



**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**

---

**23 October 2013**

---

**ORDINARY MEETING NO.374  
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.374  
OF THE SOUTH GIPPSLAND SHIRE COUNCIL WILL BE HELD ON  
23 OCTOBER 2013 IN THE COUNCIL CHAMBERS, LEONGATHA  
COMMENCING AT 2PM**

## **INDEX**

<b>SECTION A - PRELIMINARY MATTERS .....</b>	<b>1</b>
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
<b>SECTION B - NOTICES OF MOTION AND/OR RESCISSION .....</b>	<b>5</b>
B.1 NOTICE OF RESCISSION NUMBER 660 – SECTION 223 SUBMISSIONS - PROPOSED SALE OF LAND.....	5
B.2 NOTICE OF MOTION NUMBER 661 – MOBILE PHONE RECEPTION SANDY POINT .....	6
B.3 NOTICE OF MOTION NUMBER 662 – STRATEGIC REVIEW OF LAND HOLDINGS.....	8
<b>SECTION C - COMMITTEE REPORTS .....</b>	<b>10</b>
<b>SECTION D – PROCEDURAL REPORTS .....</b>	<b>11</b>
D.1 REPORT ON ASSEMBLY OF COUNCILLORS - SEPTEMBER 2013 .....	11
D.2 COUNCILLOR DISCRETIONARY FUND ALLOCATION REPORT .....	17
D.3 DOCUMENTS SEALED AND CONTRACTS AWARDED UNDER CHIEF EXECUTIVE OFFICER DELEGATION - SEPTEMBER 2013.....	20

<b>SECTION E - COUNCIL REPORTS</b>	<b>23</b>
E.1 ADOPTION OF AMENDMENT C85: IMPLEMENTATION OF LEONGATHA CENTRAL BUSINESS DISTRICT (CBD) PARKING STRATEGY	23
E.2 ADOPTION OF BENA AMENDMENT C73	35
E.3 ANNUAL REPORT 2012-13	51
E.4 RATING STRATEGY STEERING COMMITTEE NOMINATIONS	55
E.5 SPECIAL COMMITTEES (S86) REVIEW OF DELEGATIONS TO FOSTER SWIMMING POOL, KORUMBURRA SWIMMING POOL, TOORA POOL, MIRBOO NORTH POOL AND POOWONG POOL	61
E.6 MAV STATE COUNCIL MEETING - NOTICES OF MOTION FOR SUPPORT	75
E.7 NEW ROAD NAMES IN THE LOCALITIES OF KARDELLA, KARDELLA SOUTH AND TOWNSHIP OF KORUMBURRA	86
<b>SECTION F - URGENT OR OTHER BUSINESS</b>	<b>96</b>
<b>SECTION G – GENERAL QUESTION TIME</b>	<b>97</b>
G.1 QUESTION TIME	97
G.2 ANSWERS TO PREVIOUS QUESTIONS ON NOTICE	97
<b>CLOSED SESSION</b>	<b>98</b>
ITEM 1 CONTRACTUAL MATTER	98
ITEM 2 CONTRACTUAL MATTER	98
<b>SECTION H - MEETING CLOSED</b>	<b>99</b>

**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 two (2) South Gippsland Shire Council Special Meetings held on 18 September 2013 held in the Council Chambers, Leongatha and the Minutes of Ordinary Meeting No.373, held on 25 September 2013 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](http://www.legislation.vic.gov.au). An interest may be by close association, financial, conflicting duties or receipt of gifts.

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

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

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

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

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

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

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

## Privacy

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

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

---

## 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 RESCISSION NUMBER 660 – SECTION 223 SUBMISSIONS - PROPOSED SALE OF LAND**

#### **PURPOSE**

To rescind Item B.1 – Section 223 Submissions – Proposed Sale of Land Council made on 18 September 2013 and, if rescinded, foreshadow a further motion.

Reasons for this rescission are that the motion fails proper planning process, addresses reserves that were not subject to the report and consequently Councillors were not apprised of all the implications or unintended consequences arising from the motion.

#### **MOTION**

I, Councillor James Fawcett, advise that I intend to submit the following motion to the Ordinary Council Meeting scheduled to be held on 23 October 2013.

**‘That the following Motion in respect of Item B1 - SECTION 223 SUBMISSIONS - PROPOSED SALE OF LAND carried at the Special Meeting of Council held on 18 September 2013 be rescinded:**

#### **THAT COUNCIL:**

- 1. SELL THE PUBLIC OPEN SPACES (POS) AT 8 JUNE COURT, VENUS BAY AND 1A NOBLE STREET, VENUS BAY;**
- 2. REMOVE ALL OTHER PUBLIC OPEN SPACES (POS) IN VENUS BAY FROM SALE;**
- 3. REZONE ALL REMAINING PUBLIC OPEN SPACES IN VENUS BAY TO PUBLIC PARK AND RECREATION ZONE (PPRZ); AND**
- 4. REZONE ALL REMAINING COUNCIL OWNED VACANT LAND IN VENUE BAY TO PUBLIC PARK AND RECREATION ZONE (PPRZ).**

**In the event of this Notice of Rescission being carried I intend to move by way of accompanying Notice of Motion, a number of proposals that will allow the matters to be progressed.’**



## **B.2 NOTICE OF MOTION NUMBER 661 – MOBILE PHONE RECEPTION SANDY POINT**

### **PURPOSE**

The purpose of this notice of motion is to seek an improvement to mobile phone reception in Sandy Point and other small towns/hamlets in the Shire because of the high tourism numbers during the summer season and high fire risk. This motion will enable Council to make representations to all mobile telephone service providers requesting them to expedite the development of a business case including the determination of technical requirements required to install a low impact communications facility at Sandy Point and other small towns/hamlets in the Shire for the purpose of improving mobile telephone reception.

Sandy Point has 642 dwellings with over 89.4% unoccupied. Many of the unoccupied dwellings are let as holiday accommodation during summer and Easter holiday periods with many people visiting at these times coming to the town for the first time. These people may often come with a lack of knowledge about local conditions including fire risk, water safety or emergency services.

Holiday accommodation typically houses many more than the average 2.5 people per household with many purpose built holiday homes accommodating between 6 – 10 people at a time. Using these estimates the population could increase during summer by 6,500 people in existing dwellings with many additional visitors accommodated in caravan parks and camping areas.

There is no public transport available to Sandy Point. The nearest town with a hospital and ambulance service is Foster located over 25 km from Sandy Point.

Many participate in water sports with surfing and swimming popular at the main beach and windsurfing at Shallow Inlet. All water sports carry an increased risk of injury where phone access to ambulance services may be required. The beach is rated as moderately hazardous (6/10) with the local surf lifesaving club attending a range of incidents each summer.

Sandy Point has the only designated Neighbourhood Safer Place in the Shire of South Gippsland with risks from vegetation and limited access into and out of the town.

This situation is not limited to Sandy Point; other areas in South Gippsland including Dumbalk are also impacted by the lack of mobile phone reception. Apart from affecting the day-to-day lives of local residents and business owners, this lack of mobile phone reception limits necessary safety information which is often distributed by phone at high risk times.

## **MOTION**

I, Councillor Kieran Kennedy advise that I intend to submit the following motion to the Ordinary Council Meeting scheduled to be held on 23 October 2013.

**‘That Council make representations to all mobile telephone service providers to expedite the development of a business case, including the determination of technical requirements required, to install a low impact communications facility at Sandy Point and other small towns/hamlets for the purpose of improving mobile telephone reception.’**

---

### **B.3 NOTICE OF MOTION NUMBER 662 – STRATEGIC REVIEW OF LAND HOLDINGS**

#### **PURPOSE**

The Strategic Review of Land Holdings is an essential component to our budget strategy for the following years. It is apparent from recent Section 223 reports to Council that local communities are concerned that this process has not adequately taken into account existing social community infrastructure needs for that locale.

At the same time the wider community need reassurance that our substantial land and building assets are well managed, appropriate to the level of use and provide net benefit. This would require reference to current adopted Strategies, Policies and Plans and input from Council's Planning, Recreation, Biodiversity and Property Officers.

To meet both these needs I intend to move the following by way of Notice of Motion.

#### **MOTION**

I, Councillor James Fawcett advise that I intend to submit the following motion to the Ordinary Council Meeting scheduled to be held on 23 October 2013.

#### **That Council:**

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

- 2. Defer consideration of further land sales other than, previously resolved Council land for sale and 8 McDonald Street, Meeniyan that has been advertised in accordance with section 223 of the Act until the two Reports have been received and considered with a recommendation to move forward.**

## **SECTION C - COMMITTEE REPORTS**

**Nil**

## **SECTION D – PROCEDURAL REPORTS**

### **D.1 REPORT ON ASSEMBLY OF COUNCILLORS - SEPTEMBER 2013**

Corporate Services Directorate

#### **EXECUTIVE SUMMARY**

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

The matters listed in this report were presented or considered, at either an Advisory Committee Meeting, Councillor Strategic Briefing Session or Public Presentation Session in September 2013.

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

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

Nil

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

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

#### **COUNCIL PLAN**

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

## REPORT

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
<b>Wednesday 4 September 2013</b>		
<b>Community Grants – Council’s Role and Involvement</b>	<p><b>Councillors Attending:</b> Crs Davies, McEwen, Newton, Harding, Kennedy, Hutchinson-Brooks, Brunt and Fawcett.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b> Councillors were provided information and discussed Council’s role and involvement in the program.</p>
<b>Social Disadvantage in South Gippsland</b>	<p><b>Councillors Attending:</b> Crs Davies, McEwen, Newton, Harding, Kennedy, Hutchinson-Brooks, Fawcett and Brunt.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b> Councillors were provided information on social disadvantage in South Gippsland for purposes of future budgeting and policy development.</p>
<b>2014-2015 Annual Plan Development</b>	<p><b>Councillors Attending:</b> Crs Davies, McEwen, Newton, Harding, Kennedy, Hutchinson-Brooks, Fawcett and Brunt.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b> Councillors were provided information and discussed the forward approach for achieving future strategic activities.</p>
<b>Tarwin Potable Water Catchment</b>	<p><b>Councillors Attending:</b> Crs Davies, McEwen, Newton, Harding, Kennedy, Hutchinson-Brooks, Fawcett and Brunt.</p> <p><b>Conflict of Interest:</b> Cr Fawcett left the room with a conflict of interest.</p>	<p><b>Topics Discussed:</b> Councillors were provided an update on the status of the planning applications in the Tarwin Open Potable Water Supply Catchment.</p>
<b>Council Plan Actions and Council Timetable for September / October 2013</b>	<p><b>Councillors Attending:</b> Crs Davies, McEwen, Newton, Harding, Kennedy, Hutchinson-Brooks, Fawcett and Brunt.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b> Councillors were provided information on Council Plan Actions and Council Timetable for September / October 2013.</p>
<b>Executive Update</b>	<p><b>Councillors Attending:</b> Crs Davies, McEwen, Harding, Kennedy, Hutchinson-Brooks, Fawcett and Brunt.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Council presentation to community members</li> <li>• Equestrian Facility</li> </ul>

<b>Meeting Title</b>	<b>Councillors Attending and Disclosures of Conflict of Interest</b>	<b>Topics Discussed</b>
<b>Wednesday 4 September 2013</b>		
<b>Councillor / CEO session</b>	<p><b>Councillors Attending:</b> Crs Davies, McEwen, Harding, Kennedy, Hutchinson-Brooks, Fawcett and Brunt.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Notice of Motion</li> <li>• Civic Reception Policy</li> <li>• Special (Statutory) Meeting of Council – 6 November</li> </ul>
<b>Wednesday 11 September 2013</b>		
<b>Economic Development and Tourism Steering Committee</b>	<p><b>Councillors Attending:</b> Crs Davies, McEwen, Harding, Hutchinson-Brooks and Kennedy.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Terms of Reference</li> <li>• Community involvement</li> </ul>
<b>Community Engagement and Evolving Vision Steering Committee</b>	<p><b>Councillors Attending:</b> Crs Brunt, Fawcett, Hutchinson-Brooks, Kennedy, Harding, Davies and McEwen.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Introduction and review of project plan</li> <li>• Council Plan 2013-17 – initial review incorporating revised vision and values</li> <li>• Community engagement discussion</li> <li>• Council managed community research/ surveys discussion</li> </ul>
<b>Caravan Parks Steering Committee</b>	<p><b>Councillors Attending:</b> Crs Davies, Harding, McEwen, Fawcett, Hutchinson-Brooks</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Introduction and review of Steering Committee</li> <li>• Recruitment</li> <li>• Business Plan</li> <li>• Emergency Management Plan</li> <li>• Risk Assessment and OHS</li> </ul>
<b>Financial Sustainability Steering Committee</b>	<p><b>Councillors Attending:</b> Crs Kennedy, Davies, Fawcett, Hutchinson-Brooks, Brunt, McEwen, Harding and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Introduction and review of project plan</li> <li>• Capital Works</li> </ul>
<b>Korumburra Round Table Steering Committee</b>	<p><b>Councillors Attending:</b> Crs Kennedy, Brunt, McEwen</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Terms of Reference</li> <li>• Community membership</li> </ul>



Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
<b>Tuesday 17 September 2013</b>		
<b>South Gippsland Youth Council (Advisory Committee)</b>	<b>Councillors Attending:</b> Cr McEwen  <b>Conflict of Interest:</b> Nil disclosed.	<b>Topics Discussed:</b> <ul style="list-style-type: none"> <li>• Australia Day Awards</li> <li>• Leongatha Heavy Vehicle bypass</li> <li>• Science Expo</li> <li>• Youth Untitled</li> <li>• Youth Community Contribution</li> <li>• Victorian Young Achiever Award 2014</li> </ul>
<b>Wednesday 18 September 2013</b>		
<b>Terms of Reference – South Gippsland Active Retirees Advisory Committee</b>	<b>Councillors Attending:</b> Crs McEwen, Newton, Harding Kennedy, Hutchinson-Brooks, Fawcett and Davies.  <b>Conflict of Interest:</b> Nil disclosed.	<b>Topics Discussed:</b> Councillors were provided a briefing on a proposed Active Retirees Advisory Committee and associated terms of reference.
<b>Fundamentals of Community Engagement</b>	<b>Councillors Attending:</b> Crs McEwen, Newton, Harding Kennedy, Hutchinson-Brooks, Fawcett and Davies.  <b>Conflict of Interest:</b> Nil disclosed.	<b>Topics Discussed:</b> Councillors undertook a workshop on the fundamentals of Community Engagement.
<b>Public Presentation Session</b>  <b>OPEN DAY SESSION</b>	<b>Councillors Attending:</b> Crs McEwen, Newton, Harding, Kennedy, Hutchinson-Brooks, Fawcett, Hill and Davies.  <b>Conflict of Interest:</b> Nil disclosed.	Presentations were made to Council by the following community members:
<b>Mr Peter Wingett</b> regarding Terms of Reference for the South Gippsland Active Retirees Advisory Committee.		
<b>Mr Peter McIntyre</b> regarding a proposed rezoning of 2075 Walkerville Road, Walkerville.		
<b>Mr Phil Bayre, Mr Graeme Ireland and Mr Darren Bone of Council's Access and Inclusion Advisory Committee</b> regarding the role of the committee.		

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
<b>Wednesday 18 September 2013</b>		
<b>Executive Updates</b>	<p><b>Councillors Attending:</b> Crs McEwen, Newton, Harding, Kennedy, Hutchinson-Brooks, Fawcett, Hill and Davies.</p> <p><b>Conflict of Interest:</b> Cr Fawcett left the room with a conflict of interest.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Citizenship ceremony</li> <li>• Nyora Hall improvements</li> <li>• Poowong, Loch, Nyora Sewerage Scheme</li> <li>• Mirboo North Pool meeting update</li> <li>• Rating Strategy Review</li> <li>• Assemblies of Council</li> </ul>
<b>Wednesday 25 September 2013</b>		
<b>Council Agenda Topics 25 September 2013</b>	<p><b>Councillors Attending:</b> Crs Davies, Brunt, Newton, Hill, Kennedy, Hutchinson-Brooks and Fawcett.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b> Council Agenda topics 25 September 2013</p>
<p><b>Public Presentation Session</b></p> <p><b>OPEN EVENING SESSION</b></p> <p><b>Mr Ben Davies</b> regarding Council Agenda Item E.4 - ADOPTION OF HOUSING AND SETTLEMENT STRATEGY.</p> <p><b>Ms Denise Miller</b> regarding Council Agenda Item E.4 - ADOPTION OF HOUSING AND SETTLEMENT STRATEGY.</p> <p><b>Mr David Amor</b> regarding water issues in Korumburra.</p>	<p><b>Councillors Attending:</b> Crs Davies, Brunt, Newton, Hill, Kennedy, Hutchinson-Brooks, Fawcett.</p> <p><b>Conflict of Interest:</b> Cr Fawcett left the room with a conflict of interest.</p>	<p>Presentations were made to Council by the following community members:</p>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
<b>Wednesday 25 September 2013</b>		
<b>Council Agenda Topics 25 September 2013</b>	<b>Councillors Attending:</b> Crs Davies, Brunt, Newton, Hill, Kennedy, Hutchinson-Brooks and Fawcett.  <b>Conflict of Interest:</b>  Cr Fawcett left the room with a conflict of interest.	<b>Topics Discussed:</b> Council Agenda topics 25 September 2013

## **RECOMMENDATION**

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

## **STAFF DISCLOSURE OF INTEREST**

**Nil**

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

Corporate Services Directorate

### **EXECUTIVE SUMMARY**

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

This report details Councillors allocations for the period between 29 August 2013 and 4 October 2013.

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

Councillor Discretionary Fund Policy 2009

### **COUNCIL PLAN**

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

### **REPORT**

The following applications have been allocated funding from the Councillor's 2013 / 2014 Discretionary Fund:

- Milpara Community House: To assist with cost of running two courses in the Term 4 Program  
  
Cr Lorraine Brunt - \$200  
  
Cr Robert Newton - \$200  
  
Cr Andrew McEwen - \$200
- Toora Community Hall & Library Inc.: To assist volunteer works with cleaning.  
  
Cr Jeanette Harding - \$500

- Meeniyan Basketball: To assist with costs of celebrating the 50th anniversary of Meeniyan Basketball to be held in October.  
  
Cr Lorraine Brunt - \$300  
  
Cr Robert Newton - \$300  
  
Cr Andrew McEwen - \$400  
  
Mayoral Fund - \$100
- Leongatha Primary School: Sponsorship towards the inaugural Leongatha Primary School Fete.  
  
Cr James Fawcett - \$200  
  
Cr Don Hill - \$200  
  
Cr Nigel Hutchinson-Brooks - \$200
- Leongatha Senior Citizens Centre Inc.: To assist with the costs of a defibrillator for the Dakers Centre  
  
Cr James Fawcett - \$200  
  
Cr Don Hill - \$200  
  
Cr Nigel Hutchinson-Brooks - \$200  
  
Mayoral Fund - \$400
- Leongatha and District Historical Society: Sponsorship towards the Shingler Memorial Dinner/Lecture on the 19 October 2013.  
  
Cr James Fawcett - \$250  
  
Cr Don Hill - \$250  
  
Cr Nigel Hutchinson-Brooks - \$250

## **FINANCIAL CONSIDERATIONS**

Each Councillor is allocated \$4,000 from the Councillor Discretionary Fund in the 2013 / 2014 Financial Budget. An additional \$2,000 has been allocated to the Mayor to cover a broader focus across the entire Municipality.

## **CONCLUSION**

The remaining balances of Councillor Discretionary Funds for the 2013 / 2014 Financial Year as at the 29 August 2013 are as follows:

- Cr Mohya Davies - \$3,300
- Cr Jeanette Harding - \$3,100
- Cr Kieran Kennedy - \$2,600
- Cr Lorraine Brunt - \$3,500
- Cr Robert Newton - \$2,940
- Cr Andrew McEwen - \$3,400
- Cr James Fawcett - \$2,950
- Cr Don Hill - \$3,475
- Cr Hutchinson-Brooks - \$3,275
- Mayoral Fund - \$1,300

#### **RECOMMENDATION**

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

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

Nil

**D.3 DOCUMENTS SEALED AND CONTRACTS AWARDED UNDER CHIEF EXECUTIVE OFFICER DELEGATION - SEPTEMBER 2013**

Corporate Services Directorate

**EXECUTIVE SUMMARY**

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

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

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

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

Local Government Act 1989 - Section 5 and 186

Local Law No. 3 2010

South Gippsland Shire Council Procurement Policy

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

**COUNCIL PLAN**

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

## **REPORT**

### **Documents Sealed**

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

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

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

1. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 170 Bartons Road Buffalo relating to a two lot subdivision (boundary realignment) - Seal Applied 11 September 2013.
2. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 110 Koonwarra Pound Creek Road Leongatha South relating to subdivision (boundary realignment) - Seal Applied 11 September 2013.
3. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owners of 15 Park Avenue Sandy Point relating to dwelling and native vegetation removal - Seal Applied 17 September 2013.

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

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

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

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



The following contracts have been awarded under the Chief Executive Officer's delegation for the month of September 2013:

<b>Contract Reference No.</b>	<b>Contractor</b>	<b>Description of goods /services/works</b>	<b>Total contract price including GST</b>
SGC 14/02	ADA Construction Services Pty Ltd	Construction of footpath renewals and extensions – Various Locations.	\$99,827.84
SGC 14/02	Michael Mileto and Belinda Whale T/A M&M Paving	Construction of footpath renewals and extensions – Various Locations.	\$176,037.12

#### **RECOMMENDATION**

**That Council note the:**

- 1. Listed documents have been signed and sealed; and**
- 2. Contracts awarded.**

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

Nil

## SECTION E - COUNCIL REPORTS

### E.1 **ADOPTION OF AMENDMENT C85: IMPLEMENTATION OF LEONGATHA CENTRAL BUSINESS DISTRICT (CBD) PARKING STRATEGY**

Development Services Directorate

#### **EXECUTIVE SUMMARY**

Planning Scheme Amendment C85 implements the key recommendations of the Leongatha CBD Parking Strategy ('the Strategy') into the South Gippsland Planning Scheme. Council received no objections during the exhibition of Amendment C85.

The Amendment includes provisions for equitable development contributions payable to Council where new developments in the Core Parking Area are unable to provide the on-site parking spaces as required by the State provisions.

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

- **Attachment 1** - Map of Core Parking Area and Study Area
- **Attachment 2** - Parking Overlay map
- **Attachment 3** - Proposed Parking Overlay and Schedule
- **Appendix 1** - Proposed changes to the Local Policy Planning Framework

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

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

Planning and Environment Act 1987

South Gippsland Planning Scheme

Practice Note 22: 'Using the Car Parking Provisions, April 2013'

Practice Note 57: 'The Parking Overlay, April 2013'

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

Leongatha CBD Parking Strategy

## **COUNCIL PLAN**

Outcome:	1.0	A Prosperous Shire
Objective:	1.1	Work with the business community to support existing businesses, diversify employment opportunities and to attract new businesses
Strategy:	1.1.1	We will actively plan for growth and economic development.
Outcome:	3.0	Integrated Services and Infrastructure
Objective:	3.1	Deliver affordable modern community services and facilities through an integrated approach to planning and infrastructure development.
Strategy:	3.1.3	We will develop an integrated planning approach for our townships and villages, so that facilities are located in areas where they are most appropriate.
Outcome:	4.0	A Leading Organisation
Objective:	4.1	Improve the financial sustainability of Council, including diversifying revenue streams
Strategy:	4.1.1	We will explore innovative ways of increasing revenue and reducing expenditure where appropriate.

## **CONSULTATION**

Amendment C85 was exhibited from 13 June to 12 July 2013 in accordance with the normal requirements of the Planning and Environment Act 1987 and adopted in December 2012. This involved:

- Letters to the owners and occupiers of all land:
  - a. within the Core Parking Area
  - b. adjoining the boundary of the Core Parking Area
  - c. in Mixed Use, Industrial or Business Zones within the Study Area of the strategy
- Public notice in local newspapers
- Amendment documentations on Council's web site and at the front counter at Council's Leongatha office
- Letters to Public Land Services Unit within the Department of Environment and Primary Industries (DEPI), VicTrack, VicRoads, Native Title Services Victoria, and the Prescribed Ministers

One supporting submission was received from Department of Environment and Primary Industries (DEPI).

## **REPORT**

### **Background**

On 19 December 2012, Council resolved to adopt the Leongatha CBD Parking Strategy (Strategy) and to seek Ministerial Authorisation to prepare and exhibit Amendment C85 to implement the Strategy. Ministerial authorisation was granted in May 2013, and the amendment was exhibited for over 4 weeks between 13 June and 12 July 2013.

Presently South Gippsland Shire Council does not have a means to collect in-lieu payments for parking demand, generated by land uses, which are unable to provide the on-site parking spaces required by the Planning Scheme. Council has usually waived the parking requirements that cannot be achieved due to site size and location. Over time, the intensification of land use within the Leongatha CBD has generated community concern about inadequate car parking spaces.

The primary objective of this amendment is to introduce and apply a Parking Overlay (Clause 45.09) with associated Schedule 1 to the Leongatha Central Business District, in response to this community concern.

Leongatha has an intensively built up town centre with limited provision for onsite car parking on many building sites. The overlay acknowledges this and provides a car parking waiver for the first four car parks that would otherwise be required by the planning scheme.

As the size of a proposed new development increases the number of required car parks also increases. As the number of required car parks increases beyond what can be provided onsite the overlay has a mechanism for the collection of equitable financial contributions towards the construction of public parking by Council.

Through a sliding scale, this amendment will equitably share the cost amongst businesses generating parking demand and reduce the financial burden of ratepayers. It is contended that the contribution scheme is transparent and equitable, providing a fair and orderly planning outcome for Leongatha. Applying a proper indexation to the contribution for public car parking will balance the present and future interests of the business community in Leongatha.

Clause 22.03 (Local Policy - Car Parking) of the Planning Scheme has also been reviewed in light of the new State parking provisions that were introduced into Planning Schemes in Victoria in June 2012. The new State provisions are considered sufficient for the needs of South Gippsland to achieve the car parking objectives of the Strategy, and as a result Clause 22.03 is now considered redundant and recommended to be removed from the Planning Scheme as part of this Amendment.

## **Discussion**

Amendment C85 implements a number of recommendations arising from the Strategy.

No objections to the Amendment were received.

Planning Scheme Amendment C68, implementing the review of the Municipal Strategic Statement, has been approved by the Minister since amendment C85 was publicly exhibited. Amendment C68 renumbered the Local Planning Policy Framework (Clause 21 and 22 of the Planning Scheme) and therefore, some post-exhibition updates to Amendment C85 are considered necessary.

The proposed changes under Amendment C85 based on the new LPPF structure introduced by Amendment C68 are as follows:

1. Introduce Clause 45.09 the Parking Overlay and Schedule 1 (Leongatha Central Business District) to the Planning Scheme, and apply it to the Leongatha CBD area as displayed in Attachment 2. The overlay varies the State standard car parking rates for some uses such as a shop, and will introduce a requirement that where car parking spaces cannot be provided to meet the standards specified in the Planning Scheme, a cash-in-lieu payment of \$9,600 (indexation applies) will be paid for each car space.
2. Remove the content of Clause 22.03 (Local policy - Car Parking) from the Planning Scheme. This local policy was previously located in Clause 22.06.
3. Amend Clause 21.15 Leongatha, by inserting a paragraph about car parking and including the Leongatha CBD Parking Strategy 2013 as a reference document. The affected provisions were originally located in Clause 21.04-4.
4. Amend Clause 21.12 Transport and Infrastructure, by removing reference to the Local Policy - Car Parking and inserting reference to the Parking Overlay. The affected provisions were originally located in Clause 21.04-15.
5. Amend Clause 21.16 Reference Documents, by inserting the Strategy as a reference document.

## **FINANCIAL CONSIDERATIONS**

Development of land within the areas affected by the Parking Overlay and Schedule 1 of the overlay introduced by Amendment C85 will have a positive financial contribution to Council. The Amendment includes provisions for equitable development contributions payable to Council where new developments in the Core Parking Area are unable to provide the on-site parking spaces as required by the State provisions.

## **RISK FACTORS**

There have been no risks directly identified in association with the adoption of Amendment C85. Adoption of Amendment C85 will minimise the risk to long term sustainability of public car parking provisions in Leongatha CBD.

## **CONCLUSION**

Amendment C85 introduces a parking overlay to implement the key recommendations in the Leongatha CBD Parking Strategy, which achieved a high degree of community acceptance.

It is recommended that Council adopt Amendment C85 and submit the Amendment to the Minister for Planning for approval.

## **RECOMMENDATION**

**That Council adopt Amendment C85 and submit the Amendment to the Minister for Planning for approval.**

## **STAFF DISCLOSURE OF INTEREST**

Nil

**Attachment 1**  
**Map of Core Parking Area and Study Area**





**Attachment 2  
Parking Overlay map**

**SOUTH GIPPSLAND PLANNING SCHEME  
LOCAL PROVISION**



Part of Planning Scheme Map 16PO

**LEGEND**



**AMENDMENT C85**

(Amendments Co-ordination Team)  
(Planning & Building Systems)  
(Planning, Building & Heritage)



Department of Planning  
and Community Development

001



### Attachment 3 Proposed Parking Overlay and Schedule

**45.09**  
19/04/2013  
VC96

#### **PARKING OVERLAY**

Shown on the planning scheme map as **PO** with a number.

#### **Purpose**

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

To facilitate an appropriate provision of car parking spaces in an area.

To identify areas and uses where local car parking rates apply.

To identify areas where financial contributions are to be made for the provision of shared car parking.

**45.09-1**  
19/04/2013  
VC96

#### **Operation**

This overlay operates in conjunction with Clause 52.06.

A schedule to this overlay may:

- Vary the requirements of Clause 52.06 as allowed by this overlay.
- Specify additional requirements to the requirements of Clause 52.06 as allowed by this overlay.
- Specify requirements for the provision of a financial contribution as a way of meeting the car parking requirements of Clause 52.06 or this overlay.

**45.09-2**  
19/04/2013  
VC96

#### **Parking objectives**

A schedule to this overlay must specify the parking objectives to be achieved for the area affected by the schedule.

**45.09-3**  
19/04/2013  
VC96

#### **Permit requirement**

A schedule to this overlay may specify that:

- The exemption from the requirement for a permit in Clause 52.06-3A does not apply. If the exemption does not apply, a permit is required for any of the matters set out in Clause 52.06-3.
- A permit must not be granted to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or this overlay.
- A permit must not be granted to provide some or all of the car parking spaces required under Clause 52.06-5 or this overlay on another site.
- A permit must not be granted to provide more than the maximum parking provision specified in a schedule to this overlay.
- A permit is not required under Clause 52.06-3.

**45.09-4**  
19/04/2013  
VC96

#### **Number of car parking spaces required**

A schedule to this overlay may:

- Vary the car parking rate and measure for any use listed in Table 1 of Clause 52.06-5.
- Specify the car parking requirements for any use of land not listed in Table 1 of Clause 52.06-5.

- Specify maximum and minimum car parking requirements for any use of land.
- For any use listed in Table 1 of Clause 52.06-5, apply Column B in the Table to that use.

**45.09-5**

19/04/2013  
VC95

**Application requirements and decision guidelines for permit applications**

Before deciding on an application under Clause 52.06-3, in addition to the relevant decision guidelines in Clause 52.06-6, the responsible authority must consider, as appropriate:

- The parking objectives of the relevant schedule to this overlay.
- Any application requirements and decision guidelines specified in a schedule to this overlay.

**45.09-6**

19/04/2013  
VC95

**Financial contribution requirement**

A schedule to this overlay may allow a responsible authority to collect a financial contribution in accordance with the schedule as a way of meeting the car parking requirements that apply under this overlay or Clause 52.06.

A schedule must specify:

- The area to which the provisions allowing the collection of financial contributions applies.
- The amount of the contribution that may be collected in lieu of each car parking space that is not provided, including any indexation of that amount.
- When any contribution must be paid.
- The purposes for which the responsible authority must use the funds collected under the schedule. Such purposes must be consistent with the objectives in section 4 of the Act.

**45.09-7**

19/04/2013  
VC95

**Requirements for a car parking plan**

A schedule to this overlay may specify additional matters that must be shown on plans prepared under Clause 52.06-7.

**45.09-8**

19/04/2013  
VC95

**Design standards for car parking**

A schedule to this overlay may specify:

- Additional design standards.
- Other requirements for the design and management of car parking.

Plans prepared in accordance with Clause 52.06-7 must meet any design standards and requirements specified in a schedule to this overlay.

**45.09-9**

19/04/2013  
VC95

**Decision guidelines for car parking plans**

Before deciding whether a plan prepared under Clause 52.06-7 is satisfactory, in addition to the decision guidelines in Clause 52.06-9, the responsible authority must consider, as appropriate, any other matter specified in a schedule to this overlay.

SOUTH GIPPSLAND PLANNING SCHEME

—J-20—  
CNS

**SCHEDULE 1 TO THE PARKING OVERLAY**

Shown on the planning scheme map as **PO1**.

**LEONGATHA CENTRAL BUSINESS DISTRICT**

**1.0 Car parking objectives**

- To identify appropriate car parking rates for land uses within the Leongatha Central Business District (CBD).
- To provide for the equitable collection and distribution of financial contributions to contribute towards the construction of shared car parking facilities, but only when a reduction in car parking under Clause 52.06-3 is considered appropriate.
- To ensure an appropriate level of parking is provided in the CBD.
- To ensure that parking supply is efficiently utilised and best services the land uses.
- To achieve an appropriate balance between the supply and demand of car parking spaces while allowing new and intensified use.

**2.0 Number of car parking spaces to be provided**

For all uses listed in Table 1 of Clause 52.06-5, the number of car parking spaces required for a use is calculated using the *Rate* in Column B of that Table.

**3.0 Application requirements**

Any applications to reduce the car parking requirement must include a detailed statement addressing the decision guidelines to the satisfaction of the responsible authority.

**4.0 Decision guidelines for permit applications**

In addition to the decision guidelines in Clause 52.06-9, the responsible authority must consider, as appropriate:

- Competing demand for off-site parking spaces available to the public and within safe and convenient walking distance to the site.
- The use or mixture of uses in the building and on the land.
- Shared parking.
- After hours use of the building or site.

**5.0 Financial contributions requirement**

It is within the responsible authority's absolute discretion whether to accept a financial contribution in accordance with this Schedule (and if so, in respect of how many spaces).

If a permit is granted pursuant to Clause 52.06-3 to reduce or waive the requirement for car parking, the responsible authority must include a condition requiring payment-in-lieu of providing physical car parking spaces, unless satisfied that such payment is not warranted having regard to the circumstances.

The payment-in-lieu contribution is as per Table 1. This amount is to be increased annually from 1st July 2012 by applying the ABS 6427.0 Producer Price Index Number 3101 Road and Bridge Construction Victoria contained within the Construction Industry Output Price Indexes, or superseding index to the satisfaction of the Responsible Authority.

#### 6.0 Payment of financial contributions

The amounts specified in Table 1 are before application of indexation specified in this clause and are GST exclusive. These are calculated as follows:

- \$4,800 for each car space from the fifth to the eighth space (inclusive) in-lieu,
- \$7,200 for each car space from the ninth to the twentieth space (inclusive) in-lieu,
- \$9,600 per car space from the twenty-first space (inclusive) or above in-lieu.

**Table 1: Payment in lieu Amounts**

Number of car parks not provided	Payment in lieu Contribution (G.S.T. exclusive and before indexation)
1	\$0
2	\$0
3	\$0
4	\$0
5	\$4,800
6	\$9,600
7	\$14,400
8	\$19,200
9	\$26,400
10	\$33,600
11	\$40,800
12	\$48,000
13	\$55,200
14	\$62,400
15	\$69,600
16	\$76,800
17	\$84,000
18	\$91,200
19	\$98,400
20	\$105,600
21 (or above)	\$105,600 (+\$9,600 for each additional space not provided)

Council may enter into an agreement with the owner of the land under Section 173 of the Planning and Environment Act 1987 for the payment of the contribution in instalments. The agreement may provide for the payment of the contribution in instalments, plus an interest component equivalent to the interest payable on unpaid rates and charges under the Local Government Act 1989 and it must provide that all instalments and accrued interest are paid within 5 years of the first instalment. The agreement must also provide for the owner to pay Council's costs of preparing, registering and then upon its ending, removing the agreement from title.

Arrangement of this clause will be reviewed no later than five years from the date of gazetal of Amendment C85.

#### 7.0 What financial contributions collected under this clause will be used for

Financial contributions will be used to construct a public car park for Leongatha.

#### 8.0 Design standards for car parking

In addition to the design standards set out in Clause 52.06-8, plans prepared in accordance with Clause 52.06-7 must meet the following design standards unless agreed by the responsible authority in writing:

- Vehicular access to parking and service areas must be designed to minimise disruption to pedestrian movements and minimise their visual impact on architectural and streetscape qualities.
- Open lot car parks are discouraged on all principle frontages.
- A car park should be designed to retain significant trees and promote tree planting and the shading of car spaces.

**9.0 Reference document**

*Leongatha CBD Parking Strategy, 2013 (as amended).*

## **E.2 ADOPTION OF BENA AMENDMENT C73**

Development Services Directorate

### **EXECUTIVE SUMMARY**

The public exhibition of combined Planning Scheme Amendment C73 & Planning Permit Application 2013/174 ('the Amendment') in Bena has been completed with five supporting submissions received by Council. The Amendment proposes to:

1. Rezone part of VicTrack's historical railway land in Bena from Public Use Zone 4 (PUZ) to Township Zone (TZ).
2. Create 3 additional lots through a 4 lot subdivision, to be approved by the Minister for Planning.
3. Rectifies a zoning anomaly by rezoning a narrow portion of privately owned land on 44 Main Road from PUZ to TZ, to make it consistent with the balance of the property.
4. Removes the Environmental Significance Overlay Schedule 5 Areas Susceptible to Erosion (ESO5) from the rezoned area.

It is recommended that Council adopt the Amendment, request approval of the adopted Amendment by the Minister for Planning, and recommend to the Minister that a permit for a 4 lot subdivision be granted.

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

- **Attachment 1** - Proposed change to the Planning Zone
- **Attachment 2** - Proposed change to the Planning Overlay
- **Attachment 3** - Rescode Assessment
- **Attachment 4** - Proposed planning permit
- **Appendix 1** - Plan showing existing houses and proposed lots layout

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

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

Planning and Environment Act 1987

South Gippsland Planning Scheme ('the Planning Scheme')

Ministerial Directions No. 1 - Potentially Contaminated Land

Practice Note - Potentially Contaminated Land

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

### **Housing and Settlement Strategy 2013**

#### **COUNCIL PLAN**

Outcome:	3	Integrated Services and Infrastructure
Objective:	3.1	Deliver affordable modern community services and facilities through an integrated approach to planning and infrastructure development
Strategy:	3.1.5	We will encourage sustainable development that promotes the health, well-being and unique character of the community.

#### **CONSULTATION**

Amendment C73 was exhibited from 8 August to 13 September 2013. Council received five supporting submissions, from the Department of Environment and Primary Industries (DEPI), VicRoads, SP Ausnet, EPA, South Gippsland Water and Melbourne Water. No submissions opposing either the Amendment or Permit were received. This exhibition comprised letters to occupiers and landowners of the subject land, adjoining land, all other land in the Township Zone in Bena, Prescribed Ministers, and relevant agencies. Notice was also given in local newspapers, by poster display on the site at Bena, and on Council's web site.

#### **REPORT**

##### **Background**

The subject land is owned by VicTrack and forms part of the historical railway reserve in Bena. The subject land contains two residences under lease from VicTrack.

The entire rail reserve is in PUZ and is formally known as Lot 2 on LP83315 in Bena, with an approximate area of 8.5 hectares (ha). The proposal is to rezone the land of approximately 2,957m<sup>2</sup> containing two existing residences to TZ and remove the ESO5 from this area. The balance lot of 8.2ha will remain in PUZ. VicTrack advises that a large part of the proposed TZ area has been leased historically for residential and grazing purpose by tenants associated with the former rail line. As part of the Amendment a Planning Permit was applied for under S96A of the Planning and Environment Act 1987. The planning application requests that the proposed TZ area be subdivided from the balance of the rail reserve and create 3 TZ lots, two lots with existing dwellings and one vacant TZ lot.

VicTrack's rezoning application has arisen at the request of the lessees of proposed lots 1 and 2 who wish to purchase the future lots from VicTrack on which their houses sit.

The current situation where the lessees own the houses but not the land is a result of previous railway commission employees and/or their families purchasing the departmental houses, generally in the early 1970's or 80's. Historically the commission provided a certain number of houses at a subsidised rent for its employees to live in. When this policy ended, the employees were given the option to purchase the houses, although at the time the commission did not sell the land on which the houses sat.

As part of VicTrack's sales program, VicTrack has been working towards amending this situation by offering lessees the option to purchase the land. This will allow the lessees freehold title over their properties and the freedom to hold or dispose of the properties as they wish, necessitating the rezoning and subdivision.

During the preparation of the Amendment, a narrow strip of land within 44 Main St, an adjoining privately owned property to the West of the VicTrack land, was found to be incorrectly zoned PUZ with an ESO5. This amendment has incorporated changes to rectify this anomaly.

### **Discussion**

Amendment C73 to the Planning Scheme will:

1. Rezone part of VicTrack's historical railway land in Bena from Public Use Zone 4 (PUZ) to Township Zone (TZ).
2. Create 3 additional lots through a 4 lot subdivision, to be approved by the Minister for Planning.
3. Rectify a zoning anomaly by rezoning a narrow portion of privately owned land on 44 Main Road from PUZ to TZ, to make it consistent with the balance of the property.
4. Remove the Environmental Significance Overlay Schedule 5 Areas Susceptible to Erosion (ESO5) from the rezoned area.

Due to the private use of the land, PUZ is not appropriate for the land, and a request for a combined application for the Amendment and a planning permit was received in June 2012 for a five lot subdivision, with four lots proposed to be created on land with frontage to Main Road and generally aligned with an existing fence line and a balance lot containing the railway corridor.

Concerns were raised about the capacity of the proposed TZ lots to contain effluent disposal under current EPA standards and potential land contamination arising from the historical use of the site for railway activities. The concern about potential contamination of the land was addressed by an assessment on soil capability and contamination commissioned by VicTrack. The application was modified to create larger residential lots with the loss of one proposed lot to ensure adequate area for effluent disposal.



The proposed combined Amendment and permit application for subdivision reflects the existing residential use, with potential for development of one additional dwelling on the new TZ lot. The location of the land is ideal for township development and is consistent with the general directions in the Planning Scheme and the Urban Design Framework for Bena adopted as part of the Housing and Settlement Strategy by Council in September 2013.

### **Planning Permit Requirements and Policies**

The proposed 4 lot subdivision affecting the proposed TZ and the balance of the PUZ railway reserve requires a planning permit under Clause 32.05-4 & 36.01-2 of the Planning Scheme and has been considered in accordance with Section 96 of the Planning and Environment Act.

It is considered that the application is consistent with the relevant State and Local Planning Policy Frameworks, the Township Zone and Public Use Zone provisions, and other relevant clauses (e.g. Clause 42.01, 56, and 65) in the Planning Scheme. All relevant issues have been addressed either in the application or through the draft permit conditions.

The 3 proposed lots to be created within the TZ will not affect the agricultural productivity of the land for cattle grazing or other agricultural uses.

The recommended permit conditions will trigger an upgrade to the two existing aged wastewater disposal systems on the land, and an extension to the footpath to all the lots to be created. This will reduce the environmental risk to the residents and provide a consistent level of infrastructure to the development.

The adoption of C73 will facilitate land rationalisation for the benefit of existing residents, increase social cohesion by enduring tenure of valued residents and reduce risk associated with aged wastewater systems. Additionally, by rectifying the small zoning anomaly on the neighbouring lot, the Amendment will provide a more consistent planning control to the affected block in Bena.

### **Proposal**

It is proposed that Council adopt Amendment C73 as exhibited, request the Minister for Planning to approve the adopted Amendment, and recommend to the Minister that a permit for a 4 lot subdivision be granted at Main Road Bena VIC 3946 (being L2 LP813315 Parish of Jeetho) subject to the conditions in the draft permit 2013/174 as exhibited, under Section 96 of the Planning and Environment Act.

### **FINANCIAL CONSIDERATIONS**

VicTrack is required to meet the statutory fees associated with the Amendment. There are no other financial considerations directly related to the recommendations of this report.

## **RISK FACTORS**

Financial risks associated with implementing this planning scheme amendment and planning permit will be borne by the landowner and developer. However, this proposal reduces environmental health risk in that the proposed permit conditions compel the landowner to upgrade the two existing aged wastewater disposal systems.

## **RECOMMENDATION**

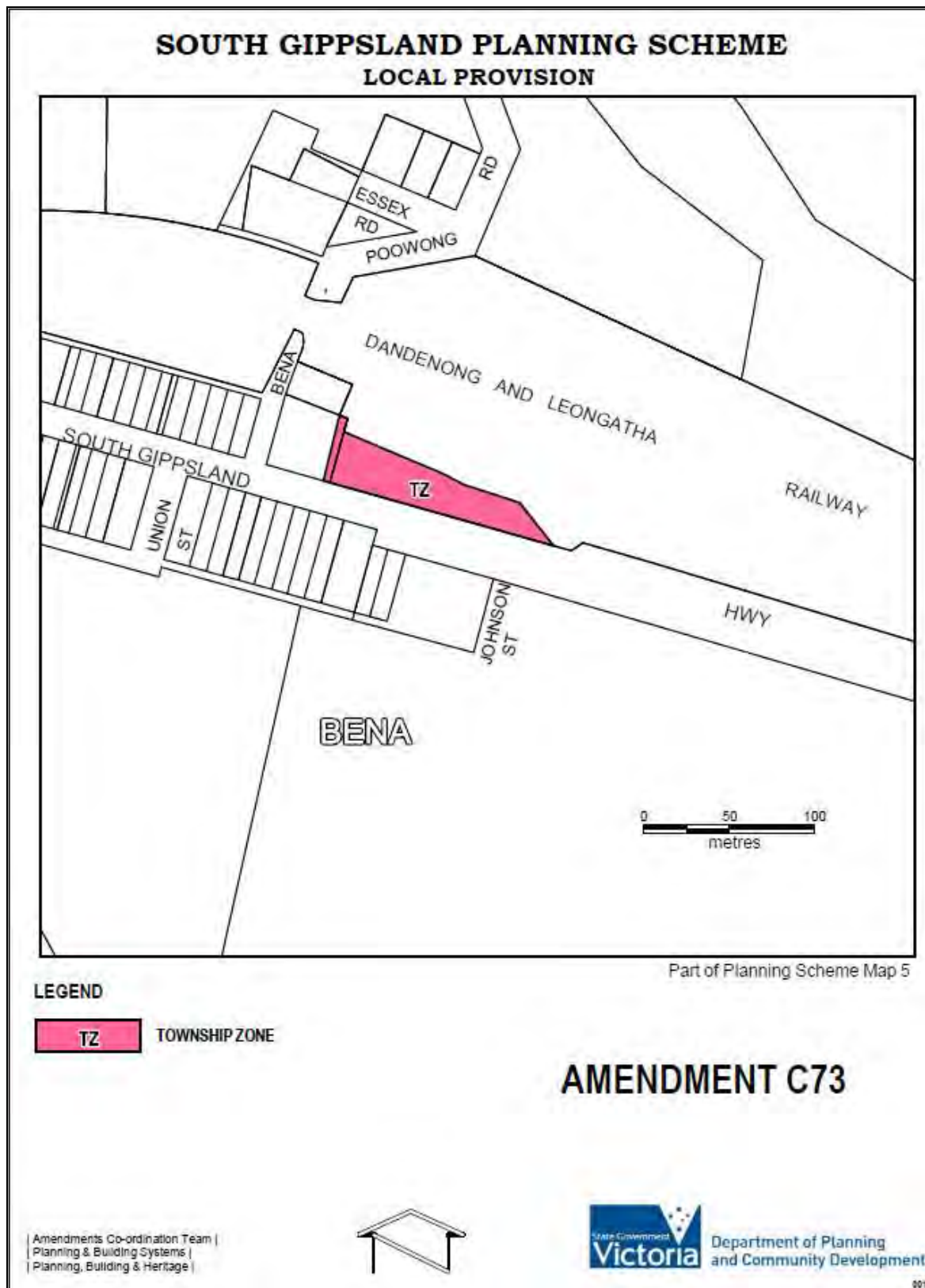
**That Council:**

- 1. Adopt Amendment C73 as exhibited and request the Minister for Planning to approve the adopted Amendment; and**
- 2. Recommend to the Minister that a permit for a 4 lot subdivision be granted at Main Road Bena VIC 3946 (being L2 LP813315 Parish of Jeetho), subject to the conditions in the draft permit 2013/174 as exhibited, under Section 96(g) of the Planning and Environment Act.**

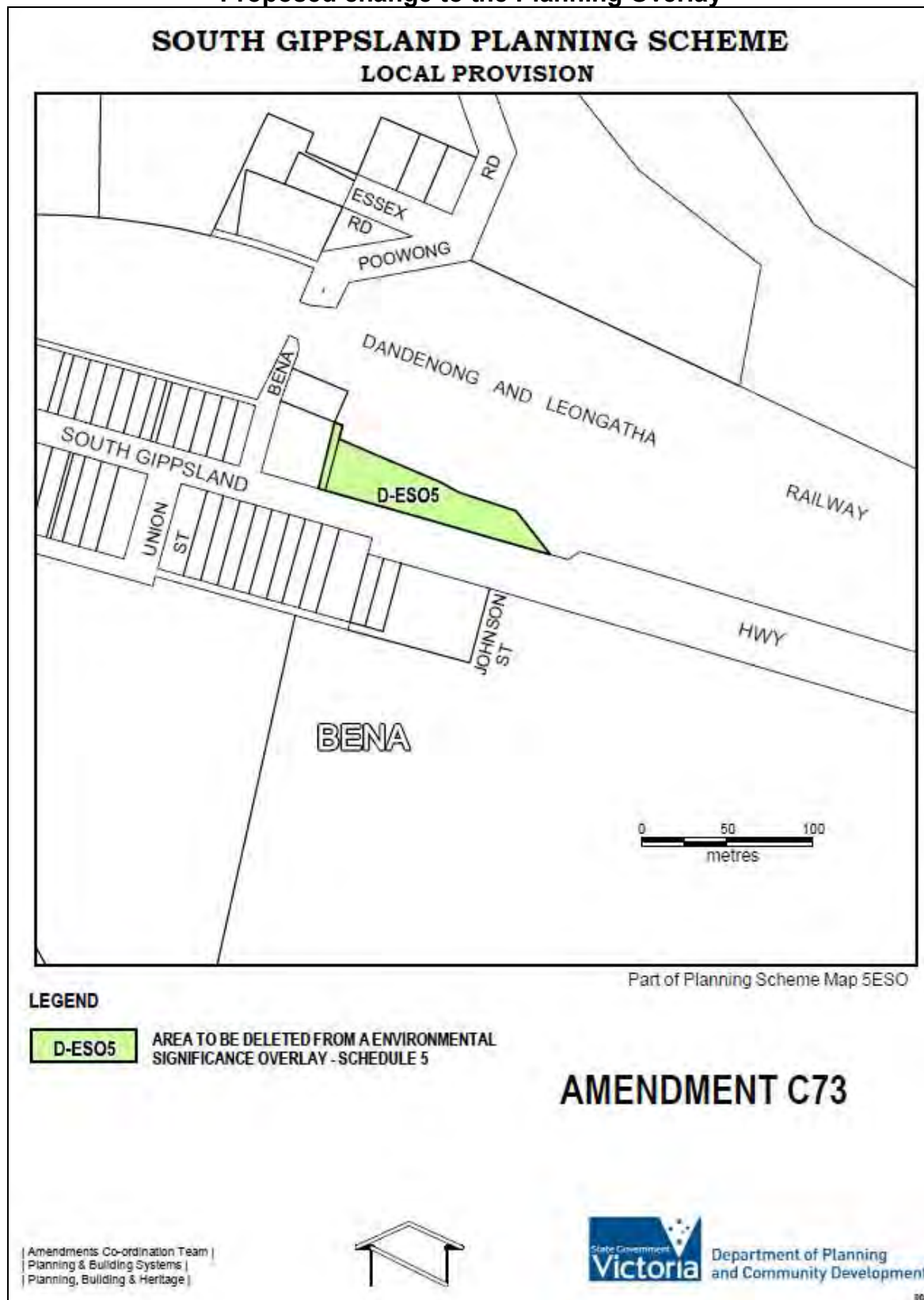
## **STAFF DISCLOSURE OF INTEREST**

Nil

**Attachment 1**  
**Proposed change to the Planning Zone**



**Attachment 2**  
**Proposed change to the Planning Overlay**



**Attachment 3**  
**Rescode Assessment (for TZ lots to be created)**

<b>Rescode objectives</b>	<b>Comments</b>
Neighbourhood character objective: To design subdivisions that respond to neighbourhood character.	Objective and Standard C6 is met. The layout and size of the lots in this subdivision will be similar to the other lots on the Main Road in Bena. The two existing dwellings on site will be retained maintaining the existing neighbourhood character, which include wide frontage and single storey houses with at least 3 metres of front setback.
56.04-2 Lot area and building envelopes objective: To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.	Objective and Standard C8 is met. All lots to be created are greater than 500 square metres and are able to contain a rectangle measuring 10 metres by 15 metres, and may contain a building envelope that meet Standards A10 and A11 in addition to the effluent disposal area. Lot dimensions and building envelopes are able to protect proposed easements and solar access for future dwellings and support the siting and design of dwellings that achieve the energy rating requirements of the Building Regulations.
56.04-3 Solar orientation of lots objective: To provide good solar orientation of lots and solar access for future dwellings.	Objective and Standard C9 is met. Dimensions of all the TZ lots are adequate to protect solar access to the lot, taking into account likely dwelling size and the relationship of each lot to the street.
56.04-4 Street orientation objective: To provide a lot layout that contributes to community social interaction, personal safety and property security.	Objective and Standard C10 are met. Subdivision provides adequate visibility and surveillance by ensuring that all lots front road.

Rescode objectives	Comments
<p>56.04-5 Common area objectives To identify common areas and the purpose for which the area is commonly held; To ensure the provision of common area is appropriate and that necessary management arrangements are in place; To maintain direct public access throughout the neighbourhood street network.</p>	<p>This objective is not relevant as the application does not propose to create Body Corporate common property.</p>
<p>56.05-1 Integrated urban landscape objectives: To provide attractive and continuous landscaping in streets and public open spaces that contributes to the character and identity of new neighbourhoods and urban places or to existing or preferred neighbourhood character in existing urban areas; To incorporate natural and cultural features in the design of streets and public open space where appropriate; To protect and enhance native habitat and discourage the planting and spread of noxious weeds; To provide for integrated water management systems and contribute to drinking water conservation.</p>	<p>This objective is met with the existing character maintained and the footpath upgraded to the standard consistent throughout the town.</p>
<p>56.06-2 Walking and cycling network objectives: To contribute to community health and well-being by encouraging walking and cycling as part of the daily lives of residents, employees and visitors; To provide safe and direct movement through and between neighbourhoods by pedestrians and cyclists; To reduce car use, greenhouse gas emissions and air pollution.</p>	<p>Objective and Standard C15 are met. The footpath stipulated in the draft permit will form part of the improvement needed to the existing walking and cycling network.</p>

Rescode objectives	Comments
56.06-4 Neighbourhood street network objective: To provide for direct, safe and easy movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood street network.	Objective is met with the existing road and network to be used and the minor upgrade to the footpaths facilitating easy movement. met
56.06-5 Walking and cycling network detail objectives: To design and construct footpaths, shared path and cycle path networks that are safe, comfortable, well-constructed and accessible for people with disabilities; To design footpaths to accommodate wheelchairs, prams, scooters and other footpath bound vehicles.	Objective and Standard C18 are met. Extension of existing footpath which is accessible and meets the relevant quality and durability standards is stipulated in the permit. It improves connectivity and integrates with the existing footpath and the proposed crossover.
56.06-7 Neighbourhood street network detail objective: To design and construct street carriageways and verges so that the street geometry and traffic speeds provide an accessible and safe neighbourhood street system for all users.	Objective and standard C20 are met. No street carriageways are created in this application. Extension of existing footpath that is accessible and meets the relevant quality and durability is stipulated in the draft permit.
56.06-8 Lot access objective: To provide for safe vehicle access between roads and lots.	Objective and standard C21 are met. VicRoads confirmed that the abutting road is not an arterial road. Relevant crossover requirement from Engineering department has been set out in the draft permit.
56.07-1 Drinking water supply objectives: To reduce the use of drinking water and to provide an adequate, cost-effective supply of drinking water.	Objective and standard C22 are met. Reticulated drinking water is not available in Bena. Cost effective on-site water tanks will serve the existing and future dwellings.
56.07-2 Reused and recycled water objective: To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.	Objective is not relevant. No reused and recycled water supply systems are available.

Rescode objectives	Comments
<p>56.07-3 Waste water management objective: To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.</p>	<p>Objective and standard C24 are met. While reticulated waste water system is not available, existing disposal systems are required to be upgraded to conform to EPA standards. Future system on the vacant lot created will be managed through the normal septic permit process.</p>
<p>56.07-4 Urban run-off management objectives: To minimise damage to properties and inconvenience to residents from urban run-off; To ensure that the street operates adequately during major storm events and provides for public safety; To minimise increases in stormwater run-off and protect the environmental values and physical characteristics of receiving waters from degradation by urban run-off.</p>	<p>Objective and standard C25 are met. Relevant requirements for a drainage management plan are stipulated in the permit.</p>
<p>56.08-1 Site management objectives: To protect drainage infrastructure and receiving waters from sedimentation and contamination; To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works; To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.</p>	<p>Objective and standard C26 are met. The application describes how the site will be managed by a site management plan with measures to control the risk of sediment and pollution entering the storm water system throughout the subdivision process.</p>
<p>55.09-1 Shared trenching objectives: To maximise the opportunities for shared trenching. To minimise constraints on landscaping within street reserves.</p>	<p>Objective is met. Shared trenching for electricity and telecommunication may be possible and will be determined as per requirements of the relevant authorities.</p>



---

Rescode objectives	Comments
56.09-2 Electricity, telecommunications and gas objectives: To provide public utilities to each lot in a timely, efficient and cost effective manner; To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.	Objectives and Standard C28 are met. Electricity and telephone line will be supplied as per the conditions in the draft permit and relevant conditions set by telecom authority independent to the permit process.

## Attachment 4 Proposed Planning Permit

Planning and Environment Regulations 2005 Form 2

### PLANNING PERMIT

GRANTED UNDER DIVISION 5 OF PART 4 OF  
THE PLANNING AND ENVIRONMENT ACT  
1987

Permit No.: 2013/174

Planning Scheme: South Gippsland

Responsible Authority: South Gippsland Shire Council

ADDRESS OF THE LAND:

Main Road, Bena VIC 3946 (12 L.P813315 Parish of  
Jeeba)

THE PERMIT ALLOWS:

The subdivision of the land into four lots and associated  
works, all in accordance with the endorsed plans.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

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

Date Issued:

Date Permit comes into  
operation:  
(or if no date is specified, the permit  
comes into operation on the same day as  
the amendment in which the permit  
applies comes into operation)

Signature for the Responsible  
Authority

Permit No.:

Page 1 of 2

Planning and Environment Regulations 2005 Form 9

demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

**SOUTH GIPPSLAND SHIRE COUNCIL WASTEWATER TEAM CONDITION**

5. Prior to Statement of Compliance the existing waste water disposal systems for the two existing houses on the land must be upgraded to contain all wastewater within the new title boundaries in accordance with the Land Capability Assessment (Ref: R3535 and R3535-1, dated 19 September 2011) and addendum letter (dated 19 November 2012) by Site Geotechnical Pty. Ltd unless otherwise approved in writing by the responsible authority.

**SOUTH GIPPSLAND SHIRE COUNCIL ENGINEERING DEPARTMENT CONDITION**

6. Unless stated otherwise in a written consent from Council, the owner must comply with the following South Gippsland Shire Councils Engineering Department conditions to Council's satisfaction prior to the issue of a Statement of Compliance:
  - a. A drainage management plan showing how lots 1 and 2 on the proposed subdivision is to be appropriately drained to the table drain in Main Road, is to be lodged with Council for approval. No works are to commence on-site until such plan is approved.
  - b. On approval of the Drainage Management Plan, all works shown on this plan are to be carried out and appropriately timed inspections undertaken as necessary. The landowner must supply written confirmation that these works have been completed.
  - c. Construction of a driveway crossover to provide access to lot 3.
  - d. Construction of a 1.5m wide concrete footpath from the existing footpath extending for approximately 30 metres to the driveway to lot 3.
  - e. Appropriate easements are to be created for existing stormwater infrastructure, in favour of the lots on the plan of subdivision.
  - f. The works associated with the proposed subdivision shall generally accord with Councils Infrastructure Design Manual (I.D.M.).
  - g. A preliminary plan showing the extent of civil construction works is to be submitted to, and approved by council, prior to the submission of detailed engineering plans.
  - h. Prior to certification, engineering plans (based on the I.D.M.) of the footpath are to be submitted to and approved by the South Gippsland Shire Council.
  - i. Upon approval of construction plans by Council, pay to Council an amount equivalent to 0.75 % of the estimated cost of construction for checking of engineering plans and computations. A certified cost estimate is to be provided by the applicant.
  - j. Number of and timing of inspections of construction work to be as agreed with Council's Engineering Department. A minimum of twenty four hours' notice is required for inspections.
  - k. Scaled "As Constructed" plans are to be forwarded to Council in paper and "pdf" format, to the satisfaction of the Responsible Authority.
  - l. Upon agreed practical completion of civil works, pay to Council an amount equivalent to 2.5 % of the actual cost of construction, being for supervision of works. A certified final cost is to be supplied by the applicant.
  - m. A twelve months Defects Liability Period shall apply to all civil engineering works requested by the South Gippsland Shire Council.

Date Issued:	Date Permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the Responsible Authority
--------------	--	---

Permit No:

Page 2 of 3

Planning and Environment Regulations 2005 Form 9

- n. Upon agreed practical completion of civil works, pay to Council an amount equivalent to 5 % of the actual cost of construction of infrastructure to be handed to Council, being for Guarantee of Works during Defects Liability Period. The amount to be refunded upon release from Defects Liability Period by Council.
- o. All work shall be carried out to the satisfaction of the South Gippsland Shire Council.

**SP AUSNET CONDITION**

7. The owner/applicant must comply with the following SP Ausnet conditions:
- a. Refer the plan of subdivision submitted for certification to SPI Electricity Pty Ltd in accordance with Section 8 of the subdivision Act 1988.
  - b. Enter into an agreement with SPI Electricity Pty Ltd for the rearrangement of the existing electricity supply system.
  - c. Enter into an agreement with SPI Electricity Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by SPI Electricity Pty Ltd.
  - d. Provide easements satisfactory to SPI Electricity Pty Ltd for the purpose of "Power Line" in the favour of "SPI Electricity Pty Ltd" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing SPI Electricity Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
  - e. Obtain for the use of SPI Electricity Pty Ltd any other easement required to service the lots.
  - f. Adjust the position of any existing SPI Electricity Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.
  - g. Set aside on the plan of subdivision Reserves for the use of SPI Electricity Pty Ltd for electric substations.
  - h. Provide survey plans for any electric substations required by SPI Electricity Pty Ltd and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years.
  - i. SPI Electricity Pty Ltd requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.
  - j. Provide to SPI Electricity Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
  - k. Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by SPI Electricity Pty Ltd. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
  - l. Ensure that all necessary auditing is completed to the satisfaction of SPI Electricity Pty Ltd to allow the new network assets to be safely connected to the distribution network

**EXPIRY OF PERMIT**

8. This permit will expire if:

Date Issued:	Date Permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the Responsible Authority

Permit No.:

Page 3 of 5

Planning and Environment Regulations 2005 Form 8

- a. The subdivision is not certified within two (2) years of the date of this permit; or
- b. The registration of the subdivision is not completed within five (5) years of the date of certification.

**NOTES:**

1. 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.
2. Pursuant to the provisions of Section 69 of the Planning and Environment Act 1987 the Responsible Authority may extend the time to certify a plan under part (a) of the expiry condition, if the request is made before the permit expires or within 6 months afterwards.  
The Responsible Authority is not able to extend the time to register the plan under part (b) of the expiry condition from the original date of certification, irrespective of whether the plan is re-certified or a new plan is certified under the provisions of the Subdivision Act 1988.
3. 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 3267.
4. The applicant should contact council prior to commencing any preliminary design plans to clarify scope of works and information required.
5. Appropriate design checklist must be forwarded with engineering plans and computations with all relevant items addressed. Failure to address all relevant items or forward appropriate information will lead to delay in the assessment of engineering plans and computations.
6. The appropriate "Consent to work within the Road Reserve" permit must be obtained from Council for all works carried out in Main Road.
7. The applicant should carry out a "Dial Before You Dig" enquiry to check the location of underground services before any works are commenced on-site.

Date Issued:

Date Permit comes into operation:  
(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

Signature for the Responsible Authority

Permit No:

Page 4 of 5

### **E.3 ANNUAL REPORT 2012-13**

Corporate Services Directorate

#### **EXECUTIVE SUMMARY**

The final Annual Report 2012-2013 (Annual Report), refer to **Appendix 1**, is presented to Council for adoption. Included in the report are the Financial Statements, Standard Statements and the Performance Statement that have recently been audited and certified by the Auditor General.

In accordance with the requirements of the Local Government Act 1989 a copy of the draft Annual Report 2012-2013 was provided to the Minister for Local Government by 30 September 2013.

The Annual Report will be made available on Council's website.

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

- **Appendix 1** - Annual Report 2012-13

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

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

The Local Government Act 1989, Section 131 Annual Report

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

South Gippsland Shire Council Annual Budget 2012-2013

South Gippsland Shire Council Annual Plan 2012-2013

#### **COUNCIL PLAN**

Outcome:	4.0	A Leading Organisation
Objective:	4.2	Pursue best practice in organisational development and operations of the organisation.

Strategy No:	4.2.2	We will monitor corporate governance processes, including risk management and skills development with the aim of ongoing improvement.
--------------	-------	---

#### **CONSULTATION**

The Draft Annual Report 2012-2013 was presented to Council at the Special Meeting on 18 September 2013. It provided a succinct summary of Council's activities and achievements throughout the 2012-2013 financial year. The Council's financial position and performance statements have been reviewed by external auditors and considered by Council's Audit Committee on 12 September 2013.

The Financial Statements, Standard Statements and the Performance Statement have also been audited and certified by the Auditor General.

## **REPORT**

### **Background**

The Local Government Act 1989, section 131 (6), requires Council to prepare an Annual Report that provides a succinct end of year summary of the Council's performance. The Annual Report must contain a series of segments required by the Local Government Act 1989 including independently audited Financial Statements, Standard Statements and the Performance Statement by the Auditor General's office.

Council's end of year financial position, based on the adopted 2012- 2013 Budget and performance result, was subject to an independent audit by the Victorian Auditor General's Office.

The Local Government Act 1989, requires Council's Annual Report to be presented to the Minister for Local Government by close of business on 30 September annually.

The draft Annual Report 2012-2013, including the Financial Statements, Standard Statements and the Performance Statement, was forwarded to the Minister for Local Government by 30 September 2013 in accordance with the Local Government Act requirements.

### **Discussion**

#### Annual Report Summary

The Annual Report 2012-2013 contained in **Appendix 1**, has been prepared to meet Council's statutory requirements and provide a detailed account of a wide range of factors that summarise Council's performance for the financial year. The Annual Report now includes the Financial Statements, Standard Statements and the Performance Statement, which were added to the previous Draft Annual Report 2012-13, after their certification by the Auditor General. The Annual Report includes:

1. A message from the Mayor and a snapshot of the year in review by the Chief Executive Officer;
2. The organisational structure, senior personnel, staffing numbers and related human resource matters;
3. An outline of the Wards and representative Councillors;
4. A succinct overview of Council Department responsibilities and highlights achieved;

5. Good governance requirements including a list of registers maintained, Freedom of Information requests processed, Protected Disclosure notifications, Human Rights, Best Value Report and National Competition Policy compliance;
6. A financial overview;
7. Local Government indicators;
8. Community grants and donations provided by Council; and
9. Annual Financial Statements, Standard Statements and the Performance Statement for the year ended 30 June 2013

In addition to the Key Strategic Activities in the Performance Statement, the remaining activities from the 2012-13 Annual Plan have also been included to provide a complete picture of the results Council set out to achieve for the financial year.

The draft Annual Report 2012-2103, Annual Financial Statements, Standard Statements and the Performance Statement for the year ended 30 June 2013 have been made public on Council's website for two weeks, as required by the Local Government Act 1989.

This report of Council's performance affirms Council's commitment to accountable and transparent good governance practices. It is also a valuable marketing tool when liaising with Government agencies, community groups and investors .

### **Proposal**

The Final Annual Report 2012-2013 is presented to Council for adoption following a two week public display period. Once adopted the Annual Report 2012-2013 will be published on Council's website and made available at various Council distribution points, which will be advertised via Council Noticeboard in the local newspapers.

### **FINANCIAL CONSIDERATIONS**

Costs associated with the publication of the Annual Report are covered within the approved budget allocation. Developing the Annual Report in-house will provide cost savings for Council compared to previous years in the order of \$2,000.

### **RISK FACTORS**

Council is required to prepare and adopt an Annual Report of its performance each year. Failure to undertake this requirement would place Council in breach of the Local Government Act. The 2012-2013 Annual Report has been prepared in accordance with legislated requirements.



## **CONCLUSION**

The Annual Report provides a succinct summary of Council's activities and achievements throughout the 2012-2013 financial year.

The Annual Report 2012-2013, refer to **Appendix 1**, is presented to Council for adoption. It includes the Financial Statement, Standard Statements and the Performance Statement, that has received certification by the Auditor General.

A copy of the Annual Report 2012-2013 including the Financial Statement, Standard Statements and the Performance Statement was sent to the Minister for Local Government by 30 September 2013, in accordance with the requirements of the Local Government Act 1989.

## **RECOMMENDATION**

**That Council:**

- 1. Adopt the Annual Report 2012- 2013.**
- 2. Publish the Annual Report 2012-2013 on Council's website.**
- 3. Make the Annual Report 2012-13 available at various Council distribution points which will be advertised via Council Noticeboard in the local newspapers.**

## **STAFF DISCLOSURE OF INTEREST**

Nil

---

## **E.4 RATING STRATEGY STEERING COMMITTEE NOMINATIONS**

Corporate Services Directorate

### **EXECUTIVE SUMMARY**

At the 28 September 2013 Council Meeting, Council determined to establish a Rating Strategy Steering Committee (Committee). This advisory Committee is to consist of a majority of community members who will assist Council in developing principles for a new Rating Strategy for Council's consideration.

Throughout September Council has sought nominations from interested community members, representing various categories of land, to be part of the Committee.

Council has received nine nominations. **Confidential Appendix 1** provides an outline of the nominees and their areas of interest, along with recommendations on the nominees to be appointed to the Steering Committee for Council's consideration. Once nominees are determined and notified, the appointed nominees will be made public and the Rating Strategy Steering Committee will be formed with meetings to commence in November 2013.

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

- **Confidential Appendix 1** - Rating Strategy Steering Committee Nominations and Recommendations

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 - Section 3C (2) (f)

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

Financial Strategy 2013-2014

Annual Plan 2013-2014

### **COUNCIL PLAN**

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

## **CONSULTATION**

Council invited nominations from interested community members representing a wide range of land holder interests to submit their interest in Council's newly formed Rating Strategy Review Committee. Consultation undertaken to encourage nominations from interested community members has included:

- Advice in Noticeboard;
- Front page access to the information kit and nomination form on Council's website [southgippsland.vic.gov.au](http://southgippsland.vic.gov.au);
- Invitation letters sent to 15 people that provided rating or fees related submissions to the 2013-2104 Budget;
- Information sent to businesses represented on Council's contact list of businesses. These included the Leongatha and Foster Chambers of Commerce, Meeniyah Tourism and Traders Association, Korumburra Business Association, Burra Foods, Strzelecki Engineering and Moo's at Meeniyah.
- Information sent to the South Gippsland Town and Districts Associations network of 40 groups. These included Progress Associations, Community Development Associations, Resident and Ratepayer Associations, Chambers of Commerce and Community Hall Committees in rural communities.
- Information sent to the Lower Tarwin Communities network of 18 representatives. These representatives are mostly from local communities including Dumbalk, Meeniyah, Stony Creek, Buffalo, Venus Bay, Tarwin Lower, and Koonwarra. They further include service agencies including the Department of Environment and Primary Industries, Community College of Gippsland, Gipps Dairy and Venus Bay Community Centre.
- Discussion and presentation to attendees at the Tarwin Lower Meeting on 17 September 2013.
- Discussion and presentation to attendees at the South Gippsland Town and Districts Association meeting on 19 September 2013.

## **REPORT**

### **Background**

An objective for a council under the Local Government Act 1989 (section 3C(2)(f)) is to ensure the equitable imposition of rates and charges.

At its meeting held on 26 June 2013 Council resolved to:

1. *Instruct the Chief Executive Officer to prepare a report for presentation at the 28 August 2013 Council meeting that examines the intent and requirements of the Ministerial Guidelines for Differential Rates and sets out the following:*
  - a. *An appropriate good governance framework for the rating strategy project.*
  - b. *Terms of Reference for a Steering Committee made up of interested Councillors, relevant Council officers, and up to 4 community members to oversee the project.*
  - c. *Identify information sources and relevant data that can inform the review in regard to capacity to pay, equity and fairness and how the various objectives for the differentials can be justified.*
  - d. *Outline an engagement process that allows various stakeholders to participate by providing submission into the review.*

Council staff conducted research to establish best practice processes being conducted in Victoria in relation to developing a Rating Strategy. A report was presented to Council on 28 August 2013 setting out the Terms of Reference for a Rating Strategy Steering Committee.

At the 28 August 2013 Council Meeting, Council adopted the following:

*That Council:*

1. *Amend its decision of 26 June 2013 to allow an increased number of greater than 4 community members to participate in the Steering Committee*
2. *Adopt the Rating Strategy Steering Committee Terms of Reference*
3. *Call for nominations for the Steering Committee*
4. *Confirm that Cr Kennedy, Cr Hill and Cr Brunt be nominated to the Committee, with the Mayor to be Chair of the Steering Committee.*
5. *Provide technical and administration support to the Steering Committee from the Corporate Services Directorate.*
6. *Instruct the CEO, Director Corporate Services and the nominated three Councillors to review the nominations and establish a Steering Committee of community representatives covering the various rate payer categories, relevant skills, experience and a commitment to volunteer their time and effort to complete the requirements of the Steering Committee.*

Throughout September, Council has sought nominations from interested community members representing various categories of land, to be part of the Committee.

### **Discussion**

The Rating Strategy Terms of Reference is targeting to have at least twice the number of community members as Councillors join the Committee, representing a cross section of the ratepayer categories. Ratepayer categories include Residential, Farm/rural, Commercial and Industrial, along with groups such as the Victorian Farmers Federation, Chamber of Commerce and Industry, not for profit organisations, tourism associations and environmental groups.

Council has received nine nominations. These nine nominees have indicated categories of greatest interest. Collectively they cover the following areas of representation:

- Farming;
- Commercial and Industrial;
- Residential;
- Retirees;
- Community Groups (not for profit)
- Tourism;
- Environment;
- Chambers of Commerce; and
- Victorian Farmers Federation.

In accordance with the Council 28 August resolution, Councillor Kennedy, Councillor Hill, Tim Tamlin Chief Executive Officer and June Ernst Director Corporate Services met on 7 October 2013 to consider the nominations. Cr Brunt was an apology. Tom Lovass Manager of Finance attended to provide technical advice, if required.

**Confidential Appendix 1** provides an outline of the nominees and their areas of interest, along with recommendations on the nominees to be appointed to the Steering Committee for Council's consideration.

Six of the nine nominations indicated an interest in representing the Farm/rural rating category. To ensure that the Committee is neither too large nor too heavily weighted towards one land category, the appointed Councillors and Officers produced a short list of seven nominees that provided a broad coverage over all the categories.

## **Proposal**

It is proposed that Council Appoint the seven recommended nominees outlined in **Confidential Appendix 1**. It is considered that the recommended nominees would provide an adequate coverage of the main rating categories for the Shire. This option will mean that two nominees representing Farmers would not be appointed to the Committee.

It is further proposed that unsuccessful nominees be notified that their application was appreciated and that Council is encouraging their continued involvement in this project throughout the public consultation phase.

Once nominees are determined by Council and notified, it is recommended that the appointed nominees will be made public and the Rating Strategy Steering Committee will be formed with meetings to commence in November.

## **FINANCIAL CONSIDERATIONS**

Financial requirements for this Committee are to be covered by existing operational budgets.

## **RISK FACTORS**

The Council is pursuing an open and transparent review of the Rating Strategy with community membership designed to exceed Council membership. This approach aims to mitigate sceptical public perceptions regarding the review of differential rating requirements upon different categories of land.

There is a risk that if the Committee does not adequately cover the main categories of land, or if one or more categories are overly represented, that the review may contain a bias and not be perceived as fair by the broader community. This risk is being mitigated by ensuring the Committee has a good blend of representatives across the main land categories, that no category is over-represented and that public consultation is undertaken to inform Council of the views of the broader community, prior to final Rating Strategy and Budget adoption.

## **CONCLUSION**

The success of the Rating Strategy Steering Committee will, in part, be dependent on the selection of a broad cross section of community members representing the various land categories.

It has been positive to have a range of community members nominate their interest and willingness to join the Rating Strategy Steering Committee. It is anticipated that the Committee will commence in November once all nominees are notified of Council's decision.

## **RECOMMENDATION**

### **That Council:**

- 1. Appoint the seven nominees recommended in Confidential Appendix 1 to the Rating Strategy Steering Committee;**
- 2. Notify successful and unsuccessful nominees of Council's decision;**
- 3. Make public and include in the Council Minutes the names of the successful nominees once all nominees have been notified; and**
- 4. Encourage unsuccessful nominees to remain involved in the review throughout the public presentation phase.**

## **STAFF DISCLOSURE OF INTEREST**

Nil

---

**E.5 SPECIAL COMMITTEES (S86) REVIEW OF DELEGATIONS TO FOSTER SWIMMING POOL, KORUMBURRA SWIMMING POOL, TOORA POOL, MIRBOO NORTH POOL AND POOWONG POOL**

Corporate Services Directorate

**EXECUTIVE SUMMARY**

As of part of Council's review of Special Committees the Instruments of Delegation for the Foster, Korumburra, Toora, Mirboo North, and Poowong Swimming Pools have been reviewed. The result of this review recommends:

- to include a self-evaluation of Committee effectiveness in the schedule to the Instruments, and
- that management of the Poowong Swimming Pool remain with Council for the foreseeable future

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

- **Attachment 1** - Instrument of Delegation Foster Swimming Pool
- **Attachment 2** - Council Resolution Foster Swimming Pool
- **Attachment 3** - Schedule Foster Swimming Pool
- **Attachment 4** - Special Committee Review Schedule

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

Local Government Act 1989 - Section 86

**INTERNAL POLICIES / STRATEGIES / DOCUMENTS**

Instruments of Delegation for Foster Swimming Pool, Korumburra Swimming Pool, Mirboo North Swimming Pool and Toora Swimming Pool

Special Committee Review Schedule

**COUNCIL PLAN**

Outcome:	4.0	A Leading Organisation.
Objective:	4. 2	Pursue Best Practice in Organisational Development and Operations of the Organisation.
Strategy:	4.2.3	We will make informed decisions and provide opportunities for the community to participate in the decision making process.



## **CONSULTATION**

All Special Committees have been advised of the review schedule and this has been discussed at information sessions held for the Special Committees.

The review progress has been considered at an Executive Leadership meeting on 19 September 2013 and a Council Briefing on 2 October 2013.

A working group from the Governance and the Community Strengthening Departments has met and reviewed the existing Instruments of Delegations. Subsequent to this both the Executive Leadership Team and Councillors at a Briefing Session have considered the Instruments. All four pools have identical Instruments. Please refer to Attachments 1, 2 and 3, which provide an example of the Instrument of Delegation for the Foster Swimming Pool Special Committee.

## **REPORT**

### **Background**

Council has adopted a schedule for the review of Special Committee Instruments of Delegation on 26 June 2013 (Attachment 4). The Foster Swimming Pool, Korumburra Swimming Pool, Toora Pool and Mirboo North Pool Special Committees were scheduled for a desktop review by Council in October 2013.

It was initially viewed that the 'draft model delegation' developed for the former Poowong Pool Special Committee, be used as a basis for the review to primarily provide further clarification of the role of the Committee and Contractors engaged by Council.

Following these considerations it is recommended that only one minor change be made, while the remainder of the existing delegations remain unchanged because:

- There is an overall review of pools management scheduled for post 2013/2014 pool season when the current pool contracts expire;
- The Committees are operating without major issues with the support of Council staff;
- Decisions made by Council in contracting management of the pools effectively overrides the existing delegations where there are any inconsistencies between the contracts and delegations; and
- The Toora Pool will have commenced operating before the intended review is completed.

The only change is a requirement for each Committee to undertake an annual self-evaluation of the effectiveness of their Committee. This change will enhance good governance and continuous improvement to service provision.

### Poowong Pool

In respect of the Poowong Pool, following the resignation and revocation of the Instrument of Delegation to the Poowong Sports Centre and Swimming Pool Special Committee in 2012, the Special Committee Review schedule has an action to:

‘Develop a draft terms of reference for a Poowong Swimming Pool Advisory Committee and to establish this by August 2013, subject to further community discussions with Councillors and Council staff prior to submitting a formal proposal to form an Advisory Committee to Council’.

To progress this action, Council has met with the team of Poowong Pool volunteers. The clear majority do not want to establish a Special Committee but wish to volunteer support, provide advice to Council and volunteer tasks to assist with the promotion of the pool for the 2013/2014 season. At this time it would seem premature to establish an Advisory Committee as the main focus of the volunteers is undertaking tasks. The majority prefer the management of the Pool remains with Council.

### **Proposal**

It is proposed that:

- a minor change be made to the Schedule which forms part of the Instruments of Delegations to the Special Committees of the Foster, Korumburra, Toora and Mirboo North Pools requiring each Committee to conduct an annual self-evaluation of the Committee's effectiveness
- the requirement to include an annual self-evaluation be included in all Special Committee Instruments of Delegations at the time of their review
- neither a Special Committee nor an Advisory Committee is required to be formed for the Poowong Pool following consultation with the volunteers.

### **FINANCIAL CONSIDERATIONS**

Not applicable

### **RISK FACTORS**

Any decision of a Council Special Committee is deemed to be a decision of Council and has been the case since the Instruments of Delegation were given to the Committees. This risk is minimised by Council staff and contractors working closely with and providing support to the Committees.

## **CONCLUSION**

The review of the Foster, Mirboo North, Toora and Korumburra Swimming Pool Special Committees has been completed. Only one minor clause has been recommended for inclusion in the Instruments of Delegation. This clause requires an annual self-evaluation of the Committee's effectiveness, as a means of identifying continuous improvement opportunities.

Further, it is recommended Council continue the management of the Poowong Swimming Pool and work with the volunteers to promote the facility.

## **RECOMMENDATION**

**That Council having reviewed the Instruments of Delegation of the Special Committees of the Foster Swimming Pool, Korumburra Swimming Pool, Toora Pool and Mirboo North Pool:**

- 1. Make no change to the Instruments other than the inclusion of a clause in the Schedule to the Instrument for the Committees to carry out an annual self-evaluation of Committee effectiveness;**
- 2. At the time of the review of all other Special Committees include a clause to carry out an annual self-evaluation in the Schedule to the Instrument for the Committees; and**
- 3. Determine that management of the Poowong Swimming Pool remains with Council for the foreseeable future.**

## **STAFF DISCLOSURE OF INTEREST**

Nil

## Attachment 1

### South Gippsland Shire Council Instrument of Delegation

#### Foster Swimming Pool

South Gippsland Shire Council ("Council") delegates to the special committee established by resolution of Council passed on 7<sup>th</sup> December, 2005 and known as the Foster Swimming Pool Special Committee ("the Committee"), the powers and functions set out in the Schedule, and declares that:

1. this Instrument of Delegation is authorised by a resolution of Council passed on 7<sup>th</sup> December, 2005.
2. the delegation:
  - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
  - 2.2 remains in force until Council resolves to vary or revoke it; and
  - 2.3 is to be exercised in accordance with the guidelines or policies which Council from time to time adopts; and
3. all members of the Committee will have voting rights.

The Common Seal of the  
South Gippsland Shire Council  
was hereunto affixed this 7th day  
of December 2005, in accordance with  
Local Law Number Thirteen in the presence of

.....  
Councillor

.....  
Chief Executive Officer

## Attachment 2

### **Council Resolution — Appointment and Delegation (Special Committees)**

In exercise of the powers conferred by sections 86 and 88 of the *Local Government Act 1989* ("the Act"), Council resolves that:

1. From the date of this resolution, there be established as a special committee, Foster Swimming Pool Special Committee.
2. The purposes of the Committee are those set out in the schedule to this resolution.
  - 2.1 The members of the Committee are:

John Barrie	Alister Garrow	Miranda Staley
Jan Raimondo	Greg Mattingley	Carlene Hurst
Ian Lyon	Bill O'Hara	
- Council shall have the power to appoint the Chairperson.
3. The Committee is required to report to Council at the intervals specified in the schedule to this resolution.
4. The committee is appointed for a period of one year, with the Annual General Meeting (AGM) to be held in July (or at another time by agreement with Council).
5. A quorum for the Committee is a whole number that is an absolute majority of the number of members of the Committee.
6. All members of each Committee have voting rights on the Committee.
7. There be delegated to the Committee the powers, duties and functions set out in the attached Instrument of Delegation ("the Instrument").
8. The Instrument:
  - 8.1 comes into force immediately the common seal of Council is affixed to the Instrument; and
  - 8.2 remains in force until Council determines to vary or revoke it.
9. The powers, duties and functions conferred on the Committee by the Instrument must be exercised in accordance with any guidelines or policies Council may from time to time adopt.
10. The Instrument be sealed

December 2005 Note: Committee members approved by the Chief Executive Officer as per Instrument of Delegation sealed by Council 7 December 2005

## Attachment 3

### **SCHEDULE** **Foster Swimming Pool**

#### **Purpose**

To exercise Council's functions and powers and to perform Council's duties in relation to the management of a swimming pool.

#### **Reporting requirement**

The Committee must report to Council according to Clauses 2, 3, 4, 16, 17, 19, 21, 22, 24 and 29 in the Schedule of the Instrument of Delegation of the Foster Swimming Pool Special Committee.

## **SCHEDULE**

### **Foster Swimming Pool**

#### **Powers and Functions**

To exercise Council's functions and powers to perform Council's duties in relation to the management of the Foster Swimming Pool, and for those purposes;

#### **Administration**

1. To do all things necessary or convenient to be done for or in connection with the performance of those functions, duties and powers;
2. To provide Council with monthly income and expenditure reports and minutes of every meeting and a Treasurer's report;
3. To provide Council with an annual report, to be submitted within one month of holding the AGM and including:
  - Patronage, by category
  - User groups
  - Injuries and Accidents
  - Maintenance/Improvements undertaken and future requirements
  - Evaluation of operations and management
  - Annual self-evaluation of the Committee's effectiveness
  - Other relevant matters;
4. To provide Council with a monthly written report during the swimming season on
  - Daily pool conditions
  - Water testing log for each month
5. To be the point of contact for the public with respect to the operation of the Foster Swimming Pool. All matters shall be referred to the committee for resolution in the first instance. All requests shall be dealt with promptly and the Council shall be kept informed at all times;
6. To ensure that the decisions and policies of Council are implemented/adhered to without delay;

#### **Facility Use**

7. The power to negotiate the use of facilities with user groups and the power to approve programs operating from the Foster Swimming Pool;
8. The power to set dates and opening/closing times;
9. To ensure that the Foster Swimming Pool is used only for the purposes appropriate to the facility.

10. To ensure that the facility is operated in accordance with Life Saving Victoria Guidelines for Safe Swimming Pool Operations.

#### **Finance**

11. The power to implement user fees as set by Council;
12. To enter into employment contracts under \$35,000;
13. To enter into contracts, other than employment contracts, that incur expenditure under \$2000, with approval being required from Council for contracts over \$2000;
14. The power to open and maintain a bank account at a bank and branch approved by Council, into which all monies received by the Committee shall be paid. All cheques drawn on the account shall be signed by any two of the following:
  - Chairperson
  - Vice Chairperson
  - Secretary
  - Treasurer;
15. To pay all utility, municipal and water charges incurred in occupying the premises;
16. To provide Council with adopted financial statements by 31 July, with support documentation being available on request;
17. To provide Council with a proposed budget for the forthcoming year, within seven (7) days of the end of the financial year;
18. The power to apply income received from facility users to the ongoing operation and management of the Foster Swimming Pool;

#### **Maintenance**

19. To provide an annual 'Facility Maintenance Report' detailing all anticipated maintenance for the following financial year that is submitted to Council by January 31 of the preceding year;
20. The authority to undertake minor repairs up to the value of \$500, however consent from Council's Property Co-ordinator must be gained for any maintenance item over \$500, that has not been anticipated in the 'Facility Maintenance Report'. Any works must be carried out by qualified personnel, relative to the task being performed, and all certificates of compliance must be forwarded to Council immediately, upon completion.
21. To make no structural alterations or additions to the premises without the written consent of Council's Engineering and Assets department;



- 22 To maintain a register of keys issued by the committee and to include these details in the annual 'Facility Maintenance Report'. Council must be provided with a set of keys to all external and internal locks. Any change in locking system must be in accordance with Council's restricted lock system and should be paid for by the committee;

**Risk Management/Insurance**

- 23 To ensure that the facility is maintained in a manner that meets all WorkCover and Occupational Health and Safety Regulations. Council may provide an inspection on at least two occasions per annum;
- 24 A Register of injuries/accidents will be maintained and a copy of this register forwarded to the Risk Management Officer at Council at the end of every season. All serious accidents (anything that requires more than first aid attention) will be reported immediately to Council;
- 25 The committee will ensure that the facility is operated in accordance with current Royal Life Saving Society of Australia Guidelines as found in the *Safety in Swimming Pools – Guidelines for Safe Pool Operations*;
- 26 The committee shall ensure that users, such as schools and swimming program operators, carry their own public liability insurance, where required, that covers their negligence;
- 27 The committee shall ensure that any workers or contractors who have been engaged to complete work on the premises shall carry their own public liability insurance;
- 28 To maintain a weekly checklist, provided by Council, relating to building safety, and make available to Council staff when requested;
- 29 To ensure that volunteers complete a registration form that is to be forwarded to Council's Risk Management Officer. Volunteer groups must be supervised by a member of the committee at all times. Each committee must maintain a volunteer register containing names, addresses, type of activity performed, times of work and volunteer signature;
- 30 To contact Council's Risk Management Officer, before volunteers commence any work to determine whether training is required;
- 31 To adhere to all statutory and legislative requirements;

#### **Employment/Contract Responsibilities**

32. Committees who choose to contract part or all of the operations of the pool to a registered business, must advise Council of their intention to let a contract. The contract must include indemnification of Council against any action.
33. Where committees intend to recruit staff directly, Council will provide details on recruitment conditions and responsibilities. Where necessary, the Human Resources Department and Risk Management Department will be involved in the induction of new staff. The Council CEO or delegate is to be advised of any staff appointments prior to commencement;

#### **Exceptions, Conditions and Limitations**

The Committee is not authorised by this Instrument to:

34. Enter into contracts above \$35,000, or incur expenditure, for an amount which exceeds the approved budget;
35. Exercise the powers which, by force Section 86 of the Act, cannot be delegated;
36. Borrow funds.

## Attachment 4

### South Gippsland Shire Council

#### Special Committees (Section 86) Instrument of Delegation Review Schedule (adopted by Council 26 June 2013)

Committee name	Recommended Action / Approach	Review to Council by	Status
<b>Phase 1 – short term</b>			
Rowwong Sports Centre & Swimming Pool	<b>Action:</b> To develop a draft terms of reference for a Rowwong Swimming Advisory Committee and to establish this by August 2013, subject to further community discussions with Councillors and Council staff prior to submitting a formal proposal to form the Advisory Committee to Council.	Sep 2013	In progress – recommend to Council to not form an Advisory Committee at this point.
Corner Inlet Drainage Area Advisory Committee	<b>Action:</b> write to the Minister for Water to encourage a clear policy direction. <b>Action:</b> liaise with the WGCMA to plan a potential transfer of responsibility. <b>Action:</b> continue to liaise with the S86 committee.	N/A Unless Council is confirmed as the responsible authority	In progress – a briefing will be provided to Council in Nov 2013 regarding ENRC recommendations.
Port Welshpool Maritime Museum	<b>Action:</b> Conduct desk top review of delegation and make recommendations for any changes. <b>Action:</b> investigate the feasibility of Coal Creek staff assisting the Committee to provide additional support.	Feb 2014	Not started.
<b>Phase 2 – short – medium term</b>			
T P Taylor Reserve	<b>Recommendation:</b> defer reviewing the Instrument of Delegation until the Business Plan, including development of the property, is confirmed and developed which is expected by July 2013.	Feb 2014	Not started.

Committee name	Recommended Action / Approach	Review to Council by	Status
Foster Swimming Pool	<b>Action:</b> review the delegation following the 2012 / 2013 pool season using the 'draft model delegation' that was developed for the Poolwong committee prior to its resignation, as a model, which includes further clarification of the role of the Committee and Contractors engaged by Council.	Oct 2013	In progress - Desktop review Sept 2013. Recommend no changes to Delegation at 23 October 2013 Council Meeting.
Korumburra Swimming Pool	<b>Action:</b> Conduct desktop review of delegation possibly using the 'draft model delegation', which includes further clarification of the role of the Committee and Contractors engaged by Council.	Oct 2013	As above
Mirboo North Swimming Pool	<b>Action:</b> Conduct desktop review of delegation possibly using the 'draft model delegation', which includes further clarification of the role of the Committee and Contractors engaged by Council.	Oct 2013	As above
Toora Swimming Pool	<b>Action:</b> Conduct desktop review of delegation possibly using the 'draft model delegation', which includes further clarification of the role of the Committee and Contractors engaged by Council.	Oct 2013	As above
<b>Phase 3 – medium term</b>			
John Tennil Park	<b>Action:</b> Conduct desk top review of delegation and make changes to delegations where necessary.	Apr 2014	Not started
Korumburra Public Park	<b>Action:</b> Conduct desk top review of delegation and make changes to delegations where necessary, including potential consideration of transitioning the Committee to be an Advisory Committee.	Apr 2014	Not started
Walter Tuck Reserve	<b>Action:</b> Conduct desk top review of delegation and make changes to delegations where necessary.	Apr 2014	Not started
Foster Showgrounds	<b>Action:</b> Conduct desk top review of delegation and make changes to delegations where necessary.	June 2014	Not started

Committee name	Recommended Action / Approach	Review to Council by	Status
Meerivian Sports Stadium	<b>Action:</b> Conduct desk top review of delegation and make changes to delegations where necessary.	June 2014	Not started
Foster WMAAC & Senior Citizens	<b>Action:</b> Conduct desk top review of delegation and make changes to delegations where necessary.	June 2014	Not started
Korumburra Recreation Reserve	<b>Action:</b> Conduct desk top review of delegation and make changes to delegations where necessary.	June 2014	Not started
<b>Phase 4 – medium to longer term</b>			
Toora Tennis Court Reserve	<b>Action:</b> Conduct desk top review of delegation and make changes to delegations where necessary.	Sept 2014	Not started
Leongatha Court House	<b>Action:</b> Conduct desk top review of delegation and make changes to delegations where necessary.	Sept 2014	Not started
Allambie South Community Hall	<b>Action:</b> Conduct desk top review of delegation and make changes to delegations where necessary.	Sept 2014	Not started
Dumbalk Hall & Ladies Auxiliary Committee	<b>Action:</b> Conduct desk top review of delegation and make changes to delegations where necessary.	Sept 2014	Not started
Korumburra Community Access Centre	<b>Action:</b> Conduct desk top review of delegation and make changes to delegations where necessary, including consideration of the payment of utilities.	Sept 2014	Not started
Mardan Hall	<b>Action:</b> Conduct desk top review of delegation and make changes to delegations where necessary.	Dec 2014	Not started
Mirboo North Hall	<b>Action:</b> Conduct desk top review of delegation and make changes to delegations where necessary.	Dec 2014	Not started
Stockyard Gallery	<b>Action:</b> Conduct desk top review of delegation and make changes to delegations where necessary.	Dec 2014	Not started

---

## **E.6 MAV STATE COUNCIL MEETING - NOTICES OF MOTION FOR SUPPORT**

Corporate Services Directorate

### **EXECUTIVE SUMMARY**

Municipal Association of Victoria is holding its State Council Meeting on Friday 25 October 2013. Mayor Councillor Kieran Kennedy is Council's appointed MAV Representative and has the power to vote for or against Motions at the Meeting on behalf of Council.

MAV imposed deadlines for Motions made it difficult to bring Motions before Council for consideration and support prior to their submission. Council submitted one Motion relating to a request for the increase of funding from the State to VicRoads to support road maintenance. Council also received requests from neighbouring Gippsland Councils to support their submitted Motions.

The Chief Executive Officer has provided 'in principle' support for all Motions by way of letters of support noting that all Gippsland Motions will be officially considered at the October Council Meeting. MAV requests written confirmation for any Motions that have external Council support.

This Report puts forward Council's Motion and five neighbouring Gippsland Council Motions for consideration and to officially endorse Council's MAV Representative to support each Motion at the upcoming State Council Meeting.

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

- **Attachment 1** - MAV State Council Motion: South Gippsland Shire Council - Increase Road Maintenance Funding To VicRoads From The State
- **Attachment 2** - MAV State Council Motion: East Gippsland Shire Council - Continuity Of Staff Resourcing Department Of Environment And Primary Industry
- **Attachment 3** - MAV State Council Motion: Bass Coast Shire Council - Rating Exemption For Charitable Land
- **Attachment 4** - MAV State Council Motion: Bass Coast Shire Council - Multiple Land Use Framework
- **Attachment 5** - MAV State Council Motion: Baw Baw Shire Council - Mav Lobby On Behalf Of Local Government In Relation To Preferred Model For Management Of Waterways And Drainage Schemes That Does Not Require It To Collect Drainage Levies.
- **Attachment 6** - MAV State Council Motion: Wellington Shire Council - Changes to Natural Disaster Relief and Recovery Arrangements.



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

- Victoria the Freight State - Victorian Freight and Logistics Plan August 2013: Direction 9 - An Efficient Road Freight Network
- Gippsland Freight Strategy June 2013: Action Item 8 - Improve Industry Productivity In Gippsland By Maintaining Road Conditions To Appropriate Performance Standards.
- Gippsland Regional Growth Plan (Draft) June 2013: 14.2 Transport Networks - Safe, Reliable and Resilient Network.

## **COUNCIL PLAN**

Outcome:	1.0	A Prosperous Shire
Objective:	1.2	Raise the Awareness of Local and Regional Issues with State and Federal Decisions Makers

## **CONSULTATION**

Due to restrictive timelines, only a brief amount of consultation has been possible in relation to the submitted Motions. Many of these motions were discussed at a recent Gippsland Local Government Network Meeting consisting local Mayors and CEOs.

## **REPORT**

### **Background**

Each year councils have the opportunity to put forward Notices of Motions relating to matters of strategic significance to local government for consideration at the Municipal Association Victoria (MAV) State Council Meeting.

Should the motions be carried at the State Council Meeting, MAV then make representations on behalf of Local Government to the State and Commonwealth as appropriate to advocate for the matters.

### **Discussion**

The MAV State Council Meeting is scheduled for Friday 25 October 2013. Deadlines for Motions closed on Friday 27 September 2013 and therefore did not provide ample time for Motions to be considered by Council at an earlier Council Meeting.

South Gippsland Shire Council with support from the CEO and Mayor, submitted a Motion to MAV calling for increased funding from the State to VicRoads to improve the level of service on our roads. This Motion is provided at **Attachment 1**.

Five other Motions have been submitted by Gippsland Councils and are provided at **Attachments 2 through 6** for consideration.

## **Proposal**

It is proposed that Council support its MAV Representative Mayor Kieran Kennedy to support the Gippsland Motions by speaking (where appropriate) and voting in favour of the Motions at the State Meeting.

## **FINANCIAL CONSIDERATIONS**

N/A

## **RISK FACTORS**

By providing support to these motions and creating a united Gippsland Local Government voice, Council can help mitigate the risk of the Gippsland region not being heard at State and Federal Government Level.

## **CONCLUSION**

After review of Motions it is considered that they are important to Local Government and therefore recommends Council support all Motions.

## **RECOMMENDATION**

**That Council:**

- 1. Note the Municipal Association of Victoria (MAV) State Council Motion submitted by South Gippsland Shire Council and encourage the MAV Representative Mayor Kieran Kennedy to speak and vote in support of this Motion at the MAV State Council Meeting on 25 October 2013.**
- 2. Further support the MAV Representative to speak (where appropriate) and vote in favour of the following Motions put forward by Council's neighbouring Gippsland Councils at the MAV State Council Meeting on 25 October 2013:**
  - a. East Gippsland Shire Council - Continuity Of Staff Resourcing Department Of Environment And Primary Industry**
  - b. Bass Coast Shire Council - Rating Exemption For Charitable Land**
  - c. Bass Coast Shire Council - Multiple Land Use Framework.**
  - d. Baw Baw Shire Council - MAV Lobby On Behalf Of Local Government In Relation To Preferred Model For Management Of Waterways And Drainage Schemes That Does Not Require It To Collect Drainage Levies.**
  - e. Wellington Shire Council - Changes to Natural Disaster Relief and Recovery Arrangements.**



**3. Advise the relevant Gippsland Councils of this decision.**

**STAFF DISCLOSURE OF INTEREST**

Nil

**Attachment 1**  
**MAV State Council Motion - South Gippsland Shire Council**

<b>MOTION</b> <b>INCREASE ROAD MAINTENANCE FUNDING TO VICROADS FROM THE STATE</b> <i>Submitted by: South Gippsland Shire Council</i>
<b>MOTION:</b> That the MAV call on the State government to increase their Road Maintenance Funding Allocation to provide VicRoads with sufficient funds to meet community and transport industry customer service levels and performance standard expectations which are currently not being met.
<b>RATIONALE:</b> Since the contracting out of road maintenance in the 1980s and the introduction of the Road Management Act in 2004, the focus of road maintenance has shifted from a proactive approach to a cost minimisation, risk management and reactive maintenance approach.  The Road Management Act fundamentally set the level of service in balance with the level of funding. The long standing drought reduced the amount of work required to meet established performance standards of the 1990 to 2010 period. When the drought broke around 2010/11 it exposed a road network that had been neglected from preventive maintenance activities such as table drain maintenance. The increased wet weather resulted in wet pavements and the rapid increase in pavement defects. Road authorities found themselves with a network requiring intensive road maintenance works without the necessary funding to support the task. Road authorities had no other option but to change the service levels to reflect the available road maintenance budget. These new service levels are what we are all currently experiencing. Blowing a tyre on a pothole was once a rare event but now sadly, it is a common occurrence following a few days of wet weather.  The May 2013 State Government announcement of \$170m in additional funding, over a three-year period, to road maintenance was a well needed boost but still short of the required amount to see a return to meeting customer expectations.  Additional funding will provide the opportunity to move from a reactive to a proactive maintenance approach which will see pavement defects prevented before they are given a chance to occur. This reduces the overall time and cost of the repair and above all provides a safer road network for our communities, while reducing the cost of the freight task which benefits our economy.  This request is supported by the following key strategic documents/partners: <ul style="list-style-type: none"><li>• <i>Victoria the Freight State</i> - Victorian Freight and Logistics Plan August 2013: Direction 9 - an efficient road freight network</li><li>• <i>Gippsland Freight Strategy June 2013: Action Item 8 - Improve Industry Productivity In Gippsland By Maintaining Road Conditions To Appropriate Performance Standards.</i></li><li>• <i>Gippsland Regional Growth Plan (Draft) June 2013: 14.2 Transport Networks - safe, reliable and resilient network.</i></li><li>• In-Principle support from Gippsland Local Government Network Councils</li></ul>

**Attachment 2**  
**MAV State Council Motion - East Gippsland Shire Council**

**MOTION**  
**CONTINUITY OF STAFF RESOURCING – DEPARTMENT OF ENVIRONMENT AND PRIMARY INDUSTRY**

*Submitted by: East Gippsland Shire Council*

**MOTION:**

That the MAV seek a commitment from the Victorian Government to ensure that adequate staff resources are maintained to ensure that the statutory approvals functions undertaken by the Department of Environment and Primary Industry are effectively undertaken despite the need to manage a range of fire related activities.

**RATIONALE:**

The importance of ensuring that Victoria has an effective fire management program and resources is well understood, as are the obligations that the Victorian Government has in respect to a range of responsibilities to ensure appropriate fire prevention works, fire suppression and recovery activities. It is also acknowledged that these responsibilities have increased and that the level of professionalism and responsibility associated with the conduct of these activities has also grown.

While it is understood that there will be circumstances where staff resources will need to be redeployed for fire suppression purposes, the experience of East Gippsland Shire is that staff are being redeployed from their usual roles for extended time periods to accommodate training, participation in fuel reduction burning exercises as well as supporting activities during an actual event.

The effect of the extended redeployment means that there is a significant impact on the efficiency and effectiveness of the Department to be able to meet a range of statutory responsibilities in a timely manner. This is particularly the case in respect to:

- Planning permit referral and advice responses;
- Native Title Clearances; and
- Processing of consents under the Coastal Management Act.

East Gippsland Shire has observed significant delays in receiving relevant input to and in resolving necessary approvals from the Department. This has significant consequences for private development, but also presents major impediments to Council's delivery of capital works projects on behalf of the community.

It is considered important that adequate resourcing be provided to ensure that there is continuity in the way that the Department attends to statutory approvals processes for which they are responsible where the impacts of fire fighting and other related activities will result in the absence of key staff members.

---

**Attachment 3**  
**MAV State Council Motion - Bass Coast Shire Council**

**MOTION**

**RATING EXEMPTION FOR CHARITABLE LAND**

*Submitted by: Bass Coast Shire Council*

**MOTION:**

That the MAV request the Minister for Local Government to support the amendment of the Local Government Act 1989 to include a definition of 'charitable purposes' that clearly excludes the conduct of substantial commercial activities by charitable bodies.

**RATIONALE:**

The Local Government Act 1989 exempts land used exclusively for charitable purposes from the payment of Council rates. Even where land is used to carry on a business for profit, it is exempt from paying rates where such use is necessary for, or incidental to, a charitable purpose. The Act does not define the term 'charitable purposes'.

Bass Coast Shire Council has expressed concerns that there might be charitable organisations in the Shire that are currently exempt from paying rates, even though they might be conducting substantial commercial activities from their land.

In some instances, even though an organisation may be a charitable body, some of its activities can seem to be substantially commercial in nature. Where this happens, the charitable body can, and has argued that the proceeds of these activities go towards the funding of its charitable activities, and as such, land used for such purposes, is considered to be used for 'charitable purposes'.

The lack of a clear definition of 'charitable purposes' in the Act can give rise to legal disputes that can be costly and also create a perception in the community that not everyone is contributing equitably to the rate burden.

The lack of definition makes it difficult to separate those charitable organisations that carry out minor commercial activities to those that might conduct substantial commercial activities.

**Attachment 4**  
**MAV State Council Motion - Bass Coast Shire Council**

<b>MOTION</b> <b>MULTIPLE LAND USE FRAMEWORK</b>
<i>Submitted by: Bass Coast Shire Council</i>
<b>MOTION:</b> That the MAV seek a commitment from the Victorian Government that thorough and meaningful community engagement will be undertaken to inform the development and application of the Multiple Land Use Framework in Victoria.
<b>RATIONALE:</b> The motion presented seeks to get a clear commitment from the State Government to undertake thorough and meaningful engagement with the community before proceeding to implement the Multiple Land Use Framework in Victoria. The process of engagement will enable a social licence to be established and to shape the framework to the Victorian environment.  In August 2012 the State Government placed a moratorium on approvals for hydraulic fracturing and a hold on issuing new exploration licenses for coal seam gas. The moratorium was linked to the development of the National Harmonised Regulatory Framework for Natural Gas from Coal Seams (Harmonised Framework).  The Harmonised Framework was finalised in May 2013. The Harmonised Framework is based on multiple and continuing land use and relies on the utilisation of a Multiple Land Use Framework. The guiding principles of the Multiple Land Use Framework are articulated in the Harmonised Framework (page 13) but the Multiple Land Use Framework not been subject to community consultation.  The Harmonised Frameworks makes the following observations about social licence and community engagement:  <i>However, unless a community is engaged with and supportive of operations, the industry will not be able to claim or maintain its social licence and continued operations will be unsustainable.</i>  <i>The community, industry and governments are the key participants in the development of the industry. Open and honest dialogue and constructive negotiation are critical to developing productive relationships between participants.</i>  <i>Community engagement should include upfront and honest conversations and negotiations - providing information on activities and operations in the short and long term and the impacts that those activities may have on local communities.</i>  On 22 May 2013 the Victorian Parliament's Economic Development and Infrastructure Committee tabled the report of its inquiry into greenfields mineral exploration in Victoria. On 29 May the Minister for Energy and Resources Nicholas Kotsiras released the Government's response to the report and the media release stated that there would be ' <i>stronger stakeholder and community</i>

*engagement to make sure communities get the facts about activities in their locality, their rights and the regulatory process'.*

The Government response articulates on page 6 that '*Regional Growth Plans will aid future strategic planning by identifying important resources, providing direction for accommodating growth and change, showing which areas can accommodate growth and streamlining planning policy. And in relation to the Multiple Land Use Framework the Government will 'Assess Victoria's Planning framework in light of the National Multiple Land Use Framework'.*

The draft Gippsland Regional Growth Plan, that is in the process of being endorsed by each Gippsland Council before being submitted to the Minister for approval, maps agricultural land of national strategic significance.

Further information regarding the National Harmonised Regulatory Framework for Natural Gas from Coal Seams can be found on the Standing Council on Energy and Resources website here: <http://www.scer.gov.au/workstreams/land-access/coal-seam-gas/>

News on potential intervention by the Federal Government in NSW Coal Seam Gas projects can be found here: <http://www.abc.net.au/news/2013-09-26/federal-intervention-to-kickstart-nsw-csg-sector/4982316>

**Attachment 5**  
**MAV State Council Motion - Baw Baw Shire Council**

**MOTION**  
**MAV LOBBY ON BEHALF OF LOCAL GOVERNMENT IN RELATION TO PREFERRED MODEL FOR MANAGEMENT OF WATERWAYS AND DRAINAGE SCHEMES THAT DOES NOT REQUIRE IT TO COLLECT DRAINAGE LEVIES.**

*Submitted by: Baw Baw Shire Council\**

**MOTION:**

That the MAV lobby on behalf of local government

1. That preferred model for management of waterways and drainage schemes is regionally based and with the necessary power, resources and resolve to discharge its responsibilities.
2. That local government should not become the debt collector of the state government by asking it to collect Drainage levies.

**RATIONALE:**

Drainage assets are generally interconnected within the waterways and as such all responsible authorities need to manage their assets effectively, for the entire drainage system to properly function. In some instances, drainage catchments also span several local government areas which make it problematic for individual councils to manage their respective issues. This highlights the need for an overarching body (or bodies) to oversee the maintenance and restoration works of the waterways.

The Parliament Inquiry into Rural Drainage in Victoria (June 2013) advocates a beneficiary pays model where any agreement would be difficult to reach on the level of funding required to restore and maintain the drainage system. There is a concern on how local government can guarantee that those contributing to the problem also pay their fair share, either by levy or other mechanism. The collection of such a levy should not be dependent on a majority support and must not be the role of local government.

A preferred model would be that the final responsibility for the waterways rests with regional bodies (ie. Catchment Management Authorities) who have responsibility to implement and operate declared drainage schemes. As part of this model, those authorities should have the power and importantly resolve to propose fees under a tariff in designated declared drainage schemes.

As a result of poor maintenance levels in the past, it is unreasonable for affected communities to bear the responsibility for any significant cost to return the assets to an acceptable maintenance conditions. The state government should bear the lion's share of this cost.

As currently proposed by the Parliament Inquiry, it is considered inappropriate for local government to be required to mediate disputes between the private land owners. Local government's past experience indicates that mediating such disputes is non productive, time intensive, adversarial and frequently does not resolve the issue and is still likely to progress to a third party (ie.VCAT tribunal).

**Attachment 6**  
**MAV State Council Motion - Wellington Shire Council**

<b>MOTION</b> <b>CHANGES TO NATURAL DISASTER RELIEF AND RECOVERY ARRANGEMENTS</b>
<i>Submitted by: Wellington Shire Council</i>
<b>MOTION:</b> That the MAV seek : <ul style="list-style-type: none"><li>• Reconsideration of recent changes made to the Natural Disaster Relief and Recovery funding arrangements that now prevent Local Government from accessing funding on behalf of communities to reinstate / repair walking paths and trails, sporting and recreation facilities and other community infrastructure damaged by natural disasters.</li></ul>
<b>RATIONALE:</b> <p>In December 2012 the Australian Government made changes to the Natural Disaster Relief and Recovery Arrangements through the approval of a new determination. These new arrangements are now in effect.</p> <p>This determination states that funding provided to Local Government post emergency events will only be provided to fund Essential Public Infrastructure. Essential public infrastructure is considered to generally include facilities associated with health, education, transport, justice or welfare related assets. Walking paths and trails, sporting and recreation facilities and other community infrastructure will now not be funded through these arrangements if they are impacted during a natural disaster.</p> <p>The significant, detrimental impact this funding decision has had on a disaster affected community is demonstrated through the process that the Seaton / Heyfield community is still working through post the January 2013 Aberfeldy-Donnellys fire to reinstate community infrastructure. This fire caused the death of one person and destroyed nineteen houses in addition to severely damaging the Seaton Recreation Reserve and Tennis Court. This is the only community infrastructure in the town.</p> <p>A community committee including several people directly impacted by the fire, has been required to submit funding applications to a range of state government departments, community groups and organisations to fund repairs to the recreation hall, fencing, amenities block and playground.</p> <p>Local Government believes this is an unreasonable burden placed on a community that is struggling to recover from a natural disaster and demonstrates the importance of the reinstatement of access to disaster relief and recovery funding that enables the reinstatement / repair of paths and trails, sporting and recreation facilities and other community infrastructure impacted by natural disasters.</p>



## **E.7 NEW ROAD NAMES IN THE LOCALITIES OF KARDELLA, KARDELLA SOUTH AND TOWNSHIP OF KORUMBURRA**

Engineering Services Directorate

### **EXECUTIVE SUMMARY**

The purpose of this report is to formalise the road names of the following unnamed roads:

- Road 1 traversing in a northerly direction for 100 metres off Princes St, in the township of Korumburra as 'Wrights Close'.
- Road 2 traversing in a northerly direction for 350 metres off One Chain Road, in the locality of Kardella as 'Brydons Road'.
- Road 3 traversing in a north / east direction for 180 metres off Stevens Road, in the locality of Kardella South as 'Hollands Road'.

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

- **Attachment 1** - Map of Road 1
- **Attachment 2** - Map of Road 2
- **Attachment 3** - Map of Road 3

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

- Geographic Place Names Act 1998
- Guidelines for Geographic Names 2010
- Local Government Act 1989
- AS/NZS4819:2011 Rural and Urban Addressing

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

Road Naming Procedure 2013

### **COUNCIL PLAN**

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

## CONSULTATION

### Community

The Korumburra and District Historical Society.

### Council Report

**24 July 2013**

**Proposed New Road Names in the Township of Korumburra and Locality of Kardella and Kardella South.**

### Public submission process

**5 August 2013**

**Public notice in Council's Noticeboard and Council Website.**

19 August 2013

Letters sent to adjoining properties.

4 & 19 September 2013

Submissions close.

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

## REPORT

### Background

At its Ordinary Council Meeting held on 24 July 2013, Council resolved the following:

*That Council:*

7. *Commence the process to name the three roads by calling for community comment:*
  - a. *Road 1 traversing in a northerly direction for 100 metres off Princes Street in the township of Korumburra as 'Wrights Close'.*
  - b. *Road 2 traversing in a northerly direction for 350 metres off One Chain Road, in the locality of Kardella as 'Brydons Road'.*
  - c. *Road 3 traversing in a north / east direction for 180 metres off Stevens Road, in the locality of Kardella South as 'Hollands Road'.*
8. *Give public notice in the local newspapers and on Council's website week commencing 5 August 2013 of the proposal and*

*write to all affected land owners with a property abutting the roads proposed to be named.*

9. *In the public notice clearly state:*
  - a. *A person may make a submission to the proposal no later than Wednesday 4 September 2013 addressed to the Assets Technical Officer, South Gippsland Shire Council, Private Bag 4, Leongatha 3953 or delivered to the Council Office, 9 Smith Street, Leongatha.*
  - b. *Copies of submissions (including submitters' names and addresses) will be made available at the Council meeting at which the proposals are considered and Council is required to make submissions available for public inspection for a period of twelve months.*
10. *Receive a final report at the next appropriate Council Meeting on the outcome of the public consultation process including copies of any submissions received.*

## **Discussion**

As part of Council's Roads Maintenance Program, these three unnamed roads as described in this report are listed on Council's Public Roads Register, which also provide primary access to abutting properties.

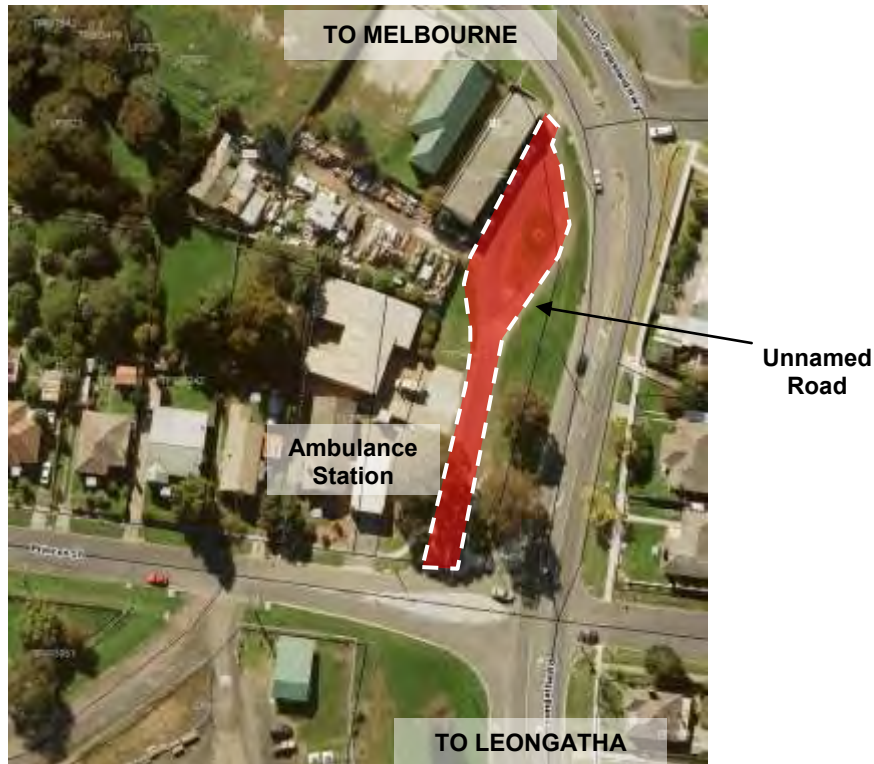
The naming of roads and streets is a local government responsibility under the Local Government Act 1989 and is processed in accordance with the Road Naming Procedure 2013. These name proposals are in keeping with community expectations and conforms to the principles outlined in Sections 1.8 and 4.1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

The Korumburra and District Historical Society was asked to provide names for the 3 unnamed roads. The proposed name recommendations put forward to Council are as follows

### **History**

#### **4. Road 1 - Unnamed Road off Princess Street, Korumburra as 'Wrights Close'.**

This road traverses in a northerly direction for 100 metres off Princes Street, in the township of Korumburra and is used as an access lane for the Rural Ambulance Victoria along with a few shops. Local identity Bill Wright, a former miner, came to live in Korumburra in 1969 and was involved in the repair and maintenance of the timber bridges around the shire.



**5. Road 2 - Unnamed Road off One Chain Road, Kardella as 'Brydons Road'.**

This road traverses in a northerly direction for 350 metres off One Chain Road, in the locality of Kardella. The road provides access to the Leongatha Reservoirs and mainly used by South Gippsland Water as access to the Reservoirs. The Brydon's were past land owners of surrounding properties to this road. Refer to dashed line for subject unnamed road.



**6. Road 3 - Unnamed Road off Stevens Road, Kardella South as 'Hollands Road'.**

This road traverses in a north / east direction for 180 metres off Stevens Road, in the locality of Kardella South. The Holland's were previous owners of property along Stevens Road. The unnamed road is used as access for two properties, which will require appropriate addresses off this unnamed road. Refer to dashed line for subject unnamed road.



**Name Duplications Search**

A Vicnames regional urban area, within 15 kilometres duplication or similar name search has been carried out for the name 'Wrights', resulting in no duplications or similar sounding names.

A Vicnames rural or remote area within 30 kilometre duplication or similar name search has been carried out for the names 'Brydons' and 'Hollands'. As a result, some similarities were found for the proposed names. As these duplications are either several localities away and/or in another Shire, Council believes these duplications should not impact on Emergency Services.

• **'Brydons Road'**

- 'Bartons Court' & 'Burton Street' in the Township of Warragul. Baw Baw Shire and several localities away.
- 'Bartons Outlet' in the locality of Allambee Reserve in Baw Baw Shire and several localities away.
- 'Bartons Road' in the locality of Buffalo, several localities away.

- **‘Hollands Road’**
  - ‘Hyland Place’ in the Township of Leongatha.

### **Proposal**

It is proposed that Council formalise the new name for the roads as described in the Recommendation.

### **FINANCIAL CONSIDERATIONS**

The cost to Council will be for the supply and installation of 3 new signs for the roads. This can be accommodated in Council's 2013/14 signage budget for approximately \$750.

### **RISK FACTORS**

Council's risks are mitigated as the process is in accordance with the:

- Road Naming Procedure 2013.
- Geographic Place Names Act 1998.
- Guidelines for Geographic Names 2010.

### **CONCLUSION**

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

## **RECOMMENDATION**

### **That Council:**

- 1. Pursuant to Schedule 10 Clause 5 (1)(a) of the Local Government Act 1989, formalise the new road names as follows:**
  - a. Road 1 traversing in a northerly direction for 100 metres off Princes Street in the township of Korumburra as 'Wrights Close'.**
  - b. Road 2 traversing in a northerly direction for 350 metres off One Chain Road, in the locality of Kardella as 'Brydons Road'.**
  - c. Road 3 traversing in a north / east direction for 180 metres off Stevens Road, in the locality of Kardella South as 'Hollands Road'.**
- 2. Forward the proposed new road names to the Registrar of Geographic Place Names for final consideration and approval.**
- 3. Subject to Geographic Place Names approval of the proposed new road names, place a notice in local newspapers and advise abutting land owners and Emergency Service Providers of the new road names.**

## **STAFF DISCLOSURE OF INTEREST**

Nil

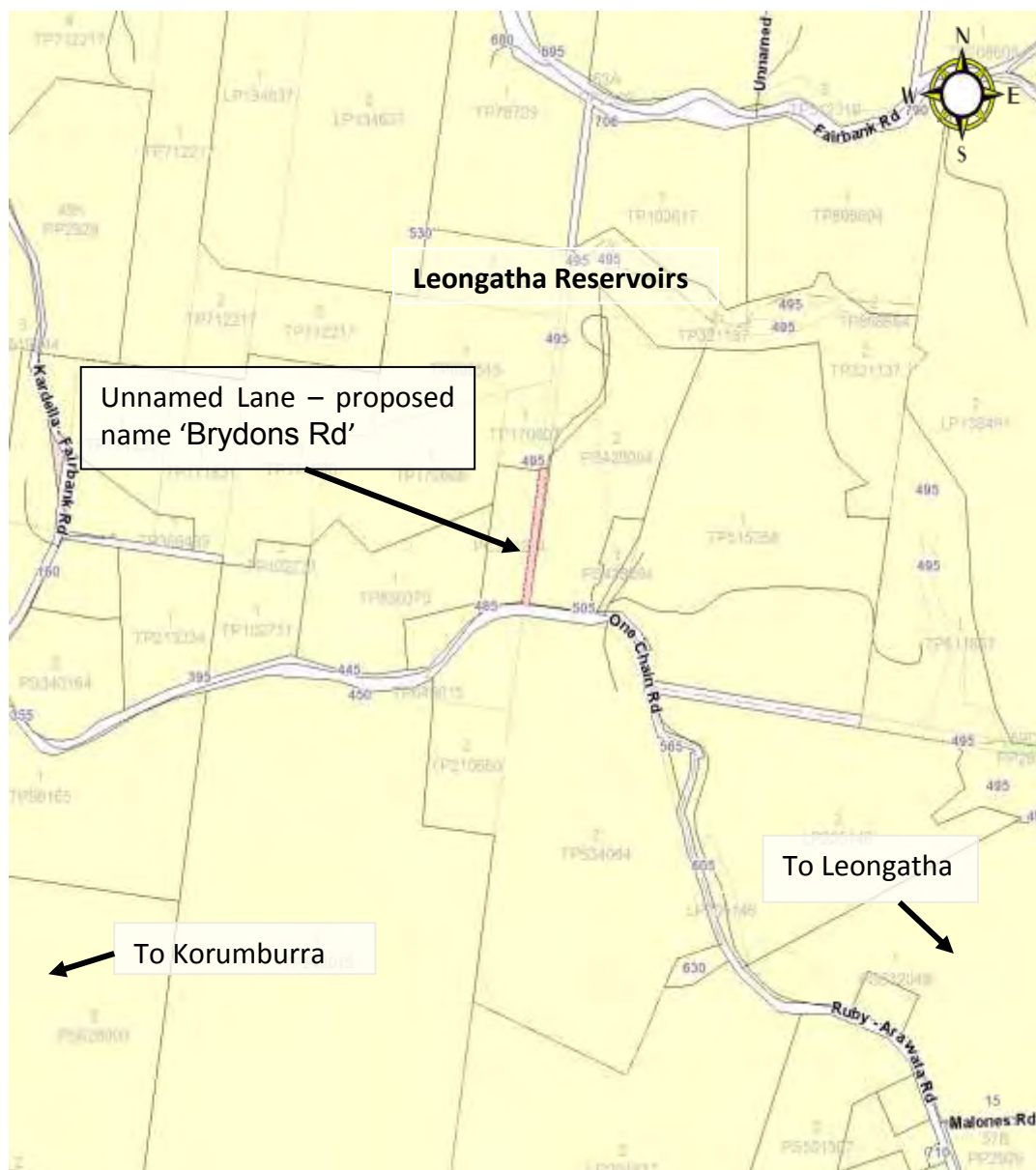


**Attachment 1**  
**Map of Road location for 'Wrights Close'**





**Attachment 2**  
**Map of Road location for 'Brydons Road'**



[illegible]

---

## SECTION F - URGENT OR OTHER BUSINESS

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

### 1. Urgent Business

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

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

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

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

### 2. Other Business

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

## **SECTION G – GENERAL QUESTION TIME**

### **G.1 QUESTION TIME**

### **G.2 ANSWERS TO PREVIOUS QUESTIONS ON NOTICE**

**Nil**

## **CLOSED SESSION**

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

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

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

#### **ITEM 1    CONTRACTUAL MATTER**

#### **ITEM 2    CONTRACTUAL MATTER**

## **SECTION H - MEETING CLOSED**

### **NEXT MEETING**

The next Ordinary Council Meeting open to the public will be held on Wednesday, 27 November 2013 commencing at 2pm in the Council Chambers, Leongatha.