly visible.</p> <p>It is possible the eastern side of the skate ramp is visible from another nearby dwelling; however views would be less obtrusive and partially screened by existing vegetation.</p> <p>It is also noted, that views over the site are not protected by the Planning Scheme and may be interrupted by natural as well as man-made features. Planting of trees on the property for example, does not require a planning permit and may result in complete loss of views over the site from adjoining properties over time.</p> <p><u><i>The appearance of the skate ramp is an "eyesore".</i></u></p> <p>The use of the term "eyesore" is subjective.</p> <p>On the day of the officer's inspection, the western portion of the ramp was partially demolished, with piles of wood stacked next to the ramp.</p> <p>The ramp scaffold was clearly visible beneath the skate surface and camouflage netting was draped over parts of the scaffold. In a state of partial dismantlement the site appeared messy.</p> <p>If the ramp was complete it is expected the appearance of the site would be improved and this could be addressed by the granting of a planning permit.</p> <p>It is also considered that landscaping could be used to effectively screen the western section of the ramp from view of the adjoining properties.</p> <p>The works on the eastern side of the waterway are not significantly visible beyond the site.</p> <p>In relation to the Scale of Development:</p> <p>The scale of the proposal encompasses aspects such as the intended use of the skate ramp and the proposed hours of use.</p> <p>While the private use of the skate ramp by the applicant's family and friends may be considered</p>

	<p>ancillary to the use of the land for a dwelling, the applicant has advised the skate ramp will also be used as a training venue for skaters and for occasional public fund raising events. In the circumstances, Council considers the scale of the proposed use to exceed what would normally be associated with a dwelling and for there to be potential for the use to impact on the amenity of adjoining residents.</p> <p>The applicant has proposed limiting the number of people using the ramp to a maximum of 10 people. It is considered this number of people would not generate significant noise or traffic and can be easily accommodated on the site. However, use of the skate ramp by more than 10 people at a time may generate noise and traffic that may be unacceptable in a rural residential area and it is recommended this restriction be included as a condition on any planning permit.</p> <p>The proposed times of use and regularity of use also have potential to affect neighbours. However, the range of hours proposed by the applicant are limited and considered to protect amenity of adjoining properties and it is considered appropriate the limit the hours of use.</p>
<p>Safety concerns arising from increased traffic in local roads including Restlee Drive, Yannathan Road and McDonalds Track and impacts on wildlife from additional traffic</p>	<p>Restlee Drive is a sealed Council road. Yannathan Drive is in a Road Zone Category 1 and managed by VicRoads.</p> <p>The volume of traffic likely to be generated by 10 people using the ramp at a time is not expected to exceed the capacity of Restlee Drive or surrounding roads as this level of use is generally consistent with residential use of the property.</p> <p>Events attracting larger numbers of people to the land have the potential to impact on road capacity and safety as Restlee Drive is a cul-de-sac and there is limited on-site parking proposed on the site.</p> <p>The number of people attending events will vary and it is difficult to estimate traffic impacts. It is recommended that traffic management and on-site car paring be addressed as part of any event management plan submitted for endorsement.</p>

Submissions of Objection	Response
Loss of property value and Occupation of shed devaluing properties in the area	Property values are determined by a wide range of factors and are not a relevant matter for consideration under the Planning and Environment Act 1987. No evidence of loss of value has been submitted with the submission.
Impact on environment (land) wildlife along the waterway arising from increased activity and works and nutrient loads from septic systems	<p>The building works for the skate ramp, storage building and dwelling are substantially complete.</p> <p>Use of the buildings is not expected to directly impact on the environment or wildlife.</p> <p>It is a requirement for the dwelling to be connected to a septic system and for the septic system to be designed and installed in accordance with the relevant standard.</p> <p>Effluent and waste management on the site during events should be addressed as part of any event management plan to ensure there are no impacts on the environment from effluent and rubbish.</p>
Concern about the Worksafe/OHS suitability of the ramp	<p>The compliance of the skate ramp with safety standards is not a relevant matter for planning permit. The applicant will need to obtain their own insurances.</p> <p>It is recommended a note be included on any planning permit to advise the permit holder to obtain all necessary permits and approvals.</p>
Concern about fire risk from events	<p>The submission suggests that the fire risk will increase if events are held on the land. It is not clear how the use of the skate ramp will increase the fire risk on the land.</p> <p>The land is not within a Bushfire Management Overlay under the provisions of the Planning Scheme. The land is within a Designated Bushfire Prone Area for the purposes of the Building Code. However, no building permit is required for the Skate Ramp, which is not considered a building for the purposes of the Building Code.</p> <p>Fire risk associated with events may be addressed by the requirement for an Event Management Plan that includes a risk management plan.</p>

Submissions of Objection	Response
Loss of privacy	<p>The height of the ramp structures enables ramp users an elevated position to view adjoining properties and this may result in a loss of privacy to those properties.</p> <p>It is recommended it be a condition of any planning permit for screen planting to be established around the elevated parts of the skate ramping order to reduce overlooking of neighbours.</p>
Concern about accommodation for guests on the site	The applicant has confirmed that accommodation does not form part of this application. Future use of the land for accommodation may require separate permits.
How will access be managed (given the ramp is advertised on Facebook)	The land is private property and access to the land can be controlled by the applicant/owner.
Construction of ramp without a permit	The current application arises from construction of the skate ramp and dwelling without appropriate planning permits. However, the current application seeks to address that non-compliance.

Submissions of Support	Response
Support for use of the ramp for personal use.	The applicant has advised that the ramp will be used for both personal use and for public events.
Opportunity for training of amateur and professional skaters	The applicant has proposed the skate ramp will mainly be used for private use by the applications family, friends and invited guests. Use of the skate ramp for regular public training events may affect the amenity of nearby residents through excessive noise and traffic impacts unless the number of participants and hours of operation are limited by conditions of any planning permit.
Opportunity for local businesses	The commercial benefits arising from use and development of the venue for businesses in the local area is not a relevant planning consideration.
Irregular use of the ramp minimises impact on neighbours	While not proposed to be used throughout the whole of the year, the times of use proposed by the applicant will enable regular use of the ramp throughout spring, summer and autumn and may impact on the amenity of neighbours.
Limited number of people able to use the facility due to the level of skill required	It is agreed that the use of the whole length of the ramp requires a skill level that will limit its use to experienced skaters only. However, it is also noted that parts of the ramp are suitable for a range of users including children and the applicant has proposed the skate ramp will be used for regular training events to teach skills.
Use of the ramp does not generate high levels of noise due to the limited number of people using the ramp, its position in the landscape and the nature of skateboarding.	<p>The application has advised that no motorised vehicles will use the ramp at any time.</p> <p>Noise generated by skateboards and bikes is not expected to generate excessive noise beyond the site as the wheels are generally soft and the ramp surface smooth.</p> <p>It is generally agreed that the distance of the ramp from neighbouring houses may assist in limiting noise; however no noise assessment has been submitted with the application to support these claims.</p>

	It is considered reasonable that noise levels may be linked to the number of people using the ramp. The applicant proposes limiting the number of people on the ramp to 10 and this is supported.
Use and development of a skate ramp at St Kilda has had no issues since being constructed.	The circumstances of the St Kilda Skate Ramp are not considered directly comparable to the proposed use and development at 80 Restlee Drive Nyora. The St Kilda Skate Ramp is on public land in an urban environment and is managed by the local Council. The current application is on private land in a rural living environment.

E.8 PLANNING SCHEME AMENDMENT C105 - MEENIYAN WASTEWATER TREATMENT PLANT (REZONE TO PUBLIC USE ZONE 1 AND APPLY ENVIRONMENTAL SIGNIFICANCE OVERLAY 4) – REQUEST TO PREPARE AMENDMENT

Development Services Directorate

EXECUTIVE SUMMARY

South Gippsland Water has requested a Planning Scheme Amendment (PSA) C105 to rezone the Meeniyon Wetlands wastewater treatment plant site at Stony Creek from Farming Zone to Public Use Zone 1 [PUZ1] (Service and Utility). The proposal also seeks application for an Environmental Significance Overlay 4 [ESO4] 'Sewage Treatment Plant and Environs' to land within 200 - 270 metres of the treatment lagoons. In addition to South Gippsland Water's own land, a small part of three adjoining farming properties, plus portions of the Great Southern Rail Trail and the South Gippsland Highway will have the ESO4 applied.

The proposed rezoning to PUZ1 recognises the public ownership and infrastructure purpose of the site, and supports South Gippsland Water's development of the treatment plant. Development of the treatment plant within its site is staged to service Meeniyon's population growth. Without an ESO4, sensitive land uses could be developed in the treatment plant's vicinity in the interim. Their presence could constrain the future planned expansion of the treatment plant to full capacity. If this occurred, the town's anticipated growth would consequently be curbed. No existing houses or outbuildings would be affected by the overlay. Both the proposed zoning and ESO application are consistent with all other wastewater treatment plants in the Shire.

As the amendment has no impact beyond the immediately affected lands, it is recommended that Council seek authorisation from the Minister for Planning to prepare Amendment C105, and undertake a targeted public exhibition process involving notification to only those parties affected by the ESO4.

Document/s pertaining to this Council Report

- **Attachment 1** - Map of ESO4 coverage
- **Appendix 1** - Proponent's amendment request

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

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Planning and Environment Act 1987

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

CONSULTATION

South Gippsland Water (SGW) has consulted with the three affected landowners to explain the amendment.

Council has also held discussions with the landowner of the only property (48 Stony Creek Rd) not already developed with a dwelling, and provided extra information detailing the coverage of the proposed ESO4 relative to the property's frontage and existing features (stockyards, dam, remnant vegetation etc).

In addition to the consultation which has already occurred, exhibition of Amendment C105 will involve targeted postal notification to the owners and occupiers of the sites affected by the ESO4 and the public land managers for the highway and the rail trail.

REPORT

Background

The Meeniyian Wetlands Wastewater Treatment Plant is located at 1870 South Gippsland Highway and is owned by SGW. The treatment plant commenced operation in early 2012.

As with its practice for other treatment plants, SGW has waited until the plant has been operational before seeking rezoning to Public Use Zone 1 (PUZ1 - Service and Utility) and application of an Environmental Significance Overlay 4 - Sewage Treatment Plant and Environs (ESO4). **Appendix 1** contains the amendment request, including the Explanatory Report and maps showing the location of the land being rezoned and the area affected by the proposed ESO4 application.

The purpose of the ESO4 is to protect the sewage treatment plant from encroachment by incompatible land uses. The ESO4 Schedule (already in the Planning Scheme for other treatment plant sites) identifies a range of sensitive land uses that are discouraged in the overlay. These uses include accommodation (includes dwelling), childcare and education facilities. The overlay triggers the need for a planning permit for these uses and also acts as an alert to affected landowners that they should avoid the overlay area if proposing a sensitive land use. Sewage treatment plants can generate odour, especially during upset operating conditions, and it is consistent with the

precautionary principle to apply the ESO4 around the plant in recognition of this.

The ESO4 has worked effectively at other treatment plant locations and experience has found it has little practical burden on how affected landowners use and develop their land as development within close proximity to a sewerage treatment facility is unlikely.

Discussion

The rezoning of the sewage treatment plant to the PUZ1 (Service & Utility) is consistent with the purpose of the zone to recognise, and exempt from planning permit requirements, public utility installations.

The proposed ESO4 is an irregular shape. It covers a varying area of 200-270 metres from parts of the different lagoons. The variation occurs depending on the purpose (treatment stage) of the lagoon and the results of odour modelling for the plant. The width of the buffer also relates to the total capacity of the plant as required by the EPA. The odour modelling allows for the treatment plant's maximum capacity which is servicing for an estimated population of 700 people.

Small sections of three large farming properties near to the plant site are affected by the proposed ESO4 area. One of these, 48 Stony Creek Rd Stony Creek, does not contain a dwelling. **Attachment 1** shows the variable width of coverage of the ESO4 into the frontage of this property. The distance ranges from zero to 161 metres at the widest point. The ESO does not affect the area where the owner has told Council they would like to build a house in the future. The other two properties each have a house and outbuildings, but none of these are located within the buffer area.

In practice, if additional or new sensitive uses were proposed on any of the three private properties, they could readily be located outside the proposed ESO area. Consequently the amendment is considered to have minimal effect on the three private properties.

The ESO4 will have no impact on the Rail Trail or the two roads in the overlay because they are not 'sensitive uses' and the overlay will not trigger the need for a planning permit.

As the plant already exists and the ESO4 only impacts on land use or development proposals in the area it covers, there is no material detriment to anyone else in the wider community.

Application for exemptions

Because the ESO4 only affects a small area, it is not relevant to give formal notice of exhibition to the public at large or those prescribed by the Act, such as other Ministers (administering Acts for Water, Mining etc). Therefore it is appropriate, when seeking authorisation from the Minister for Planning to prepare and exhibit the amendment, to apply under Section 20 (1) of the Act

for exemption from giving notice under Section 19(1)(c) [Prescribed Ministers and public authorities], 19(2) [newspaper advertisements] and 19(3) [Government Gazette]. This will bring cost and time savings without compromising appropriate consultation. The notified parties will still have the right to make submissions and to have any unresolved objections considered by a Planning Panel.

Options

Council has the options of:

1. Seeking authorisation to prepare the amendment with the exhibition exemptions noted above;
2. Seeking authorisation to prepare the amendment without the variation from the normal exhibition process; or
3. Deciding not to proceed with the amendment.

Proposal

It is recommended that Council seek authorisation from the Minister for Planning to prepare PSA C105, with exhibition to affected land owners and public land managers only.

FINANCIAL CONSIDERATIONS

As the amendment proponent, SGW is responsible for the payment of all statutory fees and charges including Planning Panel costs, should a Panel be required to consider submissions.

RISKS

If the amendment does not proceed, the potential exists for sensitive land uses to encroach on the treatment plant, potentially endangering its ability to expand in the future.

CONCLUSION

Amendment C105 is required to apply the correct public land zoning to the wastewater treatment plant and to apply the ESO4 around the plant to protect its long term operation and expansion potential. The ESO4 rezoning is procedural and is in keeping with all other similar sites in the shire. It is recommended that Amendment C105 be prepared and exhibited to the affected adjoining landowners.

RECOMMENDATION

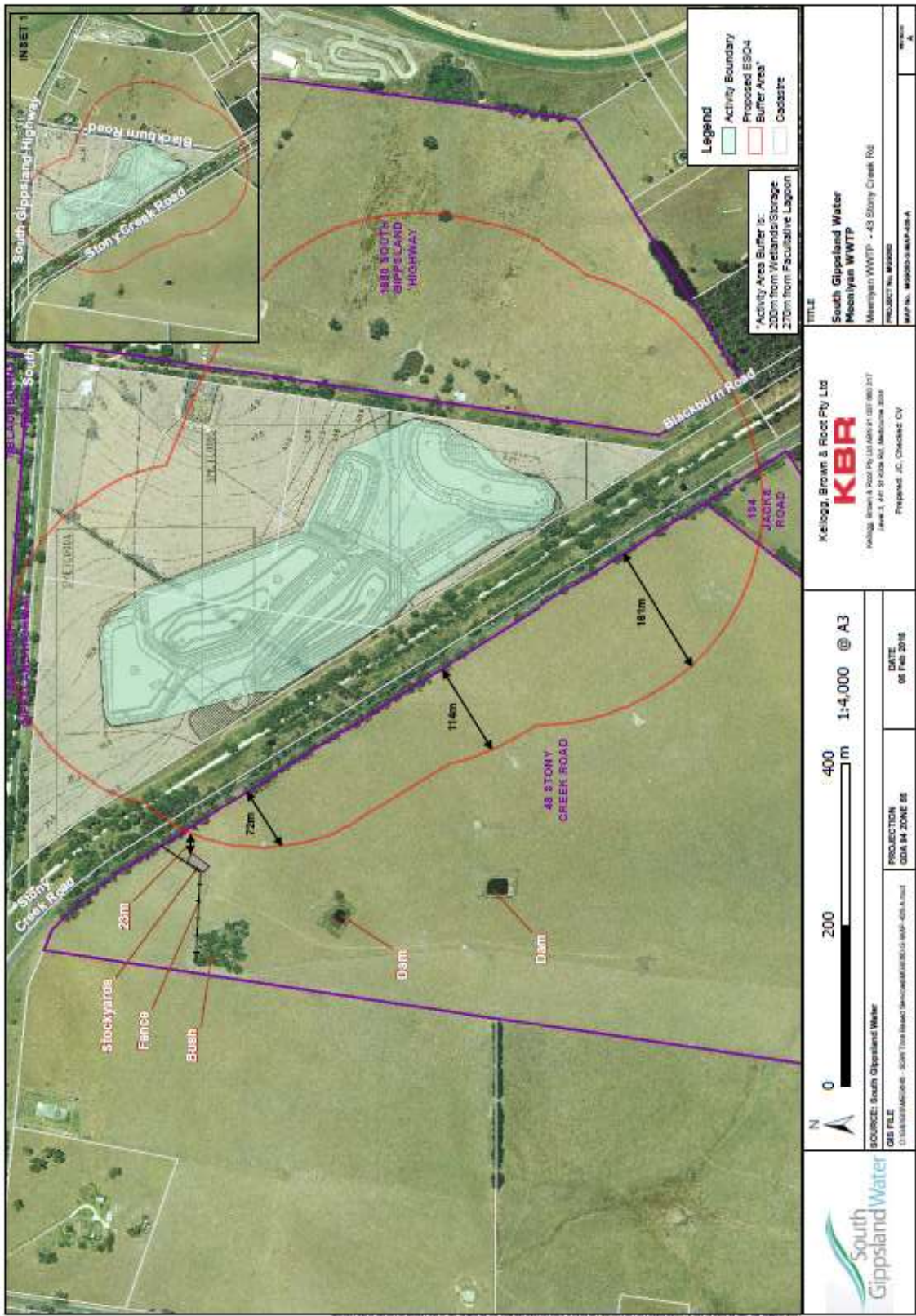
That Council:

- 1. Seek authorisation from the Minister for Planning to prepare and exhibit South Gippsland Planning Scheme Amendment C105 - Meeniyan Wastewater Treatment Plant rezone to Public Use Zone 1 and apply Environmental Significance Overlay 4.**
- 2. Apply to the Minister for Planning under Section 20(1) of the Planning and Environment Act 1987 for notification exemptions under Sections 19(1)(c), 19(2) and 19(3).**
- 3. Request the Minister for Planning to convene a Planning Panel to hear any objections to Amendment C105 that cannot be mediated.**

STAFF DISCLOSURE OF INTEREST

Nil

Attachment 1
Map of ESO4 coverage



E.9 PLANNING SCHEME REVIEW 2011-2014 - ADOPTION AND SUBMISSION TO MINISTER FOR PLANNING

Development Services Directorate

EXECUTIVE SUMMARY

Council is required to review its Planning Scheme every four years and report to the Minister for Planning on the results. The South Gippsland Planning Scheme Review 2011-2014 Report (PS Review) must consider the effectiveness of the Planning Scheme and identify improvements to the Planning Scheme and to Council planning processes.

The PS Review has been completed and it is recommended Council adopt and submit it to the Minister for Planning in accordance with the requirements of the Planning and Environment Act 1987 (the Act).

Adoption and submission of the PS Review does not change any provisions of the Planning Scheme however it does provide recommendations for planning scheme changes that will be gradually implemented by separate scheme amendments over the four year life of this current PS Review.

Document/s pertaining to this Council Report

- **Appendix 1** - South Gippsland Planning Scheme Review 2011-2014 - includes appendices (1) to (3).
- **Confidential Appendix 1** - South Gippsland Planning Scheme Review 2011-2014 - includes appendices (4) to (10).

A copy of **Appendix 1** 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

- Planning and Environment Act 1987 (Section 12B)
- General Practice Note - Review of Planning Schemes (DSE February 2006)
- Continuous Improvement Review Kit: for planning and responsible authorities (Department of Sustainability and Environment, Victoria, 2006)

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Council Plan 2013 - 2017
- Economic Development and Tourism Strategy 2015 - 2020
- South Gippsland Sustainability Strategy 2011
- South Gippsland Planning Scheme Review 2010

COUNCIL PLAN

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

CONSULTATION

Consultation has been undertaken with external organisations and agencies, and with professionals working in the planning, building and real estate fields in South Gippsland. Internal stakeholders were also consulted. The general community was invited to participate but no responses were received. A summary and results of the consultation, as well as a description of the process, are provided in **Appendix 1**.

REPORT

Background

The PS Review is undertaken in accordance with Section 12B of the Act. The review report must be submitted to the Minister for Planning after the report has been adopted by Council. The PS Review is due to the Minister by the end of March 2015.

The PS Review is required to:

- Identify major planning issues facing the municipality;
- Identify if the Planning Scheme is efficient and effective in meeting planning objectives;
- Identify any improvements for the Planning Scheme;
- Identify operational or process changes to improve the efficiency and effectiveness of Council's statutory and strategic planning teams; and

- Outline issues that require the engagement or assistance of the Planning Ministry.

The PS Review has followed the process recommended by General Practice Note - Review of Planning Schemes (DSE February 2006), which includes use of the Continuous Improvement Review Kit: for Planning and Responsible Authorities.

The PS Review has focussed on the sections of the Planning Scheme that Council can directly influence - namely the Local Planning Policy Framework (LPPF), content of schedules and the spatial application of zones and overlays. Some issues were raised relating to parts of the scheme that are controlled by State Government policy - in these instances the recommendation is to forward the comments to the State Government Department of Environment, Land, Water and Planning (DELWP).

Discussion

Council has completed a detailed review of its Planning Scheme. On the whole, the many stakeholders who provided feedback were satisfied with the Planning Scheme and Council's planning processes.

The results of the Continuous Improvement Review complement the consultation results. That is, the Planning Scheme is generally sound, meets its objectives, and compares favourably with other Gippsland planning schemes.

However the PS Review also identifies a number of improvements to the Planning Scheme. Some of these improvements are minor and can be achieved by relatively straightforward planning scheme amendments. Other improvements, especially the accurate mapping of areas of erosion risk or landslip would require Council to make specific budget allocations to implement. These more complex matters would be considered on a case by case basis and at Council's direction.

Improvements required

Improvements identified by both internal and external stakeholders include:

- Deletion or refinement of local policies that duplicate state policies without adding any specifically local relevance or point of difference;
- The need for the Planning Scheme to address climate change issues beyond coastal erosion and inundation;
- The need for all local policies and objectives to be supported by practical, clear and logical assessment guidelines and permit triggers;
- Updating Overlays to reflect current information (e.g. flood levels) and to apply them only to the most relevant areas of risk;

- Consistent application of like requirements across zones and overlays. For example using the same element (such as height in metres) as permit triggers, rather than a variety of similar but different elements (such as height in metres for one Overlay but height in storeys in another.)
- Deletion or refinement of conflicting or confusing terms or phrases;
- Filling policy gaps, for example lack of consideration of pre-colonial settlement cultural heritage in the heritage policies;
- Separating provisions for unrelated issues; and
- Updating references to referral agencies, Acts and documents.

Appendix 1 contains a list of recommendations for further review and improvement.

Options

Council can adopt the PS Review, not adopt the PS Review, or adopt the PS Review subject to specified changes. An extension of time in which to submit the PS Review would be required from the Minister if Council does not adopt the PS Review prior to the end of March 2015.

Proposal

It is recommended that Council adopt the PS Review 2014 as presented in **Appendix 1** and submit it to the Minister for Planning as required by Section 12B of the Act.

FINANCIAL CONSIDERATIONS

Some of the PS Review recommendations could be implemented without additional cost as part of the normal operations of Council in undertaking general amendments and non-controversial amendments. Others would require Council funding, and potentially grant funding where available. These could be rolled out on a project by project basis or when funding and staff resources are available. Importantly, adoption of the PS Review does not commit Council to undertake any actions with financial implications. Where an implementation action may have financial implications, a separate decision of Council can be made.

The PS Review has identified that the fees and charges set by the State Government for provision of planning services (applications and amendments) do not cover the costs incurred by Council in providing such services.

RISKS

If Council does not adopt the PS Review and submit it to the Minister by the end of March, it will not meet its statutory obligations under the Act.

In terms of land use and development, (e.g. slope stability), there are risks which are not currently addressed by the Planning Scheme.

CONCLUSION

In completing the PS Review, Council has fulfilled its obligation under the Act. It is recommended that Council adopt the PS Review and submit it to the Minister for Planning.

RECOMMENDATION

That Council:

- 1. Adopt the South Gippsland Planning Scheme Review 2011-2014 as contained in Appendix 1; and**
- 2. Submit the South Gippsland Planning Scheme Review 2011-2014 report to the Minister for Planning in accordance with Section 12B of the Planning and Environment Act 1987.**

STAFF DISCLOSURE OF INTEREST

Nil

E.10 RECREATION RESERVES MAINTENANCE GRANTS DISTRIBUTION

Community Services Directorate

EXECUTIVE SUMMARY

Council provides annual maintenance grants to 20 recreation reserve committees in South Gippsland each year.

In recent years Council has significantly increased the funds available for this purpose, and has sought input from the Committees on the most appropriate distribution of the funds, given the wide range in size, activities hosted and populations served by the individual reserves.

This report presents the endorsed position of the Recreation Reserve Committees Network for the distribution of funds for 2015/16 and for the development of a new formula to be used for the allocation of the 2016/17 annual maintenance grants.

Document/s pertaining to this Council Report

- **Attachment 1** - Proposed Maintenance Grants 2015/16

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Nil

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- 2007 Recreation Strategy
- 2007 Open Space Strategy

COUNCIL PLAN

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

CONSULTATION

All committees of the 20 South Gippsland recreation reserves were provided with the detailed formula developed by Council staff for the initial 2013/14 allocation, and all committees were provided with an alternative formula developed by Nyora Recreation Reserve in October 2014 for consideration.

16 of the 20 Reserves have attended meetings of the Network since it was established in early 2013.

The November 2014 Network meeting had representatives from 12 reserves in attendance, with an apology and support for the current formula lodged by another major reserve. The proposal to maintain the current formula for the 2015/16 financial year with an alternative formula being developed and considered for 2016/17 was endorsed unanimously by the representatives at that meeting.

REPORT

Background

In 2013 Council committed a total maintenance grants allocation to recreation reserve committees of \$249,000 for 2013/14, and \$224,000 for 2014/15. The total allocation for 2015/16 is currently set at \$229,000.

Council staff developed a formula for allocation of the initial \$198,000 of the total allocation. This formula was endorsed by Council in November 2013.

Council also resolved to invite the Recreation Reserves Committees Network (the Network) to consider how the remaining funds (\$50,000 in 2013/14 and \$25,000 in 2014/15) should be used. Opportunities for specific projects that might benefit a suite of reserves such as joint purchase of specialised equipment, or bulk purchase of gravel, chemicals, fertiliser, were among initial suggestions.

Discussion

The Network discussed opportunities for most effective use of this flexible fund at length, and recommended that the Council formula be used for distribution of all the 2013/14 and 2014/15 funds. The majority of the reserves suggested that the best value for money for the ratepayer contribution was obtained by allowing Recreation Reserve committees the maximum cash possible as the local committees have the potential, and history, of being able to arrange competitive contracts for services with local suppliers who want to support facilities in their local area. The Committees also have capacity to call on volunteer assistance if they can purchase the raw materials needed for maintenance projects.

The current formula was considered again in November 2014, with different weightings and criteria proposed by Nyora Recreation Reserve Committee. A greater weighting for higher profile and higher participation sports, such as AFL football, cricket, tennis and netball was proposed, with less weight for less mainstream activities that do not place as much pressure on the reserves, such as archery and bocce. A different weighting for population was proposed based on current recreation reserve catchments. However, this process did not adequately recognise the populations that do not have reserves such as coastal towns in Port Welshpool, Venus Bay, Sandy Point, or the northern communities including Mt Eccles, Hallston and Allambee.

The Network acknowledged that the alternative proposal did include valid commentary on the heavier costs for the larger reserves that support a wide range of teams and require maintenance of large areas of playing surfaces, roadways and open space.

The Network recommended that the current formula be used for the whole of the 2015/16 allocation, but that an alternative formula be developed that gives a greater weighting to number of teams using each reserve as their base, the area of roadway and parking that needs to be maintained, and the amount of perimeter fencing required for consideration for the 2016/17 allocation.

Proposal

It is proposed that Council endorse the distribution of the Recreation Reserve Maintenance Funds in 2015/16 in accordance with the unanimous support of the Recreation Reserve Committees Network and that Council work with the Network to develop an alternate formula for funds allocation for the 2016/17 financial year.

FINANCIAL CONSIDERATIONS

There are no new financial implications for Council as the recreation reserve maintenance grants allocation is included in the proposed 2015/16 budget and the Long Term Financial Plan.

RISKS

There are no financial risks in accepting advice from the Recreation Reserve Committees as the advice does not seek extra funds and is in fact providing a forum for stronger community engagement with the Recreation Reserve Committees.

CONCLUSION

Recreation reserves provide a vital role in supporting a wide range of structured and informal physical activity for the South Gippsland community. This activity is critical to the physical wellbeing of the local population, and at the same time creates opportunities for social interaction and cooperation, which is also vital to the general health of the community. In South Gippsland these Reserves are all managed by volunteer committees. Council has sought guidance from these committees as to the best allocation of the funds available to support maintenance of these facilities and they have unanimously recommended an allocation which they have determined as fair and equitable.

RECOMMENDATion

That Council:

- 1. Endorse the recommendation from the Recreation Reserves Committees Network to use the existing formula for distribution of the 2015/16 Recreation Reserves Maintenance Grants allocation;**
- 2. Develop an alternative formula with the Recreation Reserve Committees Network at the October 2015 Network meeting; and**
- 3. Note that the Recreation Reserve Committees Network will present a recommendation to Council for the allocation of the 2016/17 Recreation Reserves Maintenance following the Network's endorsement of a preferred formula.**

STAFF DISCLOSURE OF INTEREST

Nil

Attachment 1
Proposed Maintenance Grants 2015/16

Reserve	2015/16 Budget
Leongatha	\$ 31,845.00
Mirboo North	\$ 23,353.00
Korumburra Showgrounds	\$ 21,230.00
Foster Showgrounds	\$ 21,230.00
Meeniyan	\$ 12,738.00
Poowong	\$ 12,738.00
Tarwin Lower	\$ 12,738.00
Nyora	\$ 12,738.00
Terrill and Buckley	\$ 12,738.00
Toora	\$ 11,676.50
Outtrim	\$ 7,430.50
Welshpool	\$ 7,430.50
Korumburra	\$ 7,430.50
Stony Creek	\$ 7,430.50
Loch	\$ 5,307.50
Foster Recreation Reserve	\$ 5,307.50
Dumbalk	\$ 4,776.75
Koonwarra	\$ 4,776.75
Nerrena	\$ 4,246.00
Mirboo	\$ 1,592.25
	\$ 228,753.25

E.11 COUNCILLOR SUPPORT AND EXPENDITURE POLICY REVIEW

Corporate Services Directorate

EXECUTIVE SUMMARY

This report provides an opportunity for Council review its Councillor Support and Expenditure Policy C51 as part of Council's Policy Review schedule.

Document/s pertaining to this Council Report

- **Attachment 1** - Councillor Support and Expenditure Policy.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989 Sections 75, 75A, 75B and 75C

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

N/A

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 development.

CONSULTATION

The policy was reviewed by the Executive Leadership Team on 8 January 2015.

The policy was disseminated to Councillors via InfoSum on 4 February 2015 with an invitation to Councillors to provide feedback.

REPORT

Background

The Councillor Support and Expenditure Policy C51 (the policy) is scheduled for review on 27 March 2015 as part of Council's approved policy review schedule.

The policy provides for reimbursement of expenses and provision of resources and facilities support for the Mayor and Councillors that is consistent with industry standards.

The policy does not cover payment of Mayoral and Councillor Allowances because these are subject to periodic determination by Order in Council made by the Governor in Council pursuant to section 74 of the Local Government Act 1989.

Discussion

The current policy is considered adequate and meeting local government standards. A small addition has been made to the current policy to include provision of approval by the Chief Executive Officer of identified learning opportunities.

Proposal

Revoke the current policy and adopt policy as per **Attachment 1**.

FINANCIAL CONSIDERATIONS

Provision for Councillor support and expenditure is provided for in current and forward budgets.

RISKS

Organisational and reputational risk is minimised by providing:

- Consistency with current legislation;
- Ensuring adequate support to Councillors to carry out their responsibilities effectively, and
- Transparency and accountability in respect of payments to Councillors.

CONCLUSION

The changes to the Councillor Support and Expenditure Policy have been proposed to reflect current industry standards and to support Councillors in the fulfilment of their civic duties.

RECOMMENDATION

That Council adopt the revised Councillor Support and Expenditure Policy C51 (Attachment 1), which replaces the previous 27 March 2013 version.

STAFF DISCLOSURE OF INTEREST

Nil

Attachment 1 Councillor Support and Expenditure Policy



South Gippsland Shire Council

COUNCILLOR SUPPORT AND EXPENDITURE POLICY

Policy Number	C51	Directorate	Corporate Services
Council Item No.	TBA	Department	Governance Services
Council Adoption Date	25 March 2015	Primary Author	June Ernst
Revision Date	March 2017	Secondary Author	David Roche

POLICY OBJECTIVE

To:

1. Provide for reimbursement of expenses and provision of resources and facilities support for the Mayor and Councillors of the South Gippsland Shire Council that is consistent with industry standards and supports the attraction and retention of Councillors from a wide cross section of people; and
2. Review and replace Councillor Support and Expenditure Policy C51 dated 27 March 2013.

This policy does not cover the payment of Mayoral and Councillor Allowances because these are subject to periodic determination by Order in Council made by the Governor in Council pursuant to Section 74 of the Local Government Act 1989.

LEGISLATIVE PROVISIONS

Local Government Act 1989 Sections 75, 75A, 75B and 75C Local Government Act 1989

Local Government Act (General Regulations) 2004

Information Guide Mayor and Councillor Entitlements reimbursement of expenses and provision of resources and facilities support for Victorian Mayors and Councillors - November 2008 – Department of Planning and Community Development

DEFINITIONS

"LGA" means Local Government Act 1989

POLICY STATEMENT

This policy is based on:

1. Councillor conduct principles as prescribed by Sections 76B and 76D of the LGA.
2. Encouraging diversity in participation, equity and access by recognising that:
 - Councillors operate in a complex environment and bring unique skills and insights to the role;
 - Diversity in participation and access to local representation contributes to well informed decision making involving the community;



COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

- The role of Councillor should attract and retain a wide cross section of people, particularly those from under-represented groups;
 - Councillors need to be accessible to a wide range of constituents and stay informed about issues in the community. These are an important part of the role and use of internet is now essential to facilitate access;
 - Councillors are supported in undertaking their duties by assuring that reimbursement of expenses and access to resources support are provided in an equitable manner to cater for the full participation of all Councillors in Council business and with their communities, while recognising individual needs and circumstances; and
 - Councillors are required to attend formal Council meetings and participate in community activities.
3. Accountability, transparency and community acceptance by:
 - Adopting and adhering to this policy;
 - In addition to providing expenses reimbursement, adequately reflect the basic toolkit of resources and facilities entitlements available to a Mayor and Councillors;
 - Providing flexibility to determine what Council can afford to provide beyond the minimum toolkit and what is acceptable to the community; and
 - Ensuring the details and range of benefits provided to Councillors by Council is clearly stated and fully transparent and acceptable to the local community.
 4. Local flexibility according to complexity, needs and standards by recognising that:
 - It is a basic cost of governance to provide for the reimbursement of expenses necessarily incurred by Councillors in the performance of their duties;
 - A 'minimum toolkit' is needed;
 - Council has a responsibility to establish and define an appropriate and reasonable level of provision beyond the minimum level of provision. This will take into account differences between Councils and levels of complexity of Councils indicated by population size and revenue base to enable Councillors to carry out their civic role; and
 - This provision should conform to legislative and statutory requirements or accepted benchmarks and standards applied in the Sector.
 5. No disadvantage, in that Mayoral and Councillor Allowances are provided separately to reimbursements of expenses and the costs of facilities / resources support.

Councillor Support

Council will provide the following which includes a 'minimum toolkit' for expenses, support and resources as prescribed in the Local Government Act (General) Regulations 2004 as amended from time to time.

This 'minimum toolkit' is:

1. Resources / facilities (mandatory):
 - Administrative support for the Mayor;
 - Office for the Mayor;
 - Vehicle for the Mayor;
 - Computer – desktop and / or mobile devices or laptop, and associated chargers;



COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

- Access to Council email and internet;
- Mobile phone and landline;
- Stationery;
- Access to fax / copier / printing at Council offices; and
- Councillor accessible intranet (or equivalent) as part of Council's online environment.

2. Reimbursement:
 - Travel – including reimbursement of public transport costs;
 - Parking Fees;
 - Phone – reimbursement of relevant call costs;
 - Internet; and
 - Child care / family care.

In addition the following is determined by Council in addition to the 'minimum toolkit'

- Optional access to Council vehicles for Councillors in lieu of travel reimbursement (except in cases where use of pool car is not practicable e.g. interstate travel) in accordance with Councillor Vehicles Policy CE04;
- Access to office space and furniture in the form of Councillor's room;
- For any Councillor with a disability Council may resolve to provide reasonable additional facilities and expenses, which may be necessary for the performance of their duties;
- Postage of Council related mail through Council's mail system however a copy of the mail will be kept by Council;
- Reimbursement of reasonable expenses necessarily incurred while entertaining visiting guests on behalf of Council or attending meetings, seminars or conferences (separate to accommodation and travel expenses) including the reasonable cost of drinks accompanying a meal. The Council or CEO must give approval prior to any such entertainment / seminar / conference or meeting for which reimbursement will be sought, unless the Councillor is Council's nominated representative for the event concerned;
- Payment and re-imbursement of course, conference and program fees incurred in undertaking training and development activities to acquire new, or to enhance existing, skills required to assist a Councillor in performing their role as a Councillor or to achieve wider Council goals. Any learning opportunities identified are to be approved by the Chief Executive Officer. Where appropriate, Councillors are encouraged to report the outcome of the activity to Council immediately upon completion of the activity.
- Where available, use of meeting rooms owned and controlled by Council where a Councillor is in attendance;
- Access to the Local Government Act 1989, MAV weekly bulletin and other relevant publications; and
- Business cards, name badges and a diary.

All equipment provided by Council under this policy must be returned to Council at the end of a Councillor's term of office.

Interstate and Overseas Travel

Discretionary trips, interstate travel and attendance at conferences in relation to Council business

Approval by the Chief Executive Officer is required prior to the event.



Overseas travel in relation to Council business

Approval by the resolution of full Council is required prior to the event.

In both of the above circumstances it would be likely that a Councillor would be the Council's appointed or nominated Council representative, such appointment or nominations generally being made at the annual Statutory Meeting of Council.

It is expected that a Councillor will provide a full report of the outcomes of their travel to the next meeting of the Council after the travel occurs.

Councillors must, within seven days after the completion of a trip, record the following details in Council's Local Government register:

- Councillor Name;
- Destination;
- Dates/s of travel;
- Purpose of travel; and
- Total cost to the Council including accommodation costs.

Claims for Reimbursement

Claims should be submitted to the Governance Unit for authorisation within 30 days of expenditure being incurred to ensure timely reimbursement. Claims must be made on appropriate claim forms, signed by the Councillor and with supporting documentation such as receipts and invoices.

Internal Review of Claims

Support provided under this policy, including details of interstate and overseas travel, will be subject to review by the internal audit committee on an annual basis.

RISK ASSESSMENT

Organisational, misuse of Council resources (fraud) and reputational risk is minimised by providing:

- Consistency with current legislation;
- Ensuring adequate support to Councillors to carry out their responsibilities effectively; and
- Transparency and accountability in respect to payments to Councillors.

IMPLEMENTATION STATEMENT

Implementation of the policy will be by:

- Distribution of policy to all Councillors;
- Making the policy available for public inspection at the Council Office; and
- Publication of the policy on the Council website.

SECTION F - URGENT OR OTHER BUSINESS

There are two basic parts to this section of the Agenda:

1. Urgent Business

Normally no motion should be debated by Councillors unless the matter is already included as an item on the Agenda. However in some circumstances it is possible to raise urgent motions.

The Meeting Procedure Local Law No.3 (Clause 46) allows for where a situation has not been provided for under the Local law, the Council may determine the matter by resolution. Established practice has provided for urgent motions to be raised at Council provided the matter cannot be dealt with at the next ordinary meeting of Council or by officers under delegation.

It is necessary for the Councillor wishing to raise a matter of urgent business to raise a motion similar to the following:
'That consideration of (*the issue*) be dealt with as a matter of urgent business and Councillorbe allowed a 'short period' to indicate the reason(s) why the matter should be considered as a matter of urgent business". If the Chairperson accepts the motion as meeting the urgent business criteria, normal meeting procedures in Local law 3 will apply.

If the motion to accept the item as a matter of urgent business is passed by Council, the motion relating to the specific issue can then be put and debated in the normal way.

2. Other Business

This provides an opportunity for Councillors to raise items of general interest to the Council and the community. It may relate to an up coming event or the outcomes of a recent meeting with a Minister etc.

SECTION G – GENERAL QUESTION TIME

G.1 QUESTION TIME

G.2 ANSWERS TO PREVIOUS QUESTIONS ON NOTICE

At the Ordinary Council Meeting 25 February 2015 written questions were taken on notice from Wilma Western and responses are now provided.

Question 1

Re: D5 – contracts awarded by CEO under delegation. There is no contract listed for \$119,000 to do a study for a Leongatha municipal precinct. A tender for the study was advertised in “The Age” in December last year. The due date for applications was mid-January 2015. So, was no contract awarded or are submissions still being considered? Or was the contract inadvertently omitted?

Response:

A contract was awarded for the Provision of a Municipal Precinct Study on 11 February 2015.

The contract was not inadvertently omitted from item D5. Documents Sealed and Contracts Awarded Under Chief Executive Officer Delegation – December 2014 and January 2015, as the contract was not awarded within the period covered by the report.

The awarding of this contract will be reported in the Documents Sealed and Contracts Awarded Under Chief Executive Officer Delegation – February 2015 report at the Council Meeting on 25 March 2015. However, this report will only note the signing of the contract, as Council’s Procurement Policy requires the non – disclosure of information about procurements below the statutory thresholds required by Section 186 of the Local Government Act 1989 (\$150,000 inclusive of GST for goods and services and \$200,000 inclusive of GST for works) for a public tender.

Stakeholder consultation will be a key deliverable of the Municipal Precinct Study project. The broader community will be kept up to date with the progress of the project via Council’s Website and Media releases from time to time. It is expected that key stakeholder discussions will commence at the end of March 2015 or early April 2015.

Question 2

Re: The Corner Inlet Tourism Development project. A lot of time work, money and government grants have gone into this project. Corner Inlet and Wilson's Prom are the major tourism and ecological conservation areas in Sth Gippsland. The pristine beauty of the Corner Inlet seascape is unequalled, has no parallel in Victoria. It would be an absolute travesty if the proposed export of coal products through Corner Inlet went ahead. In Mondays "Age" a spokesperson for Coal Energy Australia stated that:

- 1. Their project – a \$143million demonstration plant to process brown coal from Yallourn will complete end of 2017.**
- 2. Exports of low volatile solid fuel (made from brown coal) will be exported from Port Anthony using present infrastructure.**
- 3. This brown coal product will be transported by 24 trucks per day across the Strzelecki Ranges to Port Anthony. Why? What is Council's attitude to this awful proposal?**

Response:

A number of these type of projects have been mentioned in the press, however there are no formal proposals for Council to be able to make comment on.

Any significant export of coal from Corner Inlet would likely require extensive infrastructure that would require multi layered permissions from local, state and federal governments. These processes would have to address the environmental, social, road infrastructure and economic/tourism impacts to RAMSAR wetlands, coastal and National Parks and reserves and would normally be required to seek community opinion on the issue.

At the Ordinary Council Meeting 25 February 2015 written questions were taken on notice from Paul Norton and responses are now provided.

Question 1

What are the number of 'Work Stations' that are available at not only 9 Smith Street but also 6-12 Smith Street Leongatha Council Offices?

Response:

There are 116 works stations at 9 Smith Street and 40 works stations at 6-12 Smith Street = total 156 work stations for both offices.

Question 2

What are the number of 'Work Stations' that are available to accommodate persons deemed to be disabled at the two above Council Offices.

Response:

Council takes equal opportunities and health and safety responsibilities very seriously. We currently have 8 standing works stations to meet the needs of staff members. Dependent on the type/level of the disability, most work stations would be accessible but some may be difficult to access. If the disability required the use of a wheelchair then doorways may cause an issue as not all door ways are complaint today as these buildings were built in the 1970's. All recent office alterations/renovations have been approved by the Council building surveyor and National Construction Code (NCC) 2014.

Question 3

What if any Disabled toilets facilities are available within the two above council offices not adjunct outside of above offices.

Response:

There is 1 disabled toilet facilities in each building. The main office disabled toilet facilities are located on the first floor of the building. Depending on the type/level of the disability would determine if this facility would accessible to the person. There is a lift to the first floor, however this lift does not have tactile for visually impaired persons nor does it have voice for hearing impaired persons.

Question 4

What are the details as of Disability access that are detailed on tender process for the Municipal Precinct as highlighted in Attachment 1.

Response:

Disability access will be addressed by the consultant whilst considering:

- *how to improve Council's presence in the community (image and accessibility) and use of latest technology (clause 6.2.1 of Section C of the tender document);*

- *renewing aging infrastructure and ensuring compliance with Occupational Health & Safety Regulations and current Building Regulations (Clause 6.3.5 of Section C of the tender document);*
- *opportunities to improve accessibility and the need for a customer service presence in towns such as Korumburra, Mirboo North and Foster as part of an existing library or community hub (clause 8.1.5 of Section C of the tender document); and*
- *Workstation functionality review (clause 9.1.4 of Section C of the tender document).*

Question 5

Does the tender process as of Attachment 1 for the “New” Municipal Precinct as of footpaths leading to and from the “New” Municipal Precinct. Or will council deem the said footpaths be part of what Council believe are part of answers to my previous questions listed in Minutes 18 April 2014 page 195 and also Minutes 28 Feb 2014 page 107, attachment 2 and 3 of which unlike myself Council seemly believe footpaths are not part of the 2006 DDA.

Response:

This will depend on the location identified for a Municipal Precinct. Any new development would consider its surroundings and comply with Council’s Infrastructure Design Manual and Building Code of Australia.

Question 6

As of my question No.1 G1 page 106 agenda 25 Feb 2015, attachment 1 has the tender process for the “New” Municipal Precinct been “viewed’ and passed by not only Council’s rural Access Officer and maybe the Rural Access Committee but I believe maybe included councils Director of Community Services. And if not why not as of question 6.

Response:

The Governance Model for the Project includes a Project Working Group and Project Reference Group which comprises staff members who are able to provide input to the consultant on accessibility requirements.

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.

Nil

SECTION H - MEETING CLOSED

NEXT MEETING

The next Ordinary Council Meeting open to the public will be held on Wednesday, 22 April 2015 commencing at 2pm in the Council Chambers, Leongatha.