South Gippsland
Shire Council

Come for the beauty, Stay for the lifestyle

COUNCIL MINUTES

ORDINARY MEETING NO. 394
WEDNESDAY 26 AUGUST 2015
COUNCIL CHAMBERS, LEONGATHA
COMMENCED AT 2PM

PRESENT:

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

OFFICERS:

Mr Tim Tamlin	Chief Executive Officer
Anthony Seabrook	Director Sustainability and Infrastructure Services
Bryan Sword	Director Development Services
Jan Martin	Director Community and Corporate Services
June Ernst	Director Corporate Planning and Council Business
Natasha Berry	Corporate and Council Business Officer
Audrey Waddington	Corporate and Council Business Officer
Danny McDonald	Manager Economic Development, Tourism & Customer Service
John Moylan	Manager Engineering & Assets

MISSION

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

SOUTH GIPPSLAND SHIRE COUNCIL

ORDINARY MEETING NO. 394
WEDNSEDAY 26 AUGUST 2015
COUNCIL CHAMBERS, LEONGATHA
COMMENCED AT 2PM

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Tim Tamlin
Chief Executive Officer

SECTION A - PRELIMINARY MATTERS

A.1 WELCOME

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

A.2 OPENING PRAYER

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

Amen

A.3 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

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

A.4 APOLOGIES

Nil

A.5 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the South Gippsland Shire Council Ordinary Meeting No. 393, held on 22 July 2015 in the Council Chambers, Leongatha be confirmed.

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

THAT THE MINUTES OF THE SOUTH GIPPSLAND SHIRE COUNCIL ORDINARY MEETING NO. 393, HELD ON 22 JULY 2015 IN THE COUNCIL CHAMBERS, LEONGATHA BE CONFIRMED.

CARRIED UNANIMOUSLY

A.6 REQUESTS FOR LEAVE OF ABSENCE

Nil

A.7 DECLARATION OF CONFLICT OF INTEREST FOR COUNCILLORS

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

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

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

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

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

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

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

Councillor Hutchinson-Brooks declared a past close association conflict of interest in Council Reports - E.2 PLANNING SCHEME AMENDMENT C97 - REZONING OF LAND AT LANG LANG, POOWONG ROAD NYORA (WALLIS WATSON SITE) TO THE GENERAL RESIDENTIAL ZONE 1, having being retained by Wallis Watson for a short period as a consultant prior to being elected to Council.

Councillor Davies declared an indirect financial conflict of interest in Council Reports - E.8 APPROVAL TO AWARD THE 2015/16 CAPITAL WORKS CONTRACTS UNDER CHIEF EXECUTIVE OFFICER DELEGATION, having an indirect financial interest in one part of the Capital Works Contracts relating to the Foster Streetscape.

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

Privacy

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

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

A.8 DECLARATION OF CONFLICT OF INTEREST FOR STAFF

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

Nil

A.9 PETITIONS

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

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

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

Councillor Hill presented a Petition to Council (the prayer is outlined below), containing approximately 1,763 signatures from residents across South Gippsland in relation to Coal Seam Gas.

'We would like a policy to ban CSG and mining and South Gippsland map to be changed to green, if you would like me to take this motion to council so the people in bulk have a voice sign the petition'.

MOVED: Cr Hill **SECONDED: Cr Davies**

THAT COUNCIL:

1. **RECEIVE AND NOTE THE PETITION; AND,**
2. **THE PETITION LAY ON THE TABLE UNTIL THE COUNCIL MEETING OF 23 SEPTEMBER 2015 TO ENABLE OFFICERS TO PREPARE A REPORT TO COUNCIL.**

CARRIED UNANIMOUSLY

A.10 COUNCILLOR REPORTS

Cr Kennedy addressed Council regarding a report on his expenditure and to contact him if you have any questions. Cr Kennedy made comments on the importance of attending a Councillor Development Conference weekend and that it was a valuable educational experience. Cr Kennedy commented on one of the presentations that was made by the Chief Executive Officer from Alpine Shire, the council saved $3.3Million and achieved this by changing the approach on how they did business and staff made salary sacrifices.

Cr Kennedy also attended a National Sea Change Conference at Cape Schanck and this was a great opportunity to talk to Ministers. Cr Kennedy talked to Minister Lisa Neville MP about the responsibility of coastal land in the future under a revamped Coastal Management Act and that Council may be called upon to manage different parts of the coast. Cr Kennedy noted that as Council manage Caravan Parks this can create an extra income stream that will in turn support the management of coastal areas.

Cr Davies addressed Council regarding attendance at:

- **Annual General Meetings (AGM) including Corner Inlet Seawall Special Committee of Management, Foster Showground Special Committee of Management, Foster Stockyard Gallery Special Committee of Management, Yanakie Progress Association and Foster Community Association.**
- **South Gippsland Festival of One-Act Plays Foster and commented it was a fabulous highlight of the month, it involved many plays, actors both youth and adults and attendance of actors from all over Victoria. Cr Davies said that Foster Amateur Music and Drama Association (FAMDA) are to be congratulated.**

Cr McEwen addressed Council regarding attendance at:

- **Gippsland Waste Management Resource Recovery Group meeting and discussed the proposed quarry at Leongatha South and stated that as it is not on the Gippsland Regional Plan, the proposal cannot proceed until it is on this Plan, this can take up to 12-18months.**

- **Local Government Citizen Juries Conference on participatory budgeting and is encouraged that this concept is now being embraced and is the start of a changed process on how Council work with community. Cr McEwen said that there are strong principles associated with citizen juries; including stakeholders are engaged, that the design of the remit/ brief is fundamental, that good facilitation is upheld and that the process is given time. Cr McEwen concluded by saying that if the process is done well it is very successful in improving relations and changing attitudes towards Council.**

Cr Hutchinson-Brooks addressed Council regarding attendance at:

- **Presentation at Council by Craig Lapsley, Emergency Services Commissioner regarding the distinction between emergency services and emergency management, and highlighted that it is a collaboration between emergency services agencies, all levels of Government and the community. Cr Hutchinson-Brooks stated that Commissioner Lapsley was an inspirational speaker and a great leader. Cr Hutchinson-Brooks made further comments:**
  - **Commending the Emergency Management Team at Council for the work done since it become a requirement of Council.**
  - **Commending the work of Council in preparing small businesses for emergencies.**
  - **Noting a significant risk/potential emergency in this region is foot and mouth disease.**
- **AGM Citizen Advice Bureau and congratulated the volunteers for the tremendous amount of work and time they put into this valued service.**

The Mayor, Cr Harding addressed Council regarding attendance at:

- **South Eastern Australian Transport Strategy (SEATS) meeting hosted by Baw Baw Council and noted that it was the 20th year anniversary of this meeting. Cr Harding noted that she was elected as Chair for another term.**

Cr Harding addressed Council on the up and coming public exhibition of Planning Scheme Amendment C81 Land subject to Inundation Overlay controls in the South Gippsland. Cr Harding noted that the exhibition commences on Thursday 3 September and concludes on Friday 16 October 2015 and during this time information sessions are to be conducted at Sandy Point Community Centre, Tarwin Lower Mechanics Institute Hall, Leongatha Council Chambers and Port Welshpool Ferry Terminal Building. Cr Harding also noted that letters have been sent to effected land owners informing them of the up and coming community engagement. Details are located on Council's website:
http://www.southgippsland.vic.gov.au/news/article/19/planning_scheme_amendment_c81

Cr Harding informed Council about attendance at Meeniyan's 'Spring is South Gippsland' web page opening and commented that the website is a great initiative to inform the community of events in the local area.

SECTION B - NOTICES OF MOTION AND/OR RESCISSION

B.1 NOTICE OF MOTION NUMBER 678 – IMPROVING COMMUNITY PARTICIPATION IN CAPITAL WORKS BUDGETING

PURPOSE

The intent of this notice of motion is to facilitate a process where the community can be directly charged with the allocation of Council funds to deliver Council capital works projects for local community areas. The objective of this process is to determine its suitability, success or otherwise in the allocation of capital works.

DISCUSSION

To achieve this outcome it is proposed that Council setup a Participatory Budgeting Jury to determine projects and allocate capital works for the 2016/17 budget to the value of $400,000 ($1,600,000 in total) in each of the following four areas: Korumburra, Foster, Venus Bay and Mirboo North.

To enable Council to consider this project a report to Council is required which makes consideration of the following key points:

1. Number and selection method of panel members to ensure a random representation
2. Geographical area that each panel covers
3. Estimated costs to facilitate the Panels
4. Methodology to be employed to facilitate the process
5. Key milestones
6. Estimated resources and costs to facilitate the process
7. Evaluation objectives and success measures to enable the process to be reviewed and evaluated to determine its success.
8. Time frame. (It is desired that the process be completed by March 2016 to enable the projects to commence in the 2016/17 year).
9. IAP2 framework (International Participation for Public Participation)
10. Other operational matters as required.

The Victorian Local Government Association has recently announced a workshop on "How to Run a Participatory Budgeting Jury" it is recommended that Council participates in this workshop to gain a better understanding of the steps involved and the associated operational implications required to ensure successful implementation of such a project (refer **Attachment 1**).

MOTION

We, **Councillors Lorraine Brunt, Mohya Davies, James Fawcett, Nigel Hutchinson-Brooks and Robert Newton**, advise that we intend to submit the following motion to the Ordinary Council Meeting scheduled to be held on **26 August 2015**.

'That Council:

1. **Receive a report before 31 December 2015 that details a process of how Council can facilitate a Participatory Budgeting Jury to determine projects and allocate capital works for the 2016/17 budget to the value of $400,000 ($1,600,000 in total) in each of the following four areas: Korumburra, Foster, Venus Bay and Mirboo North.**
2. **Receive in the report that considers the following key points:**
   a. **Number and selection method of panel members to ensure a random representation**
   b. **Geographical area that each panel covers**
   c. **Estimated costs to facilitate the Panels**
   d. **Methodology to be employed to facilitate the process**
   e. **Key milestones**
   f. **Estimated resources and costs to facilitate the process**
   g. **Evaluation objectives and success measures to enable the process to be reviewed and evaluated to determine its success.**
   h. **Time frame. (It is desired that the process be completed by March 2016 to enable the projects to commence in the 2016/17 year).**
   i. **IAP2 framework (International Participation for Public Participation)**
   j. **Other operational matters as required.**
3. **Participate in the Victorian Local Government Association workshop "How to Run a Participatory Budgeting Jury" which is to be held during the months of August to November 2015.'**

MOVED: Cr Davies **SECONDED: Cr Hill**

THAT COUNCIL:

1. **RECEIVE A REPORT BEFORE 31 DECEMBER 2015 THAT DETAILS A PROCESS OF HOW COUNCIL CAN FACILITATE A PARTICIPATORY BUDGETING JURY TO DETERMINE PROJECTS AND ALLOCATE CAPITAL WORKS FOR THE 2016/17 BUDGET TO THE VALUE OF $400,000 ($1,600,000 IN TOTAL) IN EACH OF THE FOLLOWING FOUR AREAS: KORUMBURRA, FOSTER, VENUS BAY AND MIRBOO NORTH.**
2. **RECEIVE IN THE REPORT THAT CONSIDERS THE FOLLOWING KEY POINTS:**
    a. **NUMBER AND SELECTION METHOD OF PANEL MEMBERS TO ENSURE A RANDOM REPRESENTATION**
    b. **GEOGRAPHICAL AREA THAT EACH PANEL COVERS**
    c. **ESTIMATED COSTS TO FACILITATE THE PANELS**
    d. **METHODOLOGY TO BE EMPLOYED TO FACILITATE THE PROCESS**
    e. **KEY MILESTONES**
    f. **ESTIMATED RESOURCES AND COSTS TO FACILITATE THE PROCESS**
    g. **EVALUATION OBJECTIVES AND SUCCESS MEASURES TO ENABLE THE PROCESS TO BE REVIEWED AND EVALUATED TO DETERMINE ITS SUCCESS.**
    h. **TIME FRAME. (IT IS DESIRED THAT THE PROCESS BE COMPLETED BY MARCH 2016 TO ENABLE THE PROJECTS TO COMMENCE IN THE 2016/17 YEAR).**
    i. **IAP2 FRAMEWORK (INTERNATIONAL PARTICIPATION FOR PUBLIC PARTICIPATION)**
    j. **OTHER OPERATIONAL MATTERS AS REQUIRED.**
3. **PARTICIPATE IN THE VICTORIAN LOCAL GOVERNMENT ASSOCIATION WORKSHOP "HOW TO RUN A PARTICIPATORY BUDGETING JURY" WHICH IS TO BE HELD DURING THE MONTHS OF AUGUST TO NOVEMBER 2015.**

CARRIED UNANIMOUSLY

Attachment 1

VLGA

Victorian Local Governance Association

presents

TUE AUG 18 & THU NOV 05

HOW TO RUN A PARTICIPATORY BUDGETING JURY

A 'nuts & bolts' training package for local government

MULTICULTURAL HUB
506 ELIZABETH STREET
MELBOURNE CBD
OPPOSITE QUEEN VICTORIA MARKETS

CLICK TO REGISTER!

DON'T MISS THIS!

Do you want your community's advice on a critical issue, such as how to manage the effects of rate capping? Or perhaps an anticipated new development involving trade-offs ?

A participatory budgeting jury offers a powerful and transparent way of engaging with community on difficult decisions.

This training is a journey - from learning the 'nuts and bolts', to generating content back in council and, finally, reviewing progress with peers.

In two face-to-face workshops, supplemented by practically-focused, supported learning over three sessions, you will gain a clear grasp of what it takes to run a deliberative process and gain confidence in how to go about it.

Designed for councillors and directors/managers, at the end of the training you will be able to:

- Map the steps involved in developing a deliberative process
- Define key elements such as the key question, randomly stratified sample and deliberation
- Identify options for delivery of a deliberative process
- Have an informed conversation with consultant facilitators
- Identify goals for future work
- With mentor support, engage in some process design in your own setting, by, for example:
  - exploring the key question
  - becoming familiar with recruitment requirements
  - exploring how to run a jury, communicate its work and implement recommendations.

Councillors, finance, and community engagement managers are encouraged to attend together. The different insights that you each gain during the program will be invaluable when putting the ideas into practice in your council.

BEFORE YOUR REGISTER FOR THIS PROGRAM, THERE ARE SOME KEY POINTS TO CONSIDER:

The program includes two face-to-face workshops: Tuesday 18 August (10am to 4pm) and Thursday 5 November (10am to 1.30pm). It also involves three practically-focused, supported learning sessions via email and telephone check-in (15 mins) in the weeks beginning 7 September, 28 September and 19 October. Through these sessions, it is anticipated that participants will take the opportunity to actively design a participatory budgeting process. For the duration of the program, participants will be offered online access to a private Facebook page, hosted by the VLGA and accessible only to participants, where ideas and experiences can be shared. Participant cost is $800 for the first attendee from a VLGA member council with subsequent attendees $700 each (maximum of 3 per council). Non-member councils are $1000 per person. This cost includes all workshop content, supported learning, catering. **It does not include GST.**

www.vlga.org.au

B.2 NOTICE OF RESCISSION NUMBER 679 – COUNCIL MEETING 22 JULY 2015 AGENDA ITEM E.5 COMPULSORY KERBSIDE COLLECTION SERVICE FOR VENUS BAY

PURPOSE

The motion as passed at Ordinary Council Meeting 22 July 2015 Item E.5 COMPULSORY KERBSIDE COLLECTION SERVICE FOR VENUS BAY does not consider a number of important factors.

In addition to the points resolved, further items are required to ensure that a decision is not made without knowing the full facts, and assess the success or otherwise of Parks Victoria's removal of rubbish bins at beaches 2, 3, 4 & 5 in Venus Bay. And to also consider any financial advantages as Council will only be emptying rubbish bins from Number 1 beach Venus Bay.

That Council:

1. Negotiate with Country Cart Pty Ltd that the daily waste collection service commences at the Venus Bay commercial centre and Number 1 Beach, for the period commencing 1 November 2015 to 30 April 2016;

2. Assess results of the removal of rubbish bins at beaches No 2, 3, 4 and 5 by Parks Victoria to determine who is dumping the rubbish, house hold owners or holiday makers; and

3. Defer the motion and consider at it's Ordinary Meeting in June 2016.

If the rescission motion is accepted then I foreshadow consideration of the original Motion along with the addition of these three (3) points.

MOTION

I, **Councillor Kieran Kennedy**, advise that I intend to submit the following motion to the Ordinary Council Meeting scheduled to be held on **26 August 2015**.

'That Council rescind the resolution of Council made in respect of Ordinary Council Meeting 22 July 2015 Item E.5 Compulsory Kerbside Collection Service For Venus Bay:

THAT COUNCIL:

1. INTRODUCES A COMPULSORY 6 MONTH KERBSIDE GARBAGE AND RECYCLING COLLECTION SERVICE FOR THE PERIOD OF NOVEMBER TO APRIL EACH YEAR FOR DEVELOPED RESIDENTIAL PROPERTIES IN VENUS BAY, WITH THE SERVICE TO INCLUDE WEEKLY RECYCLING COLLECTIONS FROM THE MONDAY IMMEDIATELY AFTER CHRISTMAS DAY TO THE END OF JANUARY;

2. SETS AN ANNUAL SERVICE CHARGE OF $142.80 PER PROPERTY TO FUND THE 6 MONTH COMPULSORY SERVICE, ON THE BASIS OF FULL COST RECOVERY, WITH THE FEE ADJUSTED ANNUALLY IN LINE WITH COUNCILS FEES AND CHARGES POLICY;

3. OFFERS AN OPTIONAL 12 MONTH KERBSIDE GARBAGE AND RECYCLING SERVICE TO DEVELOPED PROPERTIES IN VENUS BAY INCLUDING WEEKLY RECYCLING FROM THE MONDAY IMMEDIATELY FOLLOWING CHRISTMAS DAY TO THE END OF JANUARY TO REPLACE THE CURRENT OPTIONAL 12 MONTH SERVICE THAT DOES NOT INCLUDE WEEKLY RECYCLING;

4. SETS AN ANNUAL SERVICE CHARGE OF $223.20 PER PROPERTY TO FUND THE 12 MONTH OPTIONAL SERVICE, ON THE BASIS OF FULL COST RECOVERY, WITH THE FEE ADJUSTED ANNUALLY IN LINE WITH COUNCILS FEES AND CHARGES POLICY; AND

5. REVIEWS THE EFFECTIVENESS OF KERBSIDE GARBAGE AND RECYCLING SERVICES IN VENUS BAY AFTER 12 MONTHS, INCLUDING AN ASSESSMENT OF THEIR IMPACT ON REDUCING DUMPING OF HOUSEHOLD WASTE IN AND AROUND PUBLIC LITTER BINS.'

MOVED: Cr Kennedy SECONDED: Cr McEwen

THAT COUNCIL RESCIND THE RESOLUTION OF COUNCIL MADE IN RESPECT OF ORDINARY COUNCIL MEETING 22 JULY 2015 ITEM E.5 COMPULSORY KERBSIDE COLLECTION SERVICE FOR VENUS BAY:

THAT COUNCIL:

1. INTRODUCES A COMPULSORY 6 MONTH KERBSIDE GARBAGE AND RECYCLING COLLECTION SERVICE FOR THE PERIOD OF NOVEMBER TO APRIL EACH YEAR FOR DEVELOPED RESIDENTIAL PROPERTIES IN VENUS BAY, WITH THE SERVICE TO INCLUDE WEEKLY RECYCLING COLLECTIONS FROM THE MONDAY IMMEDIATELY AFTER CHRISTMAS DAY TO THE END OF JANUARY;

2. SETS AN ANNUAL SERVICE CHARGE OF $142.80 PER PROPERTY TO FUND THE 6 MONTH COMPULSORY SERVICE, ON THE BASIS OF FULL COST RECOVERY, WITH THE FEE ADJUSTED ANNUALLY IN LINE WITH COUNCILS FEES AND CHARGES POLICY;

3. OFFERS AN OPTIONAL 12 MONTH KERBSIDE GARBAGE AND RECYCLING SERVICE TO DEVELOPED PROPERTIES IN VENUS BAY INCLUDING WEEKLY RECYCLING FROM THE MONDAY IMMEDIATELY FOLLOWING CHRISTMAS DAY TO THE END OF

JANUARY TO REPLACE THE CURRENT OPTIONAL 12 MONTH SERVICE THAT DOES NOT INCLUDE WEEKLY RECYCLING;

4. SETS AN ANNUAL SERVICE CHARGE OF $223.20 PER PROPERTY TO FUND THE 12 MONTH OPTIONAL SERVICE, ON THE BASIS OF FULL COST RECOVERY, WITH THE FEE ADJUSTED ANNUALLY IN LINE WITH COUNCILS FEES AND CHARGES POLICY; AND

5. REVIEWS THE EFFECTIVENESS OF KERBSIDE GARBAGE AND RECYCLING SERVICES IN VENUS BAY AFTER 12 MONTHS, INCLUDING AN ASSESSMENT OF THEIR IMPACT ON REDUCING DUMPING OF HOUSEHOLD WASTE IN AND AROUND PUBLIC LITTER BINS.

LOST

For: Crs Kennedy and McEwen.

Against: Crs Davies, Hill, Hutchinson-Brooks, Harding, Newton, Brunt and Fawcett.

B.3 NOTICE OF RESCISSION NUMBER 680 – COUNCIL MEETING 22 JULY 2015 AGENDA ITEM E.10 FINAL CLUSTER REVIEW FOR SOCIAL COMMUNITY INFRASTRUCTURE TARWIN LOWER/VENUS BAY AND MEENIYAN

PURPOSE

The motion as passed at Ordinary Council Meeting 22 July 2015 Item E.10 adopted the FINAL CLUSTER REVIEW FOR SOCIAL COMMUNITY INFRASTRUCTURE TARWIN LOWER/VENUS BAY AND MEENIYAN (Cluster Review) The Cluster Review includes consideration of an item that is related to a separate process of Council and as such I call to rescind the motion so as to remove this element from the document.

The Cluster Review made eight (8) key recommendations.

Recommendation 8 - "*Continue Councils' 'Strategic Land Review', in consultation with the community, thereby identifying further opportunities for income generation which could be reinvested in more suitable community infrastructure program"* is not required as it is not relevant to the 'Cluster Review' and the other 7 recommendations are not contingent on it remaining as part of the document. It is a separate process of Council and should be considered as such.

I call for the removal of Recommendation 8 from the Cluster Review

If the rescission motion is accepted then I foreshadow consideration of the original Motion with the removal of Recommendation 8 from the Cluster Review

MOTION

I, **Councillor Kieran Kennedy**, advise that I intend to submit the following motion to the Ordinary Council Meeting scheduled to be held on **26 August 2015**.

'That Council rescind the resolution of Council made in respect of Ordinary Council Meeting 22 July 2015 Item E.10 Final Cluster Review for Social Community Infrastructure Tarwin Lower/ Venus Bay and Meeniyan purpose:

THAT COUNCIL:

1. **ACKNOWLEDGE THE SUBMISSIONS AND ADVISE THE SUBMITTERS OF COUNCIL'S RESPONSE; AND**

2. **REMOVE RECOMMENDATION 8 FROM THE CLUSTER REVIEW FOR SOCIAL COMMUNITY INFRASTRUCTURE – TARWIN LOWER/VENUS BAY AND MEENIYAN**

3. **ADOPT THE AMENDED CLUSTER REVIEW FOR SOCIAL COMMUNITY INFRASTRUCTURE – TARWIN LOWER/VENUS BAY AND MEENIYAN.'**

MOVED: Cr Kennedy **SECONDED: Cr McEwen**

THAT COUNCIL RESCIND THE RESOLUTION OF COUNCIL MADE IN RESPECT OF ORDINARY COUNCIL MEETING 22 JULY 2015 ITEM E.10 FINAL CLUSTER REVIEW FOR SOCIAL COMMUNITY INFRASTRUCTURE TARWIN LOWER/ VENUS BAY AND MEENIYAN PURPOSE:

THAT COUNCIL:

1. **ACKNOWLEDGE THE SUBMISSIONS AND ADVISE THE SUBMITTERS OF COUNCIL'S RESPONSE; AND**

2. **REMOVE RECOMMENDATION 8 FROM THE CLUSTER REVIEW FOR SOCIAL COMMUNITY INFRASTRUCTURE – TARWIN LOWER/VENUS BAY AND MEENIYAN**

3. **ADOPT THE AMENDED CLUSTER REVIEW FOR SOCIAL COMMUNITY INFRASTRUCTURE – TARWIN LOWER/VENUS BAY AND MEENIYAN.**

LOST

For: **Crs Hill, McEwen and Kennedy.**

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

B.4 NOTICE OF MOTION NUMBER 681 – ENGAGING AND CONSULTING THE COMMUNITY ON THEIR PREFERRED RESPONSE TO THE VICTORIAN PARLIAMENTARY INQUIRY ON NON-CONVENTIONAL GASES

PURPOSE

The intent of this notice of motion in accordance with Council's Communication and Engagement Policy is to facilitate, as a major issue of significant importance to the community, a consultation on the Victorian Parliamentary Inquiry on Non-Conventional Gases in order to prepare a response to the Inquiry and the interim report. Council's current policy is to support the moratorium; however the Parliamentary review will make a recommendation potentially to proceed. If this is the case Council needs to examine the possibility of seeking to exempt South Gippsland land as land of agricultural significance similar to areas such as Margaret River, Western Australia.

DISCUSSION

Council has been formally requested by the Inquiry to present a submission on behalf of the community on the Inquiry on Non-Conventional Gases and the interim report which is due out on the 1 September 2015.

This is one if not the most important issue of community concern in the past ten years. Some 19 communities have now declared themselves Coal Seam Gas (CSG) Free. The previous Government's own consultant suggested that over 80% of Gippsland is opposed to CSG. Council to date has not consulted the community on a preferred response to the Inquiry.

Council's Communication and Engagement Policy states as follows:

Policy Statement

- Council encourages individuals, groups and communities to be involved in local government. It recognises the value in a diversity of opinions, innovative ideas and life experience – this information allows Council to better understand issues and provide services that are tailored to community needs.

- Council encourages consultation and active participation when making decisions so the community has the opportunity to provide feedback on important issues.

- The application of this policy will assist Council to make more informed decisions. The best decisions will be made if those involved in the outcome have every opportunity to participate in the decision making process.

Benefits of Communication and Engagement

- Building relationships and promoting two-way communication between Council and the community.

- Identifying diverse values, priorities, opinions and concerns, and the strength of community support for each;
- Acknowledging that the community has valuable contributions to make on issues;

When to consult with our Community

- The issue before Council is anticipated to have a significant impact on the economy, lifestyle or environment of the Shire or its residents;

- Information is sought by Council on community needs, priorities and values to ensure planning is appropriate and responsive;

When to gain active participation with our community

- The community should be involved and collaborate in the development and decision making process related to projects or issues;

Implementation Statement

- Council will apply communication and engagement methodologies appropriate to the circumstances and desired outcome of the specific engagement.

Clearly the issue merits a consultation in terms of a number of the elements of Council's Policy. If Council is to have input on behalf of the community on the Inquiry in a timely manner Council has to respond by late September 2015. The interim report of the Victorian Parliamentary Inquiry on Non-Conventional Gases is due out on 1 September and the final report early in December 2015. Some 1,400 people have already submitted to the inquiry including many Councils and community organisations and individuals. Council to date has not made a formal submission on behalf of their community to the inquiry.

The Parliamentary Inquiry requested a submission from Council at its recent select Inquiry. The consultation can guide Council's response to the interim report.

If the community is to be given the respect of consultation prior to Council responding, Council needs to act now to allow proper democratic consultation. If Council waits a month for an officer report there will not be time for a community consultation on the interim report.

MOTION

We, **Councillors Don Hill, Kieran Kennedy and Andrew McEwen**, advise that we intend to submit the following motion to the Ordinary Council Meeting scheduled to be held on **26 August 2015**.

'That Council:

1. Conduct a community consultation on non-conventional gases, Coal Seam Gas (CSG) and fracking in September 2015 using the Oursay platform to assess opinions and associated with the Oursay consultation, an on line yes or no or undecided vote for or against non-conventional and CSG in South Gippsland; and an on line yes or no or undecided vote for or again seeking an exemption for South Gippsland because of the high value agricultural land.

2. Receive a report of the findings to Ordinary Council Meeting 28 October 2015 with a recommendation that the response be put to the interim and final Victorian Parliamentary Inquiry on Non-Conventional Gases.'

MOVED: Cr McEwen **SECONDED: Cr Hill**

THAT COUNCIL:

1. CONDUCT A COMMUNITY CONSULTATION ON NON-CONVENTIONAL GASES, COAL SEAM GAS (CSG) AND FRACKING IN SEPTEMBER 2015 USING THE OURSAY PLATFORM TO ASSESS OPINIONS AND ASSOCIATED WITH THE OURSAY CONSULTATION, AN ON LINE YES OR NO OR UNDECIDED VOTE FOR OR AGAINST NON-CONVENTIONAL AND CSG IN SOUTH GIPPSLAND; AND AN ON LINE YES OR NO OR UNDECIDED VOTE FOR OR AGAIN SEEKING AN EXEMPTION FOR SOUTH GIPPSLAND BECAUSE OF THE HIGH VALUE AGRICULTURAL LAND.

2. RECEIVE A REPORT OF THE FINDINGS TO ORDINARY COUNCIL MEETING 28 OCTOBER 2015 WITH A RECOMMENDATION THAT THE RESPONSE BE PUT TO THE INTERIM AND FINAL VICTORIAN PARLIAMENTARY INQUIRY ON NON-CONVENTIONAL GASES.

Cr Fawcett left the Meeting at 3.18pm.
Cr Fawcett returned to the Meeting at 3.19pm.

LOST

For: **Crs Hill, McEwen and Kennedy.**
Against: **Crs Fawcett, Brunt, Newton, Harding, Hutchinson-Brooks and Davies.**

SECTION C - COMMITTEE REPORTS

Nil

SECTION D – PROCEDURAL REPORTS

D.1 QUARTERLY PERFORMANCE REPORT APRIL TO JUNE 2015

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

The organisational Quarterly Performance Report for the period April to June 2015 provides detailed reporting on Council's performance against the 2014-2015 Annual Plan and Department Budgets. The report also provides an interim end of year summary of achievements. Components of the report are still subject to audit and review. Council's final end of year position will be published in the Annual Report in September.

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

This report does not capture every achievement during the quarter. However, it focuses on key achievements that contribute to the delivery of the corporate priorities.

The organisational Quarterly Performance Report April to June 2015 is provided in **Appendix 1.**

Document/s pertaining to this Council Report

- **Appendix 1** - Quarterly Performance Report April to June 2015

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

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989, Sections 125, 127 and 223

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

2014-2015 Annual Budget incorporating 15 year Long Term Financial Plan and Annual Plan Initiatives

COUNCIL PLAN

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

CONSULTATION

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

The community was consulted during the preparation of the 2014-2015 Annual Budget.

REPORT

Background

The 2014-2015 Annual Budget (inclusive of the Annual Plan) was adopted by Council on 25 June 2014. It sets the indicators and initiatives/activities which are reported within the Quarterly Performance Report to Council (**Appendix 1**).

Discussion

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

A number of significant highlights during the April to June 2015 period include:

COMMUNITY SERVICES

- Received National Australian Local Government Association Award for Excellence in Road Safety for development of Gippsland Safe Freight Network.
- Volunteers Week – poster campaign to thank volunteers was successful and the poster has been adopted by the LGPro State Volunteer Network for 2016.
- Council secured $1.6 million from the National Stronger Region's Fund for the Karmai Children's Centre project. The project is now fully funded.

- The roll-out of bins to eligible residential properties for the upcoming kerbside green waste collection service was completed in May. Approximately 6,950 properties will receive the service from 1 July 2015.

- SGSC Roadside Weed Control Program - 306km (49 roads) where treated for Regionally Controlled Weeds including. Blackberry, Broom, Gorse and Ragwort. The In-house team sprayed 237.3km (45 roads) at approximately a third of the cost of engaging an external contractor.

- A successful Emergency Management Training Exercise at Wilsons Promontory was held in May. The Agencies involved included Victoria Police, Parks Victoria, Ambulance, Council, SES and Red Cross.

- The Annual Budget and Strategic Resource Plan for 2015/2016 was adopted by the West Gippsland Regional Library Corporation Board.

DEVELOPMENT SERVICES

- Promoted Council to prospective residents and businesses at the Regional Victoria Living Expo at the Melbourne Convention Centre.

- Funding announced by the Federal Government under the blackspots program for 11 new mobile phone base stations across the Shire.

- 154 planning applications were finalised during the quarter; 138 applications were approved, 14 were withdrawn or lapsed and 2 were refused.

- Coal Creek's Easter Egg Hunt (857 visitors) and Teddy Bears (960 visitors).

- Launched new Craft market, held in conjunction with the Farmers Market.

- Increased average visitor spend from $6.56 to $8.87 and School visitor spend from $8.06 to $9.67 during the financial year.

ENGINEERING SERVICES

- Completed the Allambee Estate bridge construction at Hallston and deck replacement works at Geales Rd, Meeniyan (Wyghts Bridge).

- Completed resheets at Turtons Creek Rd, Turtons Creek; Todds Rd, Stony Creek; Foster – Mirboo Rd, Foster North.

- Adopted the Heavy Vehicles on Council Controlled Road Policy on 24 June 2015.

- Completed Gray Street, Leongatha reconstruction special charge scheme.

- Completed the compulsory acquisition of 5 Little Princess Street, Korumburra as part of the site for development of the Karmai Integrated Childrens Centre, Korumburra.

- Completed refurbishment of old shed into a camp kitchen at Yanakie Caravan Park.

CORPORATE SERVICES

- 2015-2016 Annual Budget / Long Term Financial Plan was adopted by Council at the June Council Meeting. Over 700 community members were engaged over ten months informing the development of the budget.

FINANCIAL CONSIDERATIONS

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

RISK FACTORS

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

CONCLUSION

It is recommended that Council receive and note the Organisational Quarterly Performance Report April to June 2015 in Appendix 1. The Report provides an overview of Council's performance against both Department Budgets and the Annual Plan for the period April to June 2015.

The report also provides an interim end of year summary of achievements. Components of the report are still subject to audit and review. Council's final end of year position will be published in the Annual Report in September.

RECOMMENDATION

That Council receive and note the Organisational Quarterly Performance Report (Appendix 1) for the period April to June 2015

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Newton **SECONDED: Cr Davies**

THAT THE RECOMMENDATIONS IN ITEMS D.1, D.3, D.4 AND D.5 BE ADOPTED.

Cr Hill and McEwen left the Meeting at 3.30pm.

CARRIED UNANIMOUSLY

D.3 REPORT ON ASSEMBLY OF COUNCILLORS - JUNE AND JULY 2015

Corporate and Community 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 June and July 2015.

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

Document/s pertaining to this Council Report

- Nil

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

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

COUNCIL PLAN

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

REPORT

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Saturday 27 June 2015		
Community Engagement Conference	**Councillors Attending:** Crs Hutchinson-Brooks, McEwen and Hill. **Conflict of Interest:** Nil disclosed.	**Topics Discussed:** • Workshops and Information for Community Organisations • Volunteer Fatigue, Mental Health, Governance, Community Foundations, wifi in towns, Community Calendar, Skills Gaps, Grants
Wednesday 1 July 2015		
Municipal Precinct Study – Reference Group Meeting	**Councillors Attending:** Crs Fawcett, Kennedy, Harding, Hutchinson-Brooks, McEwen, Hill and Davies. **Conflict of Interest:** Nil disclosed.	**Topics Discussed:** • Evaluation matrix • Conceptual designs
South Gippsland Shire Council Community Satisfaction Survey Results 2015	**Councillors Attending:** Crs Fawcett, Kennedy, Harding, Hutchinson-Brooks, McEwen, Hill and Davies. **Conflict of Interest:** Nil disclosed.	**Topics Discussed:** Councillors were provided information on the results of the South Gippsland Shire Council Community Satisfaction Survey results for 2015.

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 1 July 2015		
Gippsland Regional Plan Review 2015	**Councillors Attending:** Crs Fawcett, Kennedy, Brunt, Harding, Hutchinson-Brooks, McEwen, Hill and Davies. **Conflict of Interest:** Nil disclosed.	**Topics Discussed:** Councillors were provided information and input was sought on the Gippsland Regional Plan 2015.
Council Timetable for July/ August 2015	**Councillors Attending:** Crs Fawcett, Kennedy, Brunt, Harding, Hutchinson-Brooks, Hill and Davies. **Conflict of Interest:** Nil disclosed.	**Topics Discussed:** • Councillor timetable for July/ August 2015
Executive Update	**Councillors Attending:** Crs Hill, Harding, Brunt, Davies, Kennedy, Fawcett, Newton and Hutchinson - Brooks. **Conflict of Interest:** Nil disclosed.	**Topics Discussed:** • Roads to Recovery Funding Update • Community Satisfaction Survey

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 1 July 2015		
Councillor / CEO session	**Councillors Attending:** Crs Fawcett, Kennedy, Brunt, Harding, Hutchinson-Brooks, Hill and Davies. **Conflict of Interest:** Nil disclosed.	**Topics Discussed:** • Councillor Code of Conduct
Planning Committee	**Councillors Attending:** Crs Harding, Hutchinson-Brooks, Davies, Hill, Kennedy, Brunt and Fawcett. **Conflict of Interest:** Cr Hutchinson-Brooks declared conflict of interest with respect to Koonwarra Agricultural Commercial Precinct Project. Cr Hutchinson-Brooks declared a conflict of interest with respect to C89 Walkerville Rezoning. Cr Fawcett declared a conflict of interest with respect to C105 Meeniyan Wastewater Treatment Plant.	**Topics Discussed:** • Strategic Planning Projects • Meeniyan Cemetery Trust Infrastructure Contributions • Planning Applications of Significance • Decisions for May 2015 • VCAT Decisions

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 1 July 2015		
Domestic Wastewater Management Plan Compliance Program	**Councillors Attending:** Crs Fawcett, Kennedy, Brunt, Hutchinson-Brooks, Hill and Davies. **Conflict of Interest:** Nil disclosed.	**Topics Discussed:** Councillors were provided information on the proposed funding options for the Wastewater Compliance Program.
Economic Development and Tourism Steering Committee	**Councillors Attending:** Crs Hutchinson-Brooks, Harding, Davies and Hill. **Conflict of Interest:** Nil disclosed.	**Topics Discussed:** • South Gippsland Trade Skills Alliance Project Update • Significant Investment Visa Update
Wednesday 15 July 2015		
Ordinary Council Agenda Topics 22 July 2015	**Councillors Attending:** Crs Fawcett, Brunt, Newton, Harding, Hutchinson-Brooks and McEwen. **Conflict of Interest:** Cr Fawcett provided a written conflict of interest declaration for Agenda Item E7 PLANNING SCHEME AMENDMENT C105 (MEENIYAN WASTEWATER TREATMENT PLANT) – ADOPTION with an indirect conflict of interest as he is a Director on South Gippsland Water Board. Cr Harding provided a written conflict of interest declaration for Agenda item E9 PLANNING SCHEME AMENDMENT C77 PART 3 (AGNES REZONING) – ADOPTION with an indirect conflict of interest as she has a close association with relevant parties. **Topics Discussed:** Councillors considered Ordinary Council Agenda topics for 22 July 2015 Meeting.	

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 15 July 2015		
Fees and Charges Review	**Councillors Attending:** Crs Fawcett, Brunt, Newton, Harding, Hutchinson-Brooks and McEwen. **Conflict of Interest**: Nil disclosed.	**Topics Discussed:** Councillors were provided information to review and approve fees & charges, process, methodology and timelines.
Executive Update	**Councillors Attending:** Crs Fawcett, Brunt, Newton, Harding, Hutchinson-Brooks and McEwen. **Conflict of Interest**: Nil disclosed.	**Topics Discussed:** • Darcys Café & Wine Bar Lease • Roadside Weed Control Proposal - 2015-16 / 2016-17 • Gippsland Draft Regional Plan Feedback • Noxious Weed Control • Home and Community Care Services • Planning Permits • Evaluation of the OurSay process
Mobile Library Service	**Councillors Attending:** Crs Fawcett, Brunt, Newton, Harding, Hutchinson-Brooks, McEwen and Davies **Conflict of Interest**: Nil disclosed.	**Topics Discussed:** Councillors were provided information and input sought by the Regional Library Corporation on options for the future of the mobile library service.

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 15 July 2015		
Council Strategic Review Session – Planning for 2016/17 Financial Year	**Councillors Attending:** Crs Fawcett, Brunt, Newton, Harding, Hutchinson-Brooks, McEwen, Hill and Davies. **Conflict of Interest**: Nil disclosed.	**Topics Discussed:** Councillors were provided information on: • The priorities in the lead up to the next Council election, • Development of the Council plan and budget for 2015/16, • Review of current practices.
Public Presentations **OPEN DAY SESSION**	**Councillors Attending:** Crs Hill, Harding, Brunt, Davies, Kennedy, Fawcett, McEwen, Newton and Hutchinson - Brooks. **Conflict of Interest:** Nil disclosed.	

Presentations were made to Council by the following community members:

Jill Vella, representing Mossvale Park regarding a report submitted from the Committee to Council.

Paul Norton, regarding various matters: NBN, PA system, Council's Heavy Vehicle Policy and defibrillator at Council.

Robyn Bowen and Peter Hillard with objections to Council Agenda item E6 PLANNING APPLICATION 2013/7 - USE AND DEVELOPMENT OF A HOST FARM WITH DWELLING AND ANCILLARY WORKS AT 1725 WILD DOG VALLEY ROAD STRZELECKI (BEING LOT 1 TP020698D PARISH OF ALLAMBEE).

Sean O'Carroll and Andrew Faulknor in support of Council Agenda item E6 PLANNING APPLICATION 2013/7 - USE AND DEVELOPMENT OF A HOST FARM WITH DWELLING AND ANCILLARY WORKS AT 1725 WILD DOG VALLEY ROAD STRZELECKI (BEING LOT 1 TP020698D PARISH OF ALLAMBEE).

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 15 July 2015		
Ordinary Council Agenda Topics Discussion 22 July 2015	**Councillors Attending:** Crs Fawcett, Brunt, Newton, Harding, Hutchinson-Brooks, Hill and Davies. **Conflict of Interest:** Nil disclosed.	**Topics Discussed:** • Agenda Amendment summary Section 86 – committees • E2 Aquatic Strategy • E3 Foster Pool Review • Pool support groups • E5 Venus Bay bin collection • E6 • Closed items • Request for more information regarding pools, Section 86 revocations and GPS recording
Councillor / CEO Session	**Councillors Attending:** Crs Fawcett, Brunt, Newton, Harding, Hutchinson-Brooks, Hill and Davies. **Conflict of Interest:** Nil disclosed.	**Topics Discussed:** • Organisation restructure update

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 22 July 2015		
Ordinary Council Agenda Topics Discussion 22 July 2015	**Councillors Attending:** Crs Fawcett, Kennedy, Brunt, Newton, Harding, Hutchinson-Brooks, McEwen and Davies. **Conflict of Interest:** Nil disclosed.	**Topics Discussed:** Council Meeting agenda topics including Agenda Amendment summary.
Public Presentation Session **OPEN DAY SESSION**	**Councillors Attending:** Crs Hill, Harding, Brunt, Davies, Kennedy, Fawcett, McEwen, Newton and Hutchinson - Brooks. **Conflict of Interest:** Nil disclosed.	

Presentations were made to Council by the following community members:

Sue Gilford regarding Council Agenda item E.9 PLANNING SCHEME AMENDMENT C77 PART 3 (AGNES REZONING) – ADOPTION.

Neil Olsen regarding Council Agenda item E.4 FORMALISE ROAD DISCONTINUANCE OF GOVERNMENT ROAD, PART OF FLINDERS STREET KORUMBURRA.

Tony Holgate, former Manager Yanakie Caravan Park in regards to Yanakie Caravan Park Management.

Robyn Bowen and Peter Hillard regarding objections to Council Agenda item E.6 PLANNING APPLICATION 2013/7 - USE AND DEVELOPMENT OF A HOST FARM WITH DWELLING AND ANCILLARY WORKS AT 1725 WILD DOG VALLEY ROAD STRZELECKI (BEING LOT 1 TP020698D PARISH OF ALLAMBEE).

Cr Newton read out a submission on behalf of John Merrett regarding objections to Council Agenda item E.6 PLANNING APPLICATION 2013/7 - USE AND DEVELOPMENT OF A HOST FARM WITH DWELLING AND ANCILLARY WORKS AT 1725 WILD DOG VALLEY ROAD STRZELECKI (BEING LOT 1 TP020698D PARISH OF ALLAMBEE).

Sean O'Carroll and Andrew Faulknor regarding support for Council Agenda item E.6 PLANNING APPLICATION 2013/7 - USE AND DEVELOPMENT OF A HOST FARM WITH DWELLING AND ANCILLARY WORKS AT 1725 WILD DOG VALLEY ROAD STRZELECKI (BEING LOT 1 TP020698D PARISH OF ALLAMBEE).

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 22 July 2015		
Leongatha and Korumburra Streetscape Master Plan Consultation	**Councillors Attending:** Crs Fawcett, Kennedy, Brunt, Newton, Harding, Hutchinson-Brooks and McEwen. **Conflict of Interest:** Nil disclosed.	**Topics Discussed:** Councillors were provided information on upcoming streetscape improvement projects and sought information on the Community Engagement Strategy.
Executive Update	**Councillors Attending:** Crs Fawcett, Kennedy, Brunt, Newton, Harding, Hutchinson-Brooks, McEwen, Hill and Davies. **Conflict of Interest**: Nil disclosed.	**Topic Discussed:** • Waste management issue
Ordinary Council Agenda Topics Discussion 22 July 2015	**Councillors Attending:** Crs Fawcett, Kennedy, Brunt, Newton, Harding, Hutchinson-Brooks, McEwen, Hill and Davies. **Conflict of Interest:** Nil disclosed.	**Topics Discussed:** • Council Meeting agenda topics including Agenda Amendment summary

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Thursday 23 July 2015		
Korumburra Round Table	**Councillors Attending:** Crs McEwen and Brunt. **Conflict of Interest:** Nil disclosed. **Topics Discussed:** • New Chair: Brian Hess, new Vice-Chair PeeWee Lewis • KCDA (Korumburra Community Development & Action) will be lodging a submission to Council to re-open the Access Centre; • KCC (Karmai Children's Centre) new letterhead, new signage up, transfer of service complete. • KBA (Korumburra Business Association) next meeting features new technology for businesses 29 July. • Council update from Bryan Sword • Discussion on 'Draft submission to Council on the Operations of the Round Table' – further work needed. Included thoughts on clarifying the role of the Round Table. • Discussion on membership, community representation and recruitment. • Town Entry signage update – ready to go for quotes for production. • Publicity group talked of the Korumburra App, consideration of funding, in kind contributions etc. • Tabled a new draft brochure 'Murals of Korumburra' and also report from first Korumburra Arts Network meeting. • Proposal for a 'Water Plan' for Korumburra and Round Table's role in this.	

RECOMMENDATION

That Council receive and note this report.

STAFF DISCLOSURE OF INTEREST

Nil

NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 24.

D.4 COUNCILLOR DISCRETIONARY FUND ALLOCATION REPORT

Corporate and Community 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 1 July 2015 and 23 July 2015.

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Councillor Discretionary Fund Policy 2014

COUNCIL PLAN

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

REPORT

The following applications have been allocated funding from the Councillor's 2014/2015 Discretionary Fund for the period between 1 July 2015 and 23 July 2015.

- Leongatha and District Historical Society: Sponsorship towards the bi-annual lecture/dinner.

  Cr James Fawcett - $300

  Cr Nigel Hutchinson-Brooks - $300

  Cr Don Hill - $300

FINANCIAL CONSIDERATIONS

Each Councillor is allocated $4,000 from the Councillor Discretionary Fund in the 2015/2016 Financial Budget. An additional $2,000 has been allocated to the Mayor to cover a broader focus across the entire Municipality.

CONCLUSION

The current unexpended Councillor Discretionary Funds for the 2015/2016 Financial Year is as follows:

- Cr Mohya Davies - $4,000
- Cr Jeanette Harding - $4,000
- Cr Kieran Kennedy – $4,000
- Cr Lorraine Brunt - $4,000
- Cr Robert Newton - $4,000
- Cr Andrew McEwen - $4,000
- Cr James Fawcett - $3,700
- Cr Don Hill - $3,700
- Cr Nigel Hutchinson-Brooks - $3,700
- Mayoral Fund - $2,000

RECOMMENDATION

That Council receive and note this report.

STAFF DISCLOSURE OF INTEREST

Nil

NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 24.

D.5 DOCUMENTS SEALED AND CONTRACTS AWARDED OR VARIED BY THE CHIEF EXECUTIVE OFFICER - JULY 2015

Corporate Services Directorate

EXECUTIVE SUMMARY

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

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

LEGISLATIVE/ ACTION PLANS/ STRATEGIES/ POLICIES

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

COUNCIL PLAN

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

REPORT

Documents Sealed

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

Sealing a document makes it an official document of Council as a corporate body. Documents that require sealing may include agreements, contracts,

leases or any other contractual or legally binding document that binds Council to another party.

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

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

1. Instrument of Delegation Council to Staff - Seal Applied 1July 2015

2. S173 Agreement between South Gippsland Shire Council and the owners of 48 Alfred Crescent, Venus Bay in relation to the development of a dwelling – Seal Applied 6 July 2015.

3. Contract SGC16/02 Supply and Delivery of Quarry Products and Road Making Materials – Casacir Pty Ltd - Seal Applied 7 July 2015

4. Contract SGC16/02 Supply and Delivery of Quarry Products and Road Making Materials – South Gippsland Quarries Pty Ltd - Seal Applied 8 July 2015

5. S173 Agreement between South Gippsland Shire Council and the owners of 58 Beach Parade, Sandy Point in relation to the development of a new dwelling – Seal Applied 13 July 2015.

6. Contract SGC16/02 Supply and Delivery of Quarry Products and Road Making Materials – S & L Riley - Seal Applied 10 July 2015

7. Contract SGC16/02 Supply and Delivery of Quarry Products and Road Making Materials – K R J Matthews Quarries Pty Ltd - Seal Applied 10 July 2015

8. Contract SGC16/02 Supply and Delivery of Quarry Products and Road Making Materials – David Harris Earthmoving Pty Ltd - Seal Applied 10 July 2015

9. Contract SGC16/02 Supply and Delivery of Quarry Products and Road Making Materials – F & T Concrete Pty Ltd - Seal Applied 10 July 2015

10. Contract SGC16/02 Supply and Delivery of Quarry Products and Road Making Materials – Defor Pty Ltd trading as Evans Quarries - Seal Applied 13 July 2015

11. Contract SGC16/03 Supply and Delivery of Premixed Concrete – Lebony Pty Ltd – Seal Applied 13 July 2015

12. Contract SGC16/02 Supply and Delivery of Quarry Products and Road Making Materials – Allens Contracting Pty Ltd ATF The Allen Family Trust - Seal Applied 17 July 2015

13. S183 Agreement between South Gippsland Shire Council and the owners of 125 Sparks Road, Pound Creek in relation to a house lot excision – Seal Applied 21 July 2015.

14. Contract SGC16/03 Supply and Delivery of Premixed Concrete – Holcim (Australia) Pty Ltd – Seal Applied 22 July 2015

15. Contract SGC16/02 Supply and Delivery of Quarry Products and Road Making Materials – Mr Brenton Williams - Seal Applied 23 July 2015

16. Section 173 Agreement between South Gippsland Shire Council and the Owners of 146 Nerrena Road, Leongatha in relation to the development of a dwelling – Seal Applied 27 July 2015.

17. Section 173 Agreement between South Gippsland Shire Council and the Owner of 379 Lang Lang Poowong Road, Nyora to facilitate the residential subdivision of Subject Land – Seal Applied 27 July 2015.

18. Section 173 Agreement between South Gippsland Shire Council and the Owner of 30 Glovers Road, Nyora to facilitate the residential subdivision of Subject Land – Seal Applied 27 July 2015.

19. Section 173 Agreement between South Gippsland Shire Council and the Owner of 66 Jennings Road, Thorpdale in relation to the development of a dwelling – Seal Applied 29 July 2015.

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

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

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

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

The following contracts were awarded under the CEO's delegation during July 2015 following a public tender:

- Contract SGC16/01 Supply and Implementation of a Geographical Information System (Retendered) award to Desktop Mapping Systems Pty Ltd t/a Digital Mapping Solutions (DMS) for a Lump Sum amount of $187,739.20 (including GST), including 2 X 1 year extensions.

  Since this Tender closed DMS were acquired by Technology One Pty Ltd. A Deed of Novation is being executed to transfer the Contract to Technology One Pty Ltd.

Council also delegates to the CEO the power to pay annual WorkCover and Council Insurance Premiums subject to these payments being reported to the next Council Meeting immediately after the payment is made. To meet this requirement the Council is advised that in the month of July 2015 the CEO authorised the following payments for the 2015/2016 insurance period:

- WorkCover Insurance Premium paid to $348,725.69 (GST inclusive) to CGU Workers Compensation (Vic) Limited.

- Local Government Liability Insurance Premium of $196,521.60 (GST inclusive) paid to MAV Insurance.

- Motor Vehicle Insurance Premium of $139,746.09 (GST inclusive) paid to Jardine Lloyd Thompson Pty Ltd Insurance Brokers (Vero Motor Fleet Insurance).

- Councillor and Officers Liability Insurance Premium of $8,154.96 (GST inclusive) paid to Jardine Lloyd Thompson Pty Ltd Insurance Brokers (Vero Insurance).

- General Products Liability (Hire of Halls) Insurance Premium of $14,699.85 (GST inclusive) paid to Jardine Lloyd Thompson Pty Ltd Insurance Brokers (QBE Insurance underwriters).

- Municipal Assets Protection Plan Insurance Contribution of $198,089.14 paid to the Jardine Lloyd Thompson Pty Ltd Discretionary Trust.

- Commercial Crime Insurance Premium of $4,922.25 (GST inclusive) paid to MAV Insurance (Zurich Australia Insurance Limited underwriter).

- Personal Accident Insurance Premium of $2,904.77 paid to Jardine Lloyd Thompson Pty Ltd Brokers (QBE Insurance Australia Ltd).

Contract variations approved by the CEO

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

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

RECOMMENDATION

That Council receive and note this report.

STAFF DISCLOSURE OF INTEREST

Nil

NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 24.

D.2 COUNCILLOR EXPENDITURE REPORT - 30 JUNE 2015

Corporate Services Directorate

EXECUTIVE SUMMARY

The Councillor Expenditure Report (**Attachment 1**) provides Council with a quarterly update on Councillor Expenditure from 1 July 2014 to 30 June 2015.

Document pertaining to this Council Report

- **Attachment 1** - Councillor Expenditure

LEGISLATIVE/ ACTION PLANS/ STRATEGIES/ POLICIES

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

COUNCIL PLAN

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

REPORT

Background

The Councillor Expenditure Report (**Attachment 1**) provides Council with an update on Councillor expenditure from 1 July 2014 to 30 June 2015.

Councillor expenditure is reported on an accrual basis, and adjustments have been made for ‘pre-paid expenditure’ at financial year end.

FINANCIAL CONSIDERATIONS

The annual budget provision for 2014-15 for Councillor Expenses was $382,826. Actual expenses for the year totalled $386,843 representing a variation of $4,017.

RISK FACTORS

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

RECOMMENDATION

That Council receive and note the Councillor Expenditure Report for the period 1 July 2014 to 30 June 2015.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Hutchinson-Brooks SECONDED: Cr Davies

THAT COUNCIL RECEIVE AND NOTE THE COUNCILLOR EXPENDITURE REPORT FOR THE PERIOD 1 JULY 2014 TO 30 JUNE 2015.

Cr Hill returned to the Meeting at 3.31pm.

Cr Brunt left the Meeting at 3.39pm.

CARRIED

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

Against: Cr Newton

Attachment 1
Councillor Expenditure report 1 July 2014 to 30 June 2015

Councillor Expenditure

From 1 July 2014 to 30 June 2015

		Travel Expenditure		Other Expenditure					Total
Councillor	**Car**	**Councillor Car Operating Cost ***	**Other travel reimbursements ****	**Mobile Phone**	**Phone/Fax/ Modem**	**Training & Professional Development *****	**Councillor Allowance**	**Remoteness Allowance**	
Cr. Robert Newton	Council	$ 7,933	$ -	$ 492	$ -	$ 41	$ 25,449	$ -	**$ 33,915**
Cr. Lorraine Brunt	Council	$ 8,611	$ -	$ 1,604	$ -	$ 2,524	$ 25,449	$ -	**$ 38,188**
Cr. Andrew McEwen	Personal	$ -	$ 7,716	$ 1,167	$ -	$ 2,087	$ 25,449	$ -	**$ 36,419**
Cr. Kieran Kennedy	Council	$ 9,828	$ -	$ 1,030	$ -	$ 13,718	$ 25,449	$ -	**$ 50,025**
Cr. Mohya Davies	Council	$ 8,069	$ -	$ 1,124	$ -	$ 3,025	$ 25,449	$ -	**$ 37,667**
Cr. Jeanette Harding	Council	$ 8,200	$ -	$ 749	$ -	$ 3,760	$ 60,500	$ 640	**$ 73,849**
Cr. Nigel Hutchinson Brooks	Council	$ 8,570	$ -	$ 687	$ -	$ 3,457	$ 25,449	$ -	**$ 38,163**
Cr. Don Hill	Personal	$ -	$ 6,448	$ 566	$ 1,017	$ 590	$ 25,449	$ -	**$ 34,070**
Cr. James Fawcett	Personal	$ -	$ -	$ 589	$ -	$ 266	$ 43,692	$ -	**$ 44,547**
Total Actual (Year to date June 2015)		**$ 51,211**	**$ 14,164**	**$ 8,008**	**$ 1,017**	**$ 29,468**	**$ 282,335**	**$ 640**	**$ 386,843**
Total Budget (Year to date June 2015)		**$ 53,100**	**$ 14,000**	**$ 7,068**	**$ 1,332**	**$ 17,200**	**$ 289,486**	**$ 640**	**$ 382,826**
Variance		**$ 1,889**	**-$ 164**	**-$ 940**	**$ 315**	**-$ 12,268**	**$ 7,151**	**$ -**	**-$ 4,017**

*Car operating costs are for the financial year ended 30 June 2015 and includes depreciation, insurance and notional interest.

** Travelling expenditure for Councillors using private vehicles is at the prescribed rate of reimbursement. Reimbursements also include actual public transport costs.

*** Training & professional development includes accommodation, conference and parking expenses.

*** Training & professional development expenses of Cr. Kieran Kennedy includes $6000 for completing a Diploma of Local Government

SECTION E - COUNCIL REPORTS

E.1 PARLIAMENTARY INQUIRY INTO UNCONVENTIONAL GAS IN VICTORIA

Development Services Directorate

EXECUTIVE SUMMARY

The Parliament of Victoria is currently conducting an Inquiry into Unconventional Gas in Victoria and is due to present an interim report in September, with a final report due in December 2015.

The prosperity of the South Gippsland economy and lifestyle is predicated on strong agricultural and tourism sectors. Gippsland holds a competitive agricultural advantage due to productive soils and high and reliable rainfalls. There is a significant level of investment in associated infrastructure, and agriculture is estimated to contribute $900 million per annum to the economy. Future tourism growth is also closely linked with this sector and it is critical for our economic prosperity that these sectors are protected without compromise.

There have been a number of community representations made to Council on unconventional gas. These representations have recognised the importance of agriculture and tourism to our economy and have sought Council's support for a moratorium on unconventional gas exploration in South Gippsland.

Council's position is that it will seek an extension to the current moratorium until it can be demonstrated that unconventional gas exploration and extraction will not adversely affect the South Gippsland economy, environment or community.

It is recommended that Council make the September interim report available to the public on Council's website and provide a response to the interim report which considers any public submissions on the issue.

Document/s pertaining to this Council Report

- **Attachment 1** - Letter to Minister for Energy and Resources seeking a moratorium on coal seam gas exploration and extraction/mining in South Gippsland.
- **Attachment 2** - Response from Minister for Energy and Resources to Council's letter.
- **Attachment 3** - Letter to Department of Primary Industries objecting to Mantle Mining Application ELA 5428
- **Attachment 4** - Response from Department of Primary Industries to Council's objection to Mantle Mining Application 5428
- **Appendix 1** - Gippsland Region Synthesis Report

- **Appendix 2** - A review of gas prospectivity: Gippsland Region

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

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Petroleum Act 1998 (Petroleum Act)
- Mineral Resources (Sustainable Development) Act 1990

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Economic Development and Tourism Strategy

COUNCIL PLAN

Outcome:	1.0	A Prosperous Shire
Objective:	1.3	Improve the sustainability of the local and regional environment
Strategy:	1.3.1	We will actively engage businesses, farmers, industries and individuals in creating a clean, green Shire, where environmental sustainability is embraced and practiced.

CONSULTATION

The Parliament of Victoria is currently conducting an Inquiry into Unconventional Gas in Victoria and is due to present an interim report in September 2015. The final report for this inquiry is due in December 2015. Public submissions informing the interim report closed in July 2015.

A report on community and stakeholder attitudes to onshore natural gas in Victoria was presented to the Victorian Government in April 2015. The key question of the quantitative study was the likelihood of supporting the introduction of an onshore natural gas industry in Victoria. Some 29% of respondents indicated support for the industry (either definitely would or likely to), while 27% of respondents indicated that they do not support the introduction of an onshore natural gas industry.

Other key points to emerge from the quantitative survey were: a large proportion of the Victorian community (44%) has not adopted a definite position; that the level of opposition in rural areas with the potential to be affected is high (46%); that there are strong expectations that government will strictly control a potential industry (70%); and; there is a strong interest in learning more (55%).

A copy of the 'Report on community and stakeholder attitudes to onshore natural gas in Victoria' is available on Council's website.

REPORT

Background

There have been a number of community representations made to Council on unconventional gas. Some representations have sought clarification of Councils position and others have advocated strongly that Council ban or seek a moratorium on unconventional gas in South Gippsland.

In response to these representations Council has considered previous reports and passed the following resolutions.

Council Motion – Ordinary Council Meeting 27 June 2012

Council resolved to:

1. Write to the Victorian State Government calling for a moratorium on coal seam gas exploration and extraction/ mining in South Gippsland pending full public disclosure of all process chemicals used and all other features of coal seam gas exploration/mining being shown to be safe.
2. Seek further information on regulations and controls in place in respect of coal seam gas exploration and extraction in the state of Victoria and how those regulations and controls compare to other states where coal seam gas exploration and operations are in progress.

3. Ensure the community is kept up to date with all relevant information as it becomes available through our website, council reports and contact with concerned community groups and Bass Coast Shire Council.

4. That Council opposes coal seam gas exploration or mining/extraction on land it owns or manages until it is shown to be safe.

(Refer Attachments 1 and 2)

Council Motion - Ordinary Council Meeting 25 July 2012

Council resolved to:

Prior to 8 August 2012, lodge a written objection to the granting of a mining exploration licence under Mantle Mining's application no. ELA 5428, as advertised on p11 of the Mirboo North Times dated 18 July 2012, based on the following grounds:

1. The applied licence area includes the entire township of Mirboo North. The prospect of mining exploration and the potential for coal mining within the town is unacceptable.

2. The applied licence area includes critical town and agricultural water supplies. The prospect of these being threatened by exploration and potentially coal mining is unacceptable.

3. The application licence area contains important dairying, grazing and potato growing operations. The economic value and food security of these industries far outweighs any short term gain from exploration and mining and is therefore unacceptable.

4. To Council's knowledge, Mantle Mining has not undertaken community consultation in relation to its intentions on previously granted exploration licences in adjacent agricultural areas, as referenced in the DPI's exploration licence application kit.

5. The advertisement for the exploration licence is not suitably presented, being too small in both print size and map presentation to enable reasonable notice to citizens. The application should be readvertised as was the recent case for Leichhardt's Resources application el5416."

6. Inform all property owners through 'South Gippsland Matters' of council resolutions carried in respect of coal seam gas or coal exploration and/or mining licences in June and July 2012 Council meetings and include any correspondence sent by Council to the State Government, following those resolutions.

(Refer Attachments 3 and 4)

Discussion

Unconventional Gas covers the exploration, extraction and production of onshore natural gas. It includes terms such as Onshore Gas, Coal Seam Gas, Shale Gas and Tight Gas.

Legislative and administrative decision making on unconventional gas, including decisions on exploration and extraction licenses, is vested with the Victorian Government.

Most of South Gippsland Shire is currently covered by mining exploration licences. Many of these include potential for unconventional gas. It is unknown at this stage if South Gippsland has any commercial quantities of unconventional gas. Council has previously objected to the Victorian Government in response to notification of an application for an exploration licence in Mirboo North.

The Victorian Government have introduced the following measures regarding Unconventional Gas in Victoria:

- A hold on granting new exploration licences for all types of onshore gas
- A hold on approvals for hydraulic fracturing
- A hold on exploration drilling activities
- A ban on the use of BTEX (benzene, toluene, ethylbenzene, xylene) chemicals, which has been enshrined in legislation

- Scientific studies to understand the possible impacts of a potential onshore gas industry on Victoria's surface water and groundwater

Independent geological testing has recently been undertaken in South Gippsland to better understand the geology of the Shire. The results of this testing is unknown at this stage.

A number of reports prepared on the behalf of the Victorian Government were released at the same time that this report was prepared. These include a review of gas prospectivity in the Gippsland region and the assessment of potential impacts on water resources. A link to these reports is provided on Council's website. Council is currently reviewing the findings of these reports and is attending a government briefing on the findings in late August.

Key findings of the "Gippsland region synthesis report, overview of the assessment of potential impacts on water resources" (refer Appendix 1) are;

- At present there is no active onshore natural gas development in Victoria.

- As far as it is known at present, there is no significant onshore conventional gas potential in the Gippsland region.

- Tight gas, shale gas and coal seam gas are the three main types of prospective onshore natural gas in Gippsland.

- Overall, the potential impacts on water users and ecosystems from possible onshore natural gas developments in Gippsland was found to be low for tight and shale gas (with some exceptions) and moderate to high for coal seam gas.

Key findings of "A review of gas prospectivity: Gippsland region " (refer Appendix 2) are;

- No conventional gas accumulations have been found to date in the onshore Gippsland region.

- The Strzelecki Group, found across Gippsland, is the primary target for tight gas. Gas could be irregularly distributed throughout the formation or trapped in discrete areas. Whether gas is distributed throughout the Strzelecki Group in quantities that may prove to be commercial is unknown.

- There have been no discoveries of coal seam gas to date and knowledge of the resource potential in Gippsland is extremely limited.

South Gippsland is recognised as one of the key food production areas of Australia with the sector worth around $900 million per annum. Much of this is export focussed and trades off our clean environment. Council's Economic Development and Tourism Strategy ("the strategy") is underpinned by the support and development of our food and tourism sectors. The Strategy

seeks to "ensure that Coal Seam Gas and other mining does not adversely impact on farming and our clean food image."

Council has taken a balanced approach to support the moratorium, understand the issues, keep the community informed and hear the community's concerns.

As the interim report of the Parliamentary Inquiry will be released shortly, it would be prudent to understand the findings of the report and any implications for South Gippsland.

This report recommends that Council provide access to the Victorian Parliamentary Interim Report into Unconventional Gas on Council's website when released in September. It is also recommended that Council provide a response to the interim report which considers community feedback.

FINANCIAL CONSIDERATIONS

The prosperity of the South Gippsland economy and lifestyle is predicated on strong agricultural and tourism sectors. Gippsland holds a competitive agricultural advantage due to productive soils and high and reliable rainfalls. There is a significant level of investment in associated infrastructure and agriculture is estimated to contribute $900 million per annum to the economy. Future tourism growth is also closely linked with this sector and it is critical for our economic prosperity that these sectors are protected without compromise.

RISKS

To mitigate risk, Council's position is to support the moratorium on all forms of unconventional gas, until it can be demonstrated that the impacts will not adversely affect the environment, economy or community.

CONCLUSION

The issue of Unconventional Gas is a contentious one and it is unknown at this stage if South Gippsland has any commercial quantities of gas. When the Interim Report of the Parliamentary Inquiry is released it will become clearer the direction the Government is likely to take.

It is important for Council and the community to understand if there will be adverse impacts for the Shire. Given South Gippsland's critical role in food production it is vital that this industry and our clean image are not adversely impacted.

Without clear indication on the nature of the impacts, the moratorium should be extended until it can be demonstrated that the community, environment and economy will not be adversely affected.

RECOMMENDATION

That Council:

1. Note the significant economic contributions made by the agricultural, food manufacturing and tourism sectors to the South Gippsland economy.

2. Continue to support the moratorium on all forms of unconventional gas, until it can be demonstrated that the impacts will not adversely affect the environment, economy or community.

3. Place a copy of the Interim Victorian Parliamentary Report into Unconventional Gas on Council's website.

4. Review the September interim report into Unconventional Gas when it is released in September and report on the implications for South Gippsland.

5. Provide a response to the interim report which considers community feedback.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Fawcett **SECONDED: Cr Davies**

THAT COUNCIL:

1. **NOTE THE SIGNIFICANT ECONOMIC CONTRIBUTIONS MADE BY THE AGRICULTURAL, FOOD MANUFACTURING AND TOURISM SECTORS TO THE SOUTH GIPPSLAND ECONOMY;**

2. **CONTINUE TO SUPPORT THE MORATORIUM ON ALL FORMS OF UNCONVENTIONAL GAS, UNTIL IT CAN BE DEMONSTRATED THAT THE IMPACTS WILL NOT ADVERSELY AFFECT THE ENVIRONMENT, ECONOMY OR COMMUNITY;**

3. **PLACE A COPY OF THE FOLLOWING REPORTS ON COUNCIL'S WEBSITE:**

    a. **INTERIM AND FINAL VICTORIAN PARLIAMENTARY REPORT INTO UNCONVENTIONAL GAS;**

    b. **VICTORIAN AUDITOR-GENERAL'S OFFICE (VAGO) REPORT – MANAGING THE RISKS AND IMPACTS OF UNCONVENTIONAL GAS; AND**

    c. **THE REPORT ON COMMUNITY AND STAKEHOLDER ATTITUDES TO ONSHORE NATURAL GAS IN VICTORIA.**

4. **RECEIVE A REPORT WHICH REVIEWS THE ABOVE MENTIONED REPORTS AND THEIR IMPLICATIONS FOR SOUTH GIPPSLAND;**

5. **PROVIDE A WRITTEN RESPONSE TO THE GOVERNMENT WHICH CONSIDERS COMMUNITY FEEDBACK.**

Cr McEwen returned to the Meeting at 3.41pm.

Cr Brunt returned to the Meeting at 3.42pm.

CARRIED

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

Against: **Crs Hill, Kennedy and McEwen.**

Attachment 1
Letter to Minister for Energy and Resources seeking a moratorium on coal seam gas exploration and extraction/mining in South Gippsland.

Our ref: D2367012

15 July 2012

South Gippsland
Shire Council
Come for the beauty. Stay for the lifestyle

The Hon. Michael Anthony O'Brien
Minister for Energy and Resources
Level 22, 1 Spring Street
Melbourne VIC 3000

Dear Minister

DEPARTMENT OF PRIMARY INDUSTRIES
COAL SEAM GAS/COAL BED METHANE/UNCONVENTIONAL GAS

South Gippsland Shire contains reserves of coal and is currently subject to Exploration Licences and applications for Exploration Licences for 'Coal Seam Gas/ Coal Bed Methane and the like.

The community in South Gippsland has shown great concern regarding Coal Seam Gas exploration. Several well attended public meetings have been held throughout the Shire, and Council's July Meeting was relocated to a larger venue to accommodate those who were present to voice their concerns. Ongoing local and national media coverage has compounded the debate, with farmers being urged to join a 'Lock The Gate' campaign and a major rally being planned for Leongatha in August.

Coal Seam Gas exploration and extraction/mining continues to be at the forefront of many Council discussions. Council also share concerns regarding the social, environmental and economic impacts of the exploration and possible extraction of this potential resource from our Shire.

Council unanimously resolved at its Ordinary Council Meeting of 27 June 2012:

That Council:

1. *Write to the Victorian State Government calling for a moratorium on coal seam gas exploration and extraction/mining in South Gippsland pending full public disclosure of all process chemicals used and all other features of coal seam gas exploration/mining being shown to be safe.*

2. *Seek further information on regulations and controls in place in respect of coal seam gas exploration and extraction in the state of Victoria and how those regulations and controls compare to other states where coal seam gas exploration and operations are in progress.*

9 Smith Street (Private Bay 4) Leongatha 3953 - DX 94026 Leongatha
Telephone: (03) 5662 9200 Facsimile: (03) 5662 3754
Email: council@southgippsland.vic.gov.au Website: www.southgippsland.vic.gov.au

3. *Ensure the community is kept up to date with all relevant information as it becomes available through our website, council reports and contact with concerned community groups and Bass Coast Council.*

4. *That Council opposes coal seam gas exploration or mining /extraction on land it owns or manages until it is shown to be safe.*

On behalf of the residents of South Gippsland Shire, Council call for a moratorium on coal seam gas exploration and extraction/mining in South Gippsland. Further, Council would appreciate regular updates on your department's process and regulations in regards to this issue.

If you have any queries regarding this matter, please do not hesitate to contact Paul Stampton - Manager Strategic Planning and Development via email pauls@southgippsland.vic.gov.au or phone (03) 5662 9236.

Yours sincerely

Cr Mohya Davies
Deputy Mayor

Cc: Premier of Victoria – The Hon. Ted Baillieu MP
Deputy Premier of Victoria – The Hon. Peter Ryan MP
Local Members of Parliament

Attachment 2
Response from Minister for Energy and Resources re coal seam gas exploration in Victoria.

Minister for Energy and Resources

1 Spring Street
GPO Box 4440
Melbourne Victoria 3001
Telephone: (03) 9938 5970
ABN 42 579 412 233
DX: 210404

Our Ref: MB003614

Mr Tim Tamlin
Chief Executive Officer
South Gippsland Shire Council
Private Bag 4
LEONGATHA VIC 3953

SOUTH GIPPSLAND SHIRE
RECORDS DEPARTMENT
- 7 DEC 2012

Dear Mr Tamlin,

COAL SEAM GAS

I am writing in reference to correspondence of 15 July 2012 from former Deputy Mayor, Cr Mohya Davies, regarding coal seam gas exploration in Victoria. I apologise for the delay in responding, and ask that you bring my response to the attention of the new Council as appropriate.

The extraction of natural gas, both onshore and offshore, has been safely regulated by the Victorian Government for more than 40 years, protecting both local communities and the environment while providing an affordable source of energy for households and business.

As Victoria's known offshore oil and gas resources deplete, there is a need to establish new sources in order to keep energy prices affordable in the future. This will include seeking to discover whether Victoria has any onshore resources of this type. However, the development of Victoria's natural resources must be carried out in a responsible and sustainable manner. This requires the protection of our environment (including water resources) and seeking positive outcomes for our rural and regional communities.

In June 2012 Victoria signed a National Partnership Agreement with the Commonwealth on coal seam gas and large coal mining development. This Agreement provides Victoria with access to independent expert advice as well as research funding which will be used to better understand and protect our water assets.

Victoria is also participating in the creation of the *National Harmonised Framework* for coal seam gas regulation. This aims to ensure that the very best regulatory practice will operate in Victoria (and elsewhere) to give the community confidence that the development of any onshore gas resources will be consistent with the protection of other economically and environmentally significant assets.

Privacy Statement
Any personal information about you or a third party in your correspondence will be collected and protected under the provisions of the ***Information Privacy Act 2000****. It will only be used or disclosed to appropriate ministerial or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to the Manager Privacy, Department of Primary Industries, GPO Box 4440, Melbourne, 3001.*

The national framework process is considering leading practice approaches to the regulation of the coal seam gas industry, including water management and monitoring, well design and integrity, hydraulic fracturing, chemical use and industry and community engagement. State and Federal Energy and Resources Ministers are expected to consider the framework in December 2012.

The Victorian Coalition Government has announced reforms to provide greater certainty for rural and regional communities and energy industries while the national reform process for coal seam gas is progressing.

The reforms which came into effect immediately are:

- A hold on approvals to undertake hydraulic fracturing as part of onshore gas exploration and a hold on the issuing of new exploration licenses for coal seam gas until the upcoming national framework proposals have been considered.
- A ban on the use of BTEX chemicals (benzene, toluene, ethylbenzene and xylene) in hydraulic fracturing in Victoria.

These measures do not affect exploration activity approved under existing licences that does not involve hydraulic fracturing, such as surveying or drilling for core samples.

The Victorian Coalition Government will also:

- Seek to strengthen resource policy and legislation to ensure better consideration of mixed land use issues during the application process for coal seam gas exploration activity.
- Use impact statements at the exploration stage in circumstances where there will be a significant material impact on the environment, to better manage mixed land use issues for all minerals exploration, not just coal seam gas. This power currently exists under section 41A of the *Mineral Resources (Sustainable Development) Act 1990*.

These new reforms are in addition to Victoria's already strict regulatory framework that includes Victoria's Environment Protection Policy under the *Environment Protection Act 1970* which does not allow discharge from exploration and mining activities that will pollute groundwater.

The Victorian Government has also established a new Earth Resources Ministerial Advisory Council to support the community, landholders and industry to work together to identify emerging issues and potential solutions.

The Department of Primary Industries (DPI), Southern Rural Water and the Environment Protection Authority, ran a series of community information sessions on mining and coal seam gas in 2012. Sessions were held at Leongatha, Sale, Wonthaggi, Bacchus Marsh and Traralgon and provided community members with

an opportunity to ask questions of the agencies. DPI is also available to provide briefings to local councils. Please contact Doug Sceney, Executive Director Earth Resources Regulation, at DPI for further information on 9658 4457 or at Doug.Sceney@dpi.vic.gov.au.

I trust this information is of assistance.

Yours faithfully,

Michael O'B

HON. MICHAEL O'BRIEN MP
Minister for Energy and Resources

3 /12 / 2012

Attachment 3
Letter to Department of Primary Industries re objection to Mantle Mining Application ELA 5428

Our Ref: D2669612

South Gippsland
Shire Council
Come for the beauty. Stay for the lifestyle

3 August 2012

Manager
Earth Resources Tenements
Department of Primary Industries
GPO Box 4440
Melbourne VIC 3001

Dear Sir/Madam

Objection to Mantle Mining Application ELA 5428

I write on behalf of South Gippsland Shire Council as a direct result of a resolution of Council.

During 2012 the Council has been approached by many members of its community who are very strongly opposed to the prospect of coal seam gas exploration licences being granted within the South Gippsland Shire. As a result the Council unanimously resolved at its June 2012 Meeting to call on the State Government for a moratorium on coal seam gas exploration and mining/extraction until it can be shown to be safe.

Since that time, community concern has been heightened by a coal exploration licence application (ELA 5428) by Mantle Mining that covers the township of Mirboo North and adjacent rural areas. At the Council Meeting of 25 July 2012 the Council unanimously resolved that:

> **Prior to 8 August 2012 lodge a written objection to the granting of a mining exploration licence under Mantle Mining's Application No. ELA 5428, as advertised on Pg 11 of the Mirboo North Times dated 18 July 2012, based on the following grounds:**

1. **The applied licence area includes the entire township of Mirboo North. The prospect of mining exploration and the potential for coal mining within the town is unacceptable.**
2. **The applied licence area includes critical town and agricultural water supplies. The prospect of these being threatened by exploration and potentially coal mining is unacceptable.**

9 Smith Street (Private Bag 4) Leongatha 3953 - DX 94026 Leongatha
Telephone: (03) 5662 9200 Facsimile: (03) 5662 3754
Email: council@southgippsland.vic.gov.au Website: www.southgippsland.vic.gov.au

3. **The application licence area contains important dairying, grazing and potato growing operations. The economic value and food security of these industries far outweighs any short term gain from exploration and mining and is therefore unacceptable.**

4. **To Council's knowledge, Mantle Mining has not undertaken community consultation in relation to its intentions on previously granted exploration licences in adjacent agricultural areas, as referenced in the DPI's exploration licence application kit.**

5. **The advertisement for the exploration licence is not suitably presented being too small in both print size and map presentation to enable reasonable notice to citizens. The application should be readvertised as was the recent case for Leichardt Resources Application EL5416.**

Council registers its strong objection, on behalf of the community we represent, to ELA5428 as per the above resolution.

If you have any questions, please do not hesitate to contact me directly on 5662 9204.

Yours sincerely

Cr. Warren Raabe
Mayor

Attachment 4
Response from Department of Primary Industries re objection to Mantle Mining Application 5428

Department of Primary Industries

6 September 2012

SOUTH GIPPSLAND SHIRE COUNCIL
RECORDS DEPARTMENT
11 SEP 2012

55 Grey Street
Traralgon Victoria 3844
Australia
Telephone: 03 5160 9000
Facsimile: 03 5160 9055
ABN 42 579 412 233

Cr Warren Raabe
Mayor
South Gippsland Shire Council
Private Bag 4
LEONGATHA VIC 3953

Dear Mayor

OBJECTION - APPLICATION FOR EXPLORATION LICENCE 5428
MANTLE MINING CORPORATION LTD

The Manager Earth Resources Tenements, as Delegate of the Minister, has asked me to acknowledge your correspondence received on 6 August 2012 in relation to the above application.

As part of the assessment process, your comments will be taken into account when considering whether to grant or refuse a licence.

An application containing Crown land, as is the case with this application, may need to address requirements of the *Native Title Act 1993*. Subsequently, it may take approximately 18-24 months before a decision is made. When the application is determined you will be advised of the outcome.

The *Mineral Resources (Sustainable Development) Act 1990* requires objections be made available for inspection at the Earth Resources Business Centre, Level 16, 1 Spring Street, Melbourne VIC 3000 by any person, on request and free of charge, during office hours, until the application is granted or refused.

I enclose a "Landholder information booklet" for your reference.

Please note, should a licence be granted, the holder of an exploration licence may only explore for minerals and is not permitted to engage in mining.

Yours sincerely

Joanne Wood
Tenements Officer
Earth Resources Tenements Unit - Gippsland
Enc.:
Minerals Exploration and Mining in Victoria: Landholder information booklet

MOVED: Cr Davies **SECONDED: Cr Brunt**

THAT STANDING ORDERS BE SUSPENDED.

CARRIED UNANIMOUSLY

The Mayor adjourned the Meeting for 10minutes.

MOVED: Cr Brunt **SECONDED: Cr Kennedy**

THAT STANDING ORDERS RESUME.

CARRIED UNANIMOUSLY

Councillor Hutchinson-Brooks was not in the Meeting at 4.20pm as he has a declared past close association conflict of interest in Council Reports - E.2 PLANNING SCHEME AMENDMENT C97 - REZONING OF LAND AT LANG LANG, POOWONG ROAD NYORA (WALLIS WATSON SITE) TO THE GENERAL RESIDENTIAL ZONE 1, having being retained by Wallis Watson for a short period as a consultant prior to being elected to Council.

E.2 PLANNING SCHEME AMENDMENT C97 - REZONING OF LAND AT LANG LANG POOWONG ROAD NYORA (WALLIS WATSON SITE) TO THE GENERAL RESIDENTIAL ZONE 1

Development Services Directorate

EXECUTIVE SUMMARY

Planning Scheme Amendment C97 proposes to rezone 379 Lang Lang Poowong Road, 30 Glovers Road and 951 Yannathan Road Nyora from the Farming Zone to the General Residential Zone 1. The combined lots have an area of 104ha and are anticipated to yield in excess of 700 residential lots when fully developed. The two large lots are commonly known as the Wallis Watson land. The amendment also applies a Development Plan Overlay (DPO) to the land to guide its future subdivision and development. Council resolved to prepare and exhibit Amendment C97 at its Ordinary Council Meeting on 26 February 2014.

Amendment C97 was exhibited for an extended seven week period concluding on 19 January 2015. A total of 14 submissions were received of which two requested changes to the amendment provisions. Negotiations with the two landowners have resolved the issues of concern allowing Amendment C97 to be adopted by Council.

Document/s pertaining to this Council Report

- **Attachment 1** - Locality Plan 'Subject Land' proposed to be rezoned
- **Attachment 2** - Amendment C97 Adoptions Documents
- **Attachment 3** - Council letter to submitters regarding Hatchs Road connection.
- **Confidential Appendix 1** - Landowner and agency submissions

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

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Planning and Environment Act 1987 (the Act)

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Nyora Structure Plan - June 2013
- South Gippsland Planning Scheme

COUNCIL PLAN

Outcome:	1.0	A Prosperous Shire
Objective:	1.1	We will actively plan for growth and economic development
Strategy:	1.1.2	We will protect and retain the unique identity of towns, villages and farming districts

CONSULTATION

Public consultation (Amendment exhibition) occurred in accordance with the procedural requirements of the Planning and Environment Act 1987. This involved postal notification to the owners and occupiers of adjoining lands, public notices in the local newspapers, display information in Nyora, four public notice signs on the subject land, Council press release, web page display information and publication of an official notice in the Government Gazette. A community information drop in session was held at the Nyora Recreation Reserve to address any general enquiries from the public.

A total of 14 submissions were received. On site meetings were conducted with both of the submitters from Hatchs Road who requested changes to the DPO provisions.

REPORT

Background

Following extensive community consultation across 2012-13, the subject land (see **Attachment 1**) was identified as a 'Future Residential Area' in the Nyora Structure Plan - June 2013. The adoption of the Structure Plan, and its subsequent inclusion in the Local Policy of the Planning Scheme, provides the strategic policy support for Amendment C97.

The amendment proponent ('Wallis Watson' a land development company) has been actively pursuing the urban residential development of the subject land for a number of years. They engaged in the consultation processes for the preparation of the Nyora Structure Plan and used this process to inform the community of the style and density of development they propose for the land.

The preparation of the Structure Plan and its implementation into the planning scheme by Amendment C72 involved extensive community consultation and review. Amendment C97 is consistent with the key recommendations of these documents and is consistent with the 'development expectations message' provided to the community in recent years.

Discussion

The strategic policy support for the rezoning of the subject land to the General Residential Zone 1 (GRZ1) is established by the Nyora Structure Plan and the local provisions of the Planning Scheme. For this reason this report does not discuss the policy merits of the zoning but focuses on the submissions to the amendment and the changes made to the DPO provisions to address submission issues.

Before discussing the submissions it is beneficial to briefly review the development approval stages to occur in the future should Amendment C97 be approved.

If the amendment is approved, the subject land will be rezoned GRZ1 and the DPO applied to the land. After approval, the next step is for the developer to prepare a Development Plan which responds to the requirements of the DPO schedule. The Development Plan will be exhibited before it is adopted by Council. Once the Development Plan is approved, the planning permit for the subdivision of the land can be issued and the subdivision developed.

<u>Hatchs Road Interface Issue and Traffic Impacts</u>

The two submissions requesting changes to the amendment (see Confidential Appendix 1, refer Submissions 1 & 2) were received from residents on the eastern side of Hatchs Road which adjoins the subject land. The submissions address a range of concerns however the key issues relate to how the new subdivision will adjoin the existing Hatchs Road subdivision and the concern

that a connector road will be provided to the new subdivision resulting in increased traffic volumes using Hatchs Road.

With the agreement of the submitters and the amendment proponent, the DPO provisions (see **Attachment 2**) have been amended to resolve the submitter concerns by the inclusion of the following words:

"Lots within the DPO area directly adjoining the boundary of the established residential lots along Hatches Road must be setback a minimum of 7m from the adjoining Low Density Residential Zone boundary and include a 4m wide amenity buffer for landscape planting. The layout should create no more than two new lots directly adjoining the rear boundary of established residential lots fronting Hatches Road and the lots be not less than 1,000sqm. Only one new lot shall directly adjoin the rear boundary of 16 Hatchs Road (Lot 2 PS543620)."

This provision means that large lots must be created adjoining the existing Hatchs Road lots and the lots must be set out so that no single existing lot has more than two new adjoining lots. Without this provision some existing lots may have three or four new lots adjoining their land. This would be visually unsightly for the Hatchs Road landowners and complicate fencing requirements now and into the future.

The exhibited DPO fencing provision has also been amended to address submitter concerns. To make it clear that the developer is to provide boundary fencing when the land is subdivided, and to provide discretion in the style of fencing to be provided, the submitters and amendment proponent have agreed to the inclusion of the following provision in the DPO:

"A planning permit which creates residential lots immediately adjoining residential lots in the Low Density Residential Zone must include a condition that requires fencing along the boundary of these lots. Unless specifically agreed otherwise with an adjoining landowner, fencing must be a minimum of 1.8m high solid fence to be provided at the developer's expense and constructed prior to the issue of Statement of Compliance for the subdivision of the land."

Regarding the connection of Hatchs Road to the new subdivision, Council has informed the submitters that Council does not support vehicle access to the subject land from Hatchs Road however pedestrian and cycle connectivity is to be required from both Hatchs Road and Forster Drive. In the interests of effective long term planning both connection points are to be created in reserves that are wide enough to allow road connection. While there is presently no scenario in which vehicle connectivity is required, it is prudent for long term planning to ensure that the option is available. For example, if in 50-75 years' time the existing low density Hatchs Road / Forster Drive area has transitioned into a more densely developed residential area and other lands on the northern side of Nyora developed for urban residential use, it may be appropriate to provide vehicle connectivity. It is possible that this scenario will

never eventuate, but it is not orderly planning to rule out this option entirely at this time.

Hogans Road Reserve - East of Yannathan Road

Two submissions were received from landowners adjoining the southern side of the unmade road reserve situated between the northern end of Hatchs Road and Yannathan Road. The road reserve is Crown Land and currently licenced to the owner of 30 Glovers Road for grazing. The submitters do not object to the amendment but seek clarification on the future use of the reserve, its maintenance, and whether they can purchase the area adjoining their land.

Other than providing the abovementioned pedestrian and bicycle connectivity points at the end of Hatchs Road and Forster Drive, the balance of the road reserve is not required to facilitate the subdivision of the subject land. The DPO provisions require a continuous connector road be provided through the subject land, connecting Yannathan Road to Lang Lang Poowong Road. This makes the existing road reserve unnecessary. Furthermore, Yannathan Road is heavily trafficked and the new subdivision should be restricted to a single entry point situated approximately mid-point along the Yannathan Road frontage. Creating an additional intersection point (and a potentially dangerous cross road) is not a good outcome. If the reserve is not used as a road, dwellings will back onto the reserve making it unusable for pedestrian and cycle use because of poor visual surveillance. In summary, the continuation of Hogans Road east of Yannathan Road is not supported. These views have been conveyed to the submitters in the correspondence provided in **Attachment 3**.

The submitters comment that if the land is not formally used it will become a maintenance burden (mowing / fire prevention) and present potential safety concerns related to informal uses that can take advantage of unused land in urban areas. Wallis Watson has advised they have no interest in acquiring and developing the reserve and, consistent with normal practice, Council should not take responsibly for the reserve unless it provides a net community benefit. For these reasons it is reasonable to explore the options for this land with the State Government's Crown Land managers, including its potential sale to adjoining landowners. This can occur as a separate process to Amendment C97 and can be explored further in the preparation of the Development Plan and its consultation processes. The future of the reserve should be finalised before the adjoining land is subdivided.

Nyora Recreation Reserve Committee submission

The Nyora Recreation Reserve Committee submission does not object to Amendment C97 or require specific changes to the DPO provisions but it highlights the relationship between population growth and demand on existing infrastructure - specifically the Recreation Reserve.

The submission notes the development contributions agreement that Council has secured with the amendment proponent and the infrastructure upgrades required at the Reserve. A new active open space reserve is required within the subject land however it is highly likely that when fully developed the subject land will place additional demand on the current Recreation Reserve as well as other community services and infrastructure in Nyora. Development contributions will assist to provide improved services however it is going to be a longer term proposition to transition Nyora into a town that provides all of the services found in long established larger townships. These matters extend beyond the scope of this report; however the DPO provisions require the staged release of residential lots to ensure that land release does not run too far ahead of community and development infrastructure requirements.

The submission also comments on achieving connectivity between the Recreation Reserve and the subject land. These matters can be explored in greater detail when the Development Plan is prepared and consultation occurs.

Public Agency Submissions

The following comments summarise the responses received from government agencies / authorities to Amendment C97

Country Fire Authority

The Country Fire Authority (CFA) does not object to the amendment but made a series of recommendations regarding technical provisions in the DPO schedule relating to fire protection and they sought clarification regarding the future approval stages of the subdivision.

The DPO schedule requires the creation of larger residential lots in areas where native vegetation is to be retained. These lots are to include building envelopes that provide separation between dwellings and vegetation.

Importantly the DPO provisions specifically require Council to seek the views of the CFA before the Development Plan is approved. The subdivision planning permit will also require referral to the CFA. These next stages will provide increasingly detailed plans showing how the land is to be subdivided, building envelopes applied, vegetation retained or removed and emergency vehicle access provided. Approval of Amendment C97 in accordance with the attached DPO provisions does not diminish the CFA's ability to ensure appropriate fire safety outcomes are achieved.

Department of Environment and Primary Industries (now DELWP)

The Department of Environment and Primary Industries (DEPI) submission supports the amendment. They make a number of comments and recommendations that may play a role in the next stages of development approval.

DEPI comment that the amendment provides little protection to the vegetation within and adjoining Glovers Road and that a perimeter road should be placed around the vegetation. In providing their response DEPI were unware that Council does not propose to allow any access to new lots from Glovers Road because of the potential impact vehicle access would have on native vegetation. Road access to the large lots containing native vegetation can be designed to minimise or entirely avoid the need for vegetation removal. Accordingly, perimeter roads are not considered necessary.

A matter that could complicate the future subdivision planning permit application is the recommendation that all native vegetation to be retained on lots under 0.4ha is to be considered 'lost' and offset in accordance with the State Government's native vegetation offset provisions. They also request lots larger than 0.4ha be created in the areas of highest vegetation value.

The DPO provisions require the subdivision design have close regard to the retention of high quality native vegetation and that restrictions be placed on vegetated lots to stop their further subdivision. This should assist long term vegetation retention however DELWP hold the view that lots under 0.4ha are not well suited to long term habitat protection and (regardless of the DPO's restrictive requirements) the vegetation should be considered lost. This means that expensive compensatory planting must be provided either within the subject land or at another site. Because it will not be known until the subdivision plan is submitted exactly what impact development will have on native vegetation it is not possible at this time to determine what impact these requirements may have on the development of the land. The Development Plan and subdivision planning permit application will both be referred to DELWP for comment and these matters can be explored further when the higher level (more detailed) subdivision information is provided. These are developer risks and do not stop Council from adopting the amendment at this time however these comments flag that this matter is likely to require further discussion as the development approvals process progresses.

A DPO provision noting the subject land is potential habitat of the Giant Gippsland Earthworm was reinstated in the DPO after its accidental omission from the exhibition version of the DPO. The amendment proponent is aware of the development risks posed by the State and Federal approvals required to disturb worm habitat.

<u>VicRoads</u>

Lang Lang Poowong Road is a VicRoads Road Zone Category 1. VicRoads advise that only one vehicle access point should be provided to Lang Lang Poowong Road. A proposed second access point near the eastern most corner of the subject land (as detailed in the exhibited indicative subdivision layout plan) is not supported by VicRoads.

The developer is required by the DPO to prepare a Traffic Impact Assessment Report (TIAR). If a second access point is required, and can be safely developed, these matters can be explored in the TIAR in consultation

with VicRoads. Dwellings fronting Lang Lang Poowong Road must be provided with service roads because VicRoads will not consent to vehicles backing out onto a main road.

Yannathan Road (at the western end of the subject land) is a Council road however the same traffic safety principles apply and access points should be kept to a minimum (preferably one) and direct vehicle driveway access strongly discouraged. Although a Council road, reducing the speed limit on Yannathan Road will require VicRoads approval. Reducing speed to 60kph prior to subdivision occurring, in order to reduce subdivision infrastructure development costs, is likely to be opposed by VicRoads.

Melbourne Water

The subject land is in Melbourne Water's catchment. Melbourne Water recommended some minor wording changes to the DPO provisions which have been accepted.

Melbourne Water has requested further details regards water sensitive urban design. These details will be provided in the Development Plan and subdivision planning permit stages, at which time Melbourne Water will be consulted and their requirements further considered. Melbourne Water's drainage requirements have the potential to impact development yields and infrastructure requirements on the subject land. These are risks for the amendment proponent.

A response from the Port Phillip & Western Port Catchment Management Authority (PPWCMA) advised Council that drainage matters on the subject land are a matter for Melbourne Water and the CMA offered no specific comment.

Environment Protection Authority Victoria (EPA)

The EPA has no objection at this time and reserve further comment until such time as the Development Plan is prepared.

South Gippsland Water (SGW)

In accordance with normal development requirements SGW require the developer to provide reticulated water and sewer to the subject land. Reticulated sewer is currently being provided to Nyora and SGW have been aware for a number of years of the amendment proponent's intentions for the land including its anticipated lot yield.

Options

In accordance with the requirements of the Act, Council can adopt, amend or abandon an amendment.

Minor changes have been made to the DPO Schedule in response to the submissions received. No further changes are considered necessary. Accordingly it is recommended that Council adopt Amendment C97.

Proposal

It is proposed that Council adopt Amendment C97 and submit the amendment to the Minister for Planning for approval.

FINANCIAL CONSIDERATIONS

The immediate financial considerations are limited to the amendment fees and charges which are the responsibility of the amendment proponent. The costs involved in preparing the Development Plan and the planning permit application are also the responsibility of the amendment proponent / developer.

Council has executed a Development Contributions section 173 Agreement on the three titles comprising the subject land. The payment required by the Agreement ($9,000 per residential lot created) is made prior to the issue of Statement of Compliance on each new lot created.

The monies collected from the Agreements will assist in offsetting the ongoing infrastructure upgrade costs Council will incur in coming years as new residents move to Nyora and infrastructure demands increase.

The Nyora Development Strategy (currently being prepared) will investigate what additional road, drainage, open space and infrastructure is required in the long term to support growth in Nyora and what it will cost. The Development Strategy will better inform Council of the expected long term costs likely to be accrued should the population of Nyora grow in a manner consistent with other peri urban townships with reticulated sewer and water. Wallis Watson expect the subject land to be developed over many years, however if high demand is experienced Council will need to ensure a balance is maintained between staged land release and the capacity of Council to finance infrastructure upgrades essential to support development.

RISKS

There are no risks to Council immediately associated with the adoption and approval of Amendment C97.

Not adopting Amendment C97 presents a potential risk that insufficient residential land supply will be available to meet anticipated demand over the next 15 years. This would limit population growth and its related economic development benefits.

CONCLUSION

Planning Scheme Amendment C97 is consistent with the recommendations of the Nyora Structure Plan - June 2013 and the Nyora local policy planning

scheme provisions which identify the subject land as a 'Future Residential Area.

The intention to rezone and develop the land for urban residential development at a range of lot sizes, including township lots under 1,000sqm, has been common knowledge in Nyora for a number of years. The general level of community acceptance of the township's growth potential is evident in the fact that Amendment C97 has received a mostly positive response from the community. The rezoning, in combination with the DPO schedule provisions should ensure a development outcome consistent with the Nyora community's expectations for the land which is a subdivision that protects and responds to the sites key environmental and landscape values, has a sensitive interface with surrounding lands and retains a rural township feel.

RECOMMENDATION

That Council:

1. Adopt South Gippsland Planning Scheme Amendment C97 in accordance with the amendment provisions in Attachment 3.

2. Submit South Gippsland Planning Scheme Amendment C97 to the Minister for Planning for approval.

3. Write to the landowners / occupiers adjoining the unused road reserve east of Yannathan Road (Hogans Road continuation) requesting comment on their interest in acquiring that part of the road reserve immediately adjoining their boundary should both Council and the State Government support the removal of the land's road status and its sale.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Brunt **SECONDED: Cr Newton**

THAT COUNCIL:

1. ADOPT SOUTH GIPPSLAND PLANNING SCHEME AMENDMENT C97 IN ACCORDANCE WITH THE AMENDMENT PROVISIONS IN ATTACHMENT 3.

2. SUBMIT SOUTH GIPPSLAND PLANNING SCHEME AMENDMENT C97 TO THE MINISTER FOR PLANNING FOR APPROVAL.

3. WRITE TO THE LANDOWNERS / OCCUPIERS ADJOINING THE UNUSED ROAD RESERVE EAST OF YANNATHAN ROAD (HOGANS ROAD CONTINUATION) REQUESTING COMMENT ON THEIR INTEREST IN ACQUIRING THAT PART OF THE ROAD RESERVE IMMEDIATELY ADJOINING THEIR BOUNDARY SHOULD BOTH

COUNCIL AND THE STATE GOVERNMENT SUPPORT THE REMOVAL OF THE LAND'S ROAD STATUS AND ITS SALE.

Cr Kennedy left the Meeting at 4.22pm.

Cr Kennedy returned to the Meeting at 4.24pm.

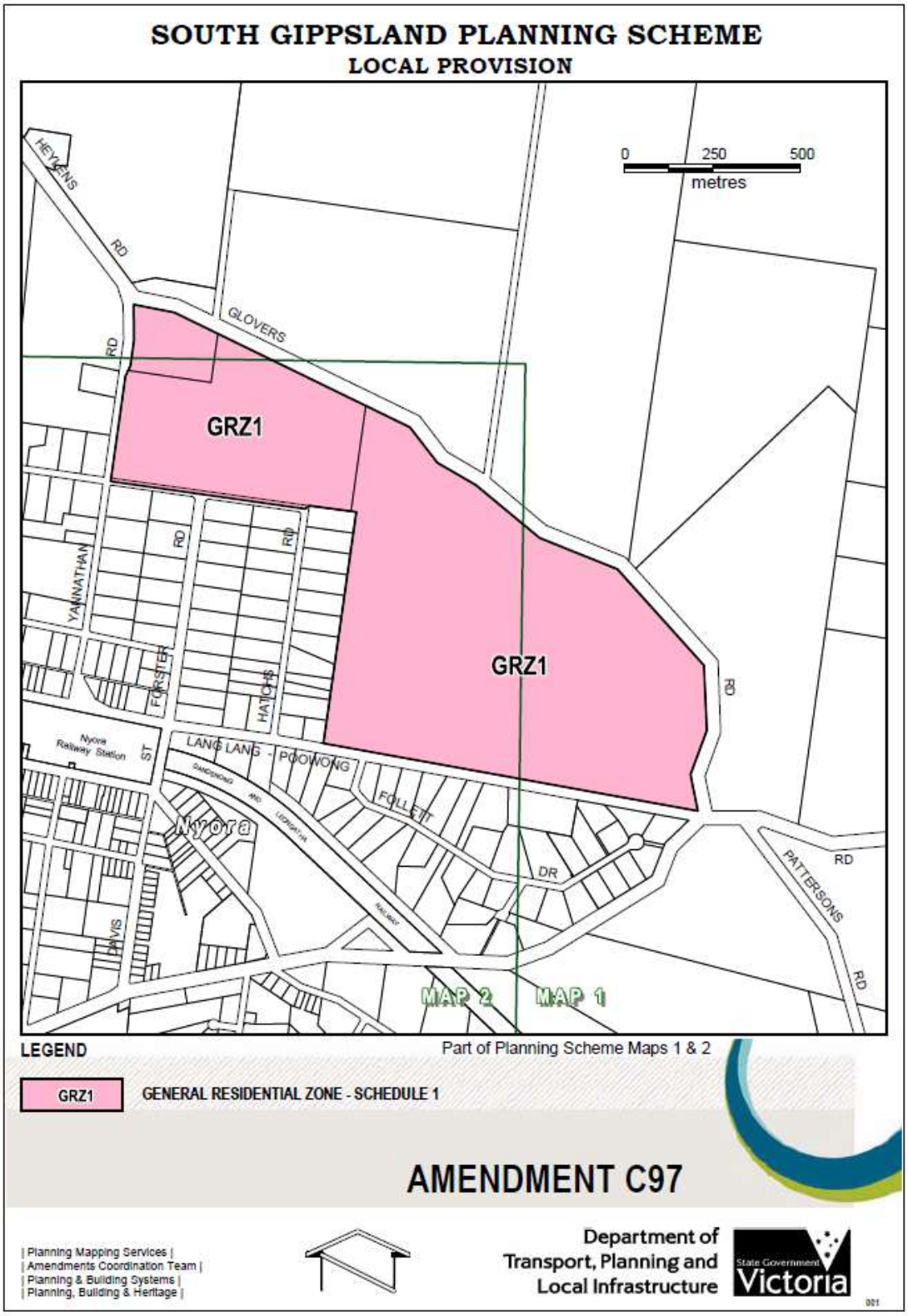
CARRIED UNANIMOUSLY

Attachment 1
Locality Plan 'Subject Land' proposed to be rezoned

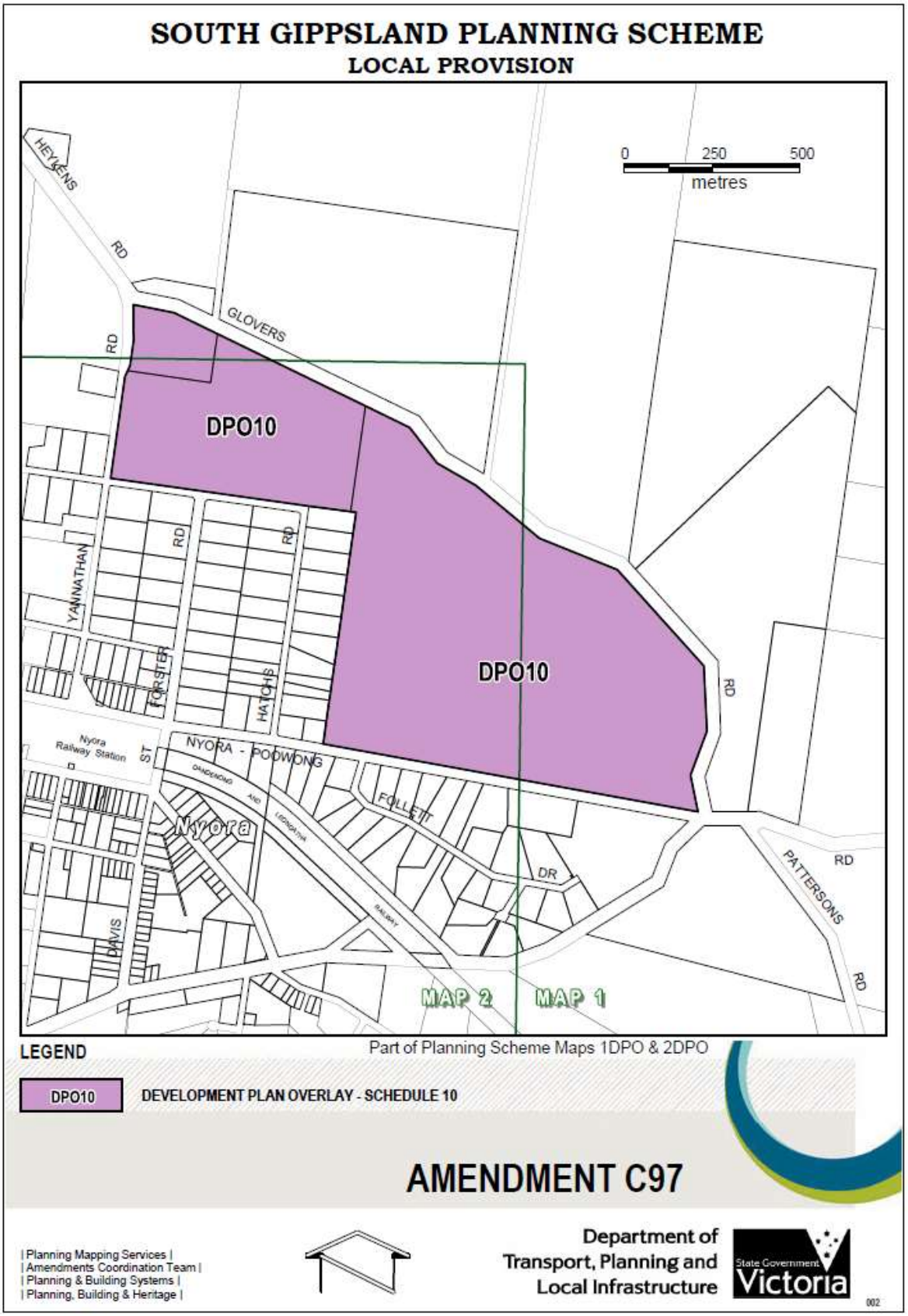
Township of Nyora

Attachment 2
Amendment C97 Adoptions Documents

Amendment C97 - Rezoning map



Attachment 2 (continued) - Amendment C97 Development Plan Overlay Map



Attachment 2 (continued)
Amendment C97 Development Plan Overlay Schedule

Note: The underlined words display changes made to the Schedule to address issues raised in submissions.

--/--/20--
C97

SCHEDULE 10 TO THE DEVELOPMENT PLAN OVERLAY

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

Nyora Urban Residential Growth Area (South of Glovers Road)

The subject land is identified in the Planning Scheme as a preferred location for Nyora's urban residential expansion. The land's size (approximately 100ha), consolidated ownership pattern, close proximity to the town centre and gently undulating landform contribute to this site being a strategic development land parcel capable of achieving a high quality, staged residential subdivision over an extended period of time.

The accommodating topography offering views of surrounding rural landscapes, combined with the natural waterways and native vegetation stands, will allow a site responsive subdivision design to capture a 'rural sense of place' that can distinguish this development from typical greenfield subdivisions on the fringe of Melbourne. A responsive subdivision design must build on the land's natural features consistent with the existing rural township character of Nyora.

Staging the release of residential lots for new dwelling development will be critical to ensure that Nyora's development and community infrastructure is adequately provided for as the township expands and is able to respond to growing population.

1.0 Requirement before a permit is granted

--/--/20--
C97

A permit may be granted before a Development Plan has been approved for the following:

- A minor extension, minor addition or minor modification to an existing development that does not prejudice the future orderly development of the area affected by the Development Plan Overlay to the satisfaction of the responsible authority.
- Minor drainage works.
- Minor earthworks.
- The use and development of land for agriculture that does not prejudice the future residential use and development of the land.
- The use, development or subdivision of land by a public authority or utility provider.
- A re-subdivision of existing lots (boundary realignment) provided the number of lots is not increased.
- A fence.
- To remove, destroy or lop vegetation.

2.0 Conditions and requirements for permits

--/--/20--
C97

- A planning permit application for the subdivision or development of the land must include a town planning report prepared by a suitably qualified person demonstrating how the permit application addresses the relevant requirements of the Planning Scheme and the approved Development Plan.
- All lots within a residential subdivision (excluding any remaining lots to be further subdivided at a future stage) must be connected to a reticulated sewerage system to Council's satisfaction.
- A planning permit creating residential lots retaining clusters of native vegetation (particularly vegetation adjoining Glovers Road and riparian vegetation) must include a condition requiring the identification of building envelopes on the titles, located in areas free of native vegetation and appropriately separated from the vegetation to reduce bushfire risk to building and occupant.
- Lots retaining native vegetation stands / clusters adjoining Glovers Road must not be further subdivided. A condition is required to ensure a restriction is registered on the lot

titles via covenant, Section 173 Agreement or restriction on a plan of subdivision unless specifically varied or set-aside by the responsible authority.

- A planning permit creating lots that directly adjoin the boundary of the established residential lots along Hatches Road must include a 4m wide amenity buffer that is registered on the lot titles via covenant, Section 173 Agreement or restriction on a plan of subdivision to prevent further development unless specifically varied or set-aside by the responsible authority.
- A planning permit which creates residential lots immediately adjoining residential lots in the Low Density Residential Zone must include a condition that requires fencing along the boundary of these lots. Unless specifically agreed otherwise with an adjoining landowner, fencing must be a minimum of 1.8m high solid fence to be provided at the developer's expense and constructed prior to the issue of Statement of Compliance for the subdivision of the land.
- The subdivision lot size, configuration and setback requirements set out in the 'Requirements for development plan' below, or special subdivision design requirements identified in the approved Development Plan, must be included as a planning permit condition for the subdivision of the land and executed via a covenant, Section 173 Agreement or restriction on a plan of subdivision unless specifically varied or set-aside by the Responsible Authority.
- The planning permit for the first residential subdivision adjoining (fronting) Lang Lang Poowong Road or service road, must include a condition requiring the construction of a shared pathway no less than 2.5m wide along Lang Lang Poowong Road between the subject land and Forster Drive.
- Where development is proposed over or adjoining dams, permit conditions must set out requirements to remediate the dams and require an engineer's report to confirm that remediated dams are suitable for intended use or development.
- Planning permits must include a condition requiring the provision of infrastructure, open space and landscaping maintenance periods in accordance with Council's Infrastructure Design Manual.
- A planning permit application for residential subdivision must include a report providing information on the need for the release of additional residential land.

3.0 Requirements for development plan

--/--/20--
C27

The Development Plan must be prepared to the satisfaction of the responsible authority.

A Development Plan must:

- Be prepared for the entire land parcel to which this schedule applies to Council's satisfaction.
- Be informed by a detailed site analysis and design response (addressing as a starting point the requirements of Clause 56.01-1 & 2) that responds to the natural, cultural and strategic context of the site to the satisfaction of the responsible authority.

The Development Plan must show/provide, unless otherwise agreed by the responsible authority:

Layout

- The proposed location of lots, approximate lot sizes and density of lots.
- The layout must include a diversity of lot sizes, with the overall development having an average lot size of 700 – 800 sqm.
- The layout should include:
  - The location and layout of all key features of the land.
  - Larger lots (greater than 800sqm) with frontages of not less than 20m located along the southern boundary (adjoining Lang Lang – Poowong Road) and the

western boundary (adjoining Yannathan Road) of the subject land and adjoining internal 'Connector Street'.

  - Buildings on lots greater than 800sqm should have a minimum front setback of 7m and 3m setback from any side road boundary.
  - Subdivision design should allow for the creation of lots in excess of 2,000sqm in areas containing good quality native vegetation stands particularly adjoining Glovers Road.
  - Building envelopes on lots that retain clusters of native vegetation must be appropriately separated from the vegetation to reduce bushfire risk to building and occupant.
- Lots along Lang Lang Poowong Road and Yannathan Road must front and address these roads and are strongly discouraged from being side or rear facing lots, unless otherwise agreed by the responsible authority.
- Lots within the DPO area directly adjoining the boundary of the established residential lots along Hatches Road must be setback a minimum of 7m from the adjoining Low Density Residential Zone boundary and include a 4m wide amenity buffer for landscape planting. The layout should create no more than two new lots directly adjoining the rear boundary of established residential lots fronting Hatches Road and the lots be not less than 1,000sqm. Only one new lot shall directly adjoin the rear boundary of 16 Hatchs Road (Lot 2 PS543620).
- A layout should respond to the existing waterways, riparian vegetation and other native vegetation stands across the land.
- The layout should retain prominent stands of existing native vegetation on public land (i.e within road reserves, drainage reserves or local parks), where appropriate including:
  - Along the major drainage line through the site.
  - Within the road reserve of Lang Lang Poowong Road and Yannathan Road.
  - At the north-west corner of Lot 1 LP213970 that is visible along Yannathan Road when approaching the town.
  - Within the Glovers Road road reserve.
- At the prominent high points of the land, the subdivision road layout shall provide road reserves configured to allow canopy tree planting in widened verge strips or central median strips to soften the visual impact of buildings when viewed from surrounding areas. This does not apply if high points are used for open space.
- A 'connector street level 1' road and intersection with Lang Lang Poowong Road and Yannathan Road to VicRoads and the responsible authority's satisfaction.
- A 2.5m wide pedestrian / cycle path along Lang Lang Poowong Road between the subject land and Forster Drive.
- A minimum of two pedestrian/cycle connections to Glovers Road, one of which is to be located from Lot 12 LP148069B.
- A road network that delivers a safe, permeable and convenient road network. Cul-de-sacs should only be provided where necessary and should not detract from convenient pedestrian and vehicular connections.

Staging Plan

- Details of the proposed staging of subdivision land releasing across the entire area with the land identified in the Nyora Framework Plan map as 'Long Term Residential Area' (east of the waterway) to be identified as 'later stages' in the development of the land at Lot 12 LP148069B.
- The first stage to be approved by the responsible authority should contain no more than 200 lots designed to be used for dwellings.

- Each stage should consist of a logical land unit bound by roads, waterways or natural features, or based on servicing / engineering design, or the boundaries of the Development Plan Overlay map area.

Infrastructure Services / Stormwater & Drainage

- A comprehensive Traffic Impact Assessment Report (based on a full development scenario) prepared by a suitably qualified person to the satisfaction of the responsible authority and VicRoads. The report must address/detail, unless otherwise agreed by the responsible authority:
  - The impact of the development on the existing road network and intersections surrounding the land;
  - Improvements necessary to the facilitate the development of the land, including road widening, access points, pedestrian crossing points and safety refuges, cycle lanes etc.
  - The Traffic Impact Assessment must identify all intersections and roads impacted as a direct consequence of a full development scenario and provide costings for intersection and road treatments associated with those impacts.
  - A Road Hierarchy Plan for the internal road network across the entire DPO area detailing all roads 'Access Street – Level 1' and above.
- The Road Hierarchy Plan should identify a 'Connector Street level 1' road and intersection with Lang Lang Poowong Road and Yannathan Road to VicRoads and the responsible authority's satisfaction.
  - The Road Hierarchy Plan must identify a shared pathway no less than 2.5m wide along Lang Lang Poowong Road between the subject land and Forster Drive.
  - The Road Hierarchy Plan must identify a minimum of two pedestrian/cycle connections to Glovers Road one of which is to be located from Lot 12 LP148069B. The access paths should restrict vehicle movements (if proposed as a long term option) until such time as they are upgraded to an appropriate service level.
  - Provision for a continuous east / west vehicle, pedestrian and cycle movement across the land (at 'Connector Street level 1' standard) with a design / configuration to minimise the use of the internal roads as an alternate vehicle route to the existing main road network. If the continuous east / west route does not cross the main waterway traversing the land, then a road, pedestrian, cycling crossing of the waterway must be provided approximately midpoint along the length of the waterway (at 'Connector Street level 1' Standard) to service the eastern corner of the land.
  - The long term need to retain or close the unmade road reserve to vehicles between the northern end of Hatchs Road and Yannathan Road.
- A subdivision design providing an appropriately sited reserve (justified by the Traffic Impact Assessment Report) capable of becoming a long term future 'Connector Street' with an access point onto Glovers Road. The reserve should allow for logical integration with the proposed subdivision's road network however should remain unconstructed and untrafficable until such time as Glovers Road is appropriately constructed or the land to the north of Glovers Road is developed in the very long term.
- A pedestrian / cycle pathway network that responds to the waterways and riparian vegetation network across the subject land.
- A street network that supports building frontages with natural surveillance of the street.

<u>Stormwater / Drainage</u>

- A stormwater and drainage management plan prepared by a suitably qualified person that demonstrates/provides:

- Integrated stormwater management planning across the subject land, including consideration of impacts outside of the subject area likely to occur as a result of development.
- A response to Council's Infrastructure Design Manual and detailed costings for all stormwater drainage works to occur on public land or outside of the DPO area if directly related to the development.

Open Space and Landscaping

- The location and size of the proposed open spaces that can cater for a range of uses providing active and passive recreation opportunities, as appropriate:
  - An area of not less than 4ha should be located on Lot12 LP148069 in a flatter area of land not affected by waterlogging. The identified area should allow for a sports ground which can accommodate a full size senior AFL football field where minimal earthworks will be required. The Development Plan and/or Staging Plan must identify and commit to the provision of the active open space to be delivered at a time to the satisfaction of the responsible authority. .
  - Active open space areas such as sports grounds (if required) are to be made flat and safe for public use by the subdivider / developer prior to their transfer to Council.
  - Open space details must identify active, passive and drainage affected (or waterlogged) areas.
  - A local park between 0.35-0.5 ha in size on Lot 2 LP213970.
- Public open spaces designed to provide:
  - The inclusion of pedestrian and cycle paths and play equipment, that encourage active recreational opportunities.
  - The planning, provision and payment of opens space features shall be made at the agreement of the Council and the subdivider / developer prior to the approval of the Development Plan.
  - Opportunities for visual surveillance of public open space to promote safety of users, through encouraging active frontages, using buildings to frame public spaces.
- A landscaping master plan, prepared by a suitably qualified person, identifying:
  - All proposed public landscaping (with particular regard to the interface with surrounding residential developments) of open spaces (active and passive)
  - All proposed landscaping along the road network and shared paths within or abutting the Development Plan area.
  - Canopy tree plantings within the proposed road network which seeks to soften the visual impact of new development when viewed from within and outside the development area.
  - Provide planting to enable practical maintenance and planted suitable to the local climate and soil conditions.
  - Integrate with the proposed waterways and drainage reserves.
- Low scale and visually permeable fencing of open space (whether encumbered or unencumbered). An arborists report identifying native vegetation to be retained and protected in public spaces and detailing works required for public safety and suitability of retention for open space areas.
- Retain the treed entry into Nyora along Lang Lang Poowong and Yannathan Roads by incorporating the trees in public land within nature strips or boulevards where appropriate.
- Provide a diversity of streetscape outcomes across the Development Plan area.
- Detail all existing vegetation to be retained and removed.

Bushfire

For vegetated areas to be retained an indicative subdivision plan and building envelope plan which address and responds to the 'Application requirements' of Clause 52.47 and the 'Subdivision objectives' of Clause 52.47-2.4.

The information must be sufficiently detailed to identify bushfire safe building envelopes on lots to be created within 150m of vegetation stands. This information is required to inform the identification of the bushfire building envelopes required in the 'Conditions and requirements for permits'.

Cultural Heritage

Unless otherwise agreed by the responsible authority, a cultural heritage assessment prepared by a suitably qualified heritage consultant.

Land Contamination

A desktop assessment must be undertaken by an appropriately qualified person that considers the potential location and forms of land contamination resulting from previous land uses. In any case where contamination is identified, the report will consider the measures to address contamination in areas where sensitive land uses are proposed. The investigation must consider, but not be limited to, agricultural chemical use, informal land dumping, industrial or mining activities.

Environment

A flora and fauna report prepared by a suitably qualified person. The report(s) must specifically consider:

- Vegetation on the land, its health and significance to the locality, measures required to protect vegetation and the identification of any vegetation to be removed.
- A survey and assessment of impacts of the proposal on Giant Gippsland Earthworm habitat. This assessment must be conducted by a suitably qualified person.

4.0 Decision guidelines for development plan

Before deciding on the Development Plan (or Development Plan Stage) or an amendment to the development plan, the Responsible Authority must consider:

- Nyora Structure Plan - June 2013.
- South Gippsland Shire Council Paths and Trails Strategy 2010.
- Healthy by Design ®, A guide to planning environments for active living in Victoria, Melbourne: National Heart Foundation of Australia, updated June 2012 (as amended), National Heart Foundation of Australia (Victoria Division).
- Infrastructure Design Manual (version 4, March 2013)(as amended).
- The views of the Country Fire Authority, Melbourne Water, Department of Environment and Primary Industries and VicRoads, as relevant.

Attachment 3
Council letter to submitters regarding Hatch's Road connection / road discontinuation

20 February 2015

Address

Dear Sir / Madam

PLANNING SCHEME AMENDMENT C97 – NYORA ROAD RESERVE ENQUIRY

Thank you for your correspondence in relation to Planning Scheme Amendment C97 and the future use of the unmade road reserve running between Yannathan Road and Hatchs Road.

The road reserve was created as part of the original Nyora Township Plan at the commencement of settlement. Although unused, the reserve retains 'road' status. It is presently subject to an agricultural license allowing the land to be used in conjunction with the adjoining farming land to the north.

Council has made enquiries with the development company responsible for the amendment request (Wallis Watson) regarding their interest in the reserve. They have advised they do not wish to acquire the reserve and do not need the reserve to service their proposed residential development. Except for retaining the reserve land at the immediate end of Forster Drive and Hatchs Road, Council has no interest in constructing a road to connect to Yannathan Road.

We note that you do not object to Amendment C97 and that your correspondence relates solely to the future of the road reserve. Accordingly, the future of the road reserve can be addressed as a matter separate to the rezoning proposed by Amendment C97.

The process of formally closing a road (removing its road status) and selling the land can be complex and will involve public consultation with adjoining landowners and any other party benefiting from the reserve. Prior to sale, approval is also required from the relevant State Government department.

The future of the reserve needs to be determined because its retention (without a practical use) will place an unnecessary maintenance burden on Council. Although we intend to pursue consideration of this matter separate to the assessment of Amendment C97, the options for the reserve will be discussed at the next Council Meeting at which Amendment C97 is discussed. This will allow the matter to be formally considered as part of a Council resolution which will determine how Council is to proceed with the matter and the next steps to take. We will inform you when this is to occur and your opportunities to be involved in the process.

In conclusion, before the Amendment C97 land can be subdivided, a 'development plan' must be approved by Council. The development plan will show the location of all roadways, paths and trails in the new subdivision. If an element of the development plan is considered likely to affect you as an adjoining landowner, Council will inform you and provide an opportunity to comment on the proposal.

The above information is a brief summary of a detailed process. If you have any queries I can be contacted on ph. 5662 9236 or email ken.griffiths@southgippsland.vic.gov.au

Yours sincerely,

Ken Griffiths
Strategic Planning Coordinator

E.3 COAL CREEK COMMUNITY PARK AND MUSEUM OPERATIONAL REVIEW

Development Services Directorate

EXECUTIVE SUMMARY

Coal Creek Community Park and Museum ("Coal Creek") is a key attraction to the local community and has experienced a significant increase in visitation to the site increasing from 11,000 in 2006 to over 68,000 in 2014. Council continues to support the facility having invested approximately $499,000 p.a. on average over the last 4 years. Council's investment in the attraction is estimated to provide an annual impact of $1.4 million to the local economy from visitation.

Council is committed to exploring innovative ways of delivering affordable community facilities. KPMG were engaged to undertake financial analysis of current operations and explored a number of opportunities to reduce Council's annual investment. This investigation is the first stage of a planned approach to reducing the net operating cost of Coal Creek.

A number of changes to the administration and operational management are being implemented to improve the financial sustainability of Coal Creek. In particular, improvements are being made to administration, pricing and delivery of the education program, tendering the management of the Pig and Whistle café and development of a tablet tour guide experience.

The overall estimated financial benefit of implementing the identified operational improvements is a total saving of $250,000 over the next three years. Additional operational improvements identified for investigation provide further opportunity to improve the overall financial performance of Coal Creek.

To demonstrate Council's commitment to reducing the net cost of Coal Creek's operations it is recommended that Council receive an annual report at the conclusion of the 2015/16 financial year demonstrating implementation of these cost saving initiatives.

Document/s pertaining to this Council Report

- **Confidential Appendix 1** – KPMG Report, Coal Creek Community Park & Museum – Financial Analysis of current operations

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

COUNCIL PLAN

Outcome:	3.0	Integrated Services and Infrastructure
Objective:	1.1	Deliver affordable modern community services and facilities through an integrated approach to planning and infrastructure development.
Strategy:	1.1.1	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	We will explore innovative ways of increasing revenue and reducing expenditure where appropriate.

REPORT

Background

Coal Creek Community Park and Museum is built on the site of an original black coal mine in Korumburra. The State Government and community provided funding to develop a Heritage Village that depicted life in a coal mining town between the 1870s and 1920s, and the attraction was opened to the public in 1974 by the Premier of Victoria.

The park is a key attraction to the local community and visitation has increased from 11,000 in 2006 to over 68,000 in 2014. Coal Creek is an accredited working museum providing interpretative displays of a coal mining town in the late 19th and early 20th Centuries. An estimated 30,000 collection items exist in Coal Creek. Many of these items have been donated by the local community. Council continues to support Coal Creek having invested approximately $499,000 p.a. on average over the last 4 years.

Of the 68,000 annual visitors, there are primarily three groups of people who visit: General Visitors (30,000), Education (8,000) and Community (30,000). The general visitors are people who visit the park, education visitors are the schools who have paid to attend education classes and community visitors are community groups who do not pay a fee, but utilise certain rooms and facilities for their community activities. Some community visitors, whilst non-paying, are also volunteers who assist with helping to support the park.

The Park generates considerable community benefit as a museum and community facility for local residents and is estimated to provide an annual impact of $1.4 million to the local economy from visitation.

Council is committed to improving its long term financial sustainability and has identified a number of operational improvement opportunities to reduce the net cost of Coal Creek operations.

Discussion

A number of improvement opportunities have been identified during a recent review of Coal Creek's operations. All of the following opportunities are currently being implemented.

The Pig and Whistle Café

The café is open from 11am until 3pm and is run by two part-time staff members and one volunteer. Over the past four years (2011-2014), the café has been running at a loss.

A range of options have been evaluated, however the highest cost-saving option is to seek alternative management or cease operating the cafe. A public tender is being prepared to invite independent operation of the café. Implementation of this initiative is estimated to reduce the net cost of Coal Creek by $40,000 p/a.

If a suitable tender is not obtained, an alternative pre-packaged retail offering would be provided in the main administration building.

Education Program

Coal Creek conducts a number of educational programs for primary and secondary schools. These programs have variable profitability. There are seven school programs that are run and each program is costed based on the class size and number of activities. The daily student volumes range from 30 to a maximum of 200.

The education program provides an opportunity to introduce South Gippsland to Victorian students and educate them on our rich history which has proven to attract future visitation to the area.

A number of improvements to the education program delivery, pricing and resourcing have been identified to improve the programs profitability. Implementation of these changes will reduce the net cost of Coal Creek by up to $10,000 p/a.

Tablet Tour Guide Experience

Coal Creek currently have no full time or casual tour guides available due to its high fixed costs and has uncertain demand. Visitors are free to roam around the site, however do not have methods of learning about the sites, exhibits and history. Other than the volunteers who are located at certain buildings, the amount of information is quite limited.

Recent development of a low cost application allows visitors to undertake a self-guided tour which includes videos, information and pictures of selected sites within the park. The application is currently available at the front desk, at a price of $5. This initiative provides an alternative revenue stream and is projected to increase revenue by up to $10,000 p/a.

As this is a new offering, it is recommended to seek customer feedback as the rollout evolves.

Administration

Council has recently reviewed its organisational structure to group visitor information centres, caravan parks, Coal Creek and customer services together. This provides greater opportunity to develop staff in a range of customer interfaces and delivers administrative efficiencies and operational savings. Preliminary investigations identify a reduction in administrative costs by up to $15,000 p/a.

Entrance Fee

Historically an entrance fee was charged to enter Coal Creek; however in the later part of the previous decade the fee was removed by the Council with the intention of increasing visitor numbers and encouraging the local community to visit the facility.

Re-introducing the fee is not currently recommended as this would be contrary to local community expectation and require a number of changes to signage and advertising campaigns. Changes to the park operations will provide greater encouragement for gold coin donation.

General Store

The general store is currently profitable due to the great support offered by its volunteers. Internally only one side of the store is available as retail space, with the other three sides currently used to display exhibits. Reducing the amount of exhibits in the store and simplifying the retail offering, provides opportunity to increase revenue.

Opportunities for Further Investigation

Coal Creek hosts a number of events including Halloween which attract up to 5,000 visitors annually. Coal Creek also hosts events which do not necessarily add value to the experience or profitability. Further investigation is being undertaken to identify opportunities for events to add value and increase profitability of the park.

Approximately 30,000 visitations are directly attributed to community group use. This usage is growing by 10% per annum on current trends. Whilst community use forms an important part of the Coal Creek offering, opportunities exist to minimise administration costs associated with the supported use.

Proposal

It is recommended that Council continue to identify and implement cost saving/revenue generating initiatives at Coal Creek to achieve operational efficiencies and improve the facilities long-term financial sustainability.

To demonstrate its commitment to improving the long-term sustainability of Coal Creek it is recommended that Council receive an annual report at the conclusion of the 2015/16 financial year reporting implementation of the identified initiatives.

FINANCIAL CONSIDERATIONS

The provision of community facilities has a net cost to Council. In providing these facilities the objective is to provide a service that the community can afford and is sustainable. Council is committed to reducing the net cost of operating Coal Creek and implementation of the identified operational improvements will provide a total saving of $250,000 over the next three years.

RISKS

The operational changes are not anticipated to negatively affect the visitor experience. Many of them are administrative and will not be noticeable to the visitor.

CONCLUSION

Coal Creek Community Park and Museum is an important community asset that provides a significant economic benefit to South Gippsland. It forms an important part of the Shire's tourism offering and Council's investment has been approximately $499,000 p.a. on average over the last 4 years.

The overall estimated financial benefit of implementing the identified operational improvements is a total saving of $250,000 over the next three years. There are a number of additional operational improvements identified for investigation to further improve the overall financial performance of Coal Creek Community Park and Museum.

To demonstrate Council's commitment and to remain accountable for reducing the net operating cost of Coal Creek it is recommended that Council receive an annual report at the conclusion of the 2015/16 financial year reporting implementation of these cost saving initiatives.

RECOMMENDATION

That Council:

1. Note the operational efficiencies and initiatives being implemented to Coal Creek Community Park and Museum

2. Continue to identify and implement further cost saving and revenue generating initiatives.

3. Receive a further report at the completion of the 2015/16 financial year detailing the results of the implemented operational efficiencies.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Fawcett **SECONDED: Cr Hill**

THAT COUNCIL:

1. NOTE THE OPERATIONAL EFFICIENCIES AND INITIATIVES BEING IMPLEMENTED TO COAL CREEK COMMUNITY PARK AND MUSEUM

2. CONTINUE TO IDENTIFY AND IMPLEMENT FURTHER COST SAVING AND REVENUE GENERATING INITIATIVES.

3. RECEIVE A FURTHER REPORT AT THE COMPLETION OF THE 2015/16 FINANCIAL YEAR DETAILING THE RESULTS OF THE IMPLEMENTED OPERATIONAL EFFICIENCIES.

Cr Kennedy left the Meeting at 4.26pm and returned at 4.27pm.

Cr Hutchinson-Brooks returned to the Meeting at 4.27pm.

CARRIED UNANIMOUSLY

E.4 PROPOSED SALE OF COUNCIL LAND - PART OF MOUNT BEST TIN MINE ROAD TOORA NORTH (FORMERLY PART OF MT BEST AIR STRIP)

Sustainable Communities & Infrastructure Directorate

EXECUTIVE SUMMARY

This report recommends completing the statutory processes to sell part of Mount Best Tin Mine Road, Toora North (formerly part of Mt Best Air Strip) being Lot 1 on PS710334L to an adjoining land owner.

Refer to **Attachment 1 – Locality Plan** and **Attachment 2 – Plan of Subdivision 710334L**.

Document/s pertaining to this Council Report

- **Attachment 1** - Locality Plan.
- **Attachment 2** - Plan of Subdivision 710334L.
- **Attachment 3** - Public Notification of Road Deviation and Exchange - 10 June 2009).
- **Attachment 4** - Public Notification of Proposed Sale - 28 July 2015.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Local Government Act 1989 (Sections 189 and 223)

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- C34 - Council Land Ownership Policy
- CE13 - Submissions From The Public - Section 223 Procedure

COUNCIL PLAN

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

CONSULTATION

External Consultation

- Public notification of the proposed sale of the Mt Best Air Strip (1998).

- Hearing of submissions to the sale of the Mt Best Air Strip and attendance at a community meeting (1998).

- Public notification of the proposed road deviation and exchange (10 June 2009). Refer to **Attachment 3** for a copy of this notice.

- Ongoing discussions with adjoining landholders to the Mt Best Air Strip regarding the road deviation, exchange and sale.

- Ongoing discussions with the adjoining landholder at 205 Mount Best Road Tin Mine Road, Toora North regarding the sale and consolidation of Lot 1 on PS 710334L (the Land) into their title.

- Advertising of proposed sale of the Land and the invitation for the community to make submissions pursuant to Section 223 of the Local Government Act 1989 (28 July 2015).

Internal Consultation

All Directorates have been consulted about the proposed sale of part of the site with no issues identified.

REPORT

Background

Council has received various reports regarding the Mt Best Air Strip. They commenced with a discussion on the proposal for sale and ended with the proposal for a road deviation and exchange. These are summarised below.

- **Proposal For Sale**

  - Report to Council - 11 August 1998

    At this meeting, Council passed a resolution supporting the sale of the Air Strip (amongst other properties) and to progress the statutory procedures for the sale.

  - Report to Council - 6 October 1998

    This report discussed the outcome of the statutory procedures from the 11 August 1998 meeting (public notification) and that no submissions were received. Council passed a resolution that the Air Strip be sold at Shire valuation to the adjoining property owners and incorporated into their titles at the cost of Council.

- **Road Deviation and Exchange**

  Since the resolution of 6 October 1998, the sale of land was put on hold due to the identification of the need to address a road deviation and exchange issue.

This resulted in some time passing between the 6 October 1998 report and the last report to Council on 3 June 2009 that concluded the road deviation and exchange. This is summarised below.

- Report to Council 3 June 2009

  This report concluded the approvals required for the road deviation and exchange. This process has been completed and has resulted in the creation of two parcels of land separated by the Mount Best - Tin Mine Road. These are shown in **Attachment 2** as Lots 1 and Lot 2 on PS710334L. The Air Strip remains on Lot 2.

Discussion

Having completed the road deviation and exchange, Council is able to finalise the processes to complete the sale. The sale is for part of the Air Strip now known as Lot 1 on PS710334L only. The Mount Best Air Strip remains on Lot 2.

The Land

Since 1998 the adjoining landowner at 205 Mount Best Road Tin Mine Road, Toora North, has been interested in purchasing that part of the Air Strip which adjoins his property (Lot 1 on PS710334L) and, consistent with previous Council decisions, negotiations for the sale of the Land to the adjoining landowner has progressed to the stage where an offer of sale has been made and accepted by the adjoining landowner.

The Land has an area of 3.961ha and is comprised within Certificate of Title Volume 11543 Folio 724.

It is contained within the farming zone under the South Gippsland Planning Scheme.

Given the resolution of Council in October 1998, the Land is to be sold subject to consolidation with the certificate of title to the adjoining property.

Public Notification

Public notification of the proposal to sell the Land was advertised on 28 July 2015 calling for submissions from the public. This notification is in accordance with Sections 189 and 223 of the Local Government Act 1989. If submitters request to be heard by Council, a Section 223 Hearing will be scheduled for a special committee of Council to hear these submissions.

A copy of this public notification is included in **Attachment 4** and includes the request for submissions to the proposal.

Council will receive a further report to discuss the outcome of the Section 223 process and, if appropriate, recommend the sale of part of Mount Best Tin

Mine Road, Toora North (formerly part of Mt Best Air Strip) being Lot 1 on PS710334L to an adjoining land owner.

It should be noted that the statutory process under Section 223 was completed in August and September 1998 with the outcome reported back to Council at the 11 October 1998 meeting. Given the passage of time since Council's decision to sell, it is considered prudent in the interests of transparency to recommence the statutory processes pursuant to Sections 189 and 223 of the Local Government Act 1989.

The current public notification was followed on the basis of the Council resolution of 11 August 1998 which carried with it the intent that Council staff were authorised to carry out the administrative procedures necessary for the Council to carry out its functions under Sections 189 and 223 of the Local Government Act 1989.

Hearing of Submissions

To enable the timely conclusion of the statutory procedures for the sale of the Land, Council may wish to consider streamlining the hearing of submissions pursuant to Section 223 of the Local Government Act 1989 as follows:

- Appoint a Special Committee to hear and determine any submissions to the proposed sale of the Land.
- For the Chief Executive Officer to carry out the administrative procedures involved which include:
  - contacting submitters to inform them of the date, time and place for submissions to be heard.
  - preparing required reports.
  - advising submitters of the meeting at which the decision on the proposal for sale of the Land is to be considered and notifying submitters of the decision including reasons.

Options

Council has the option of proceeding or not proceeding with the process for the sale of the Land.

Proposal

It is proposed that Council:

1. Continue with the sale of the Land to the adjoining landowner.
2. Appoint a Special Committee comprising of two Councillors and the Chief Executive Officer or his delegate to hear submitters and determine

any submissions made as part of the Section 223 process in respect of the proposed sale of the Land.

3. Receive a further report on the outcome of the submission process to the proposal to sell the Land at the next practicable Council Meeting.

4. Authorise the Chief Executive Officer to carry out the administrative procedures necessary to enable the Council to carry out its functions under Sections 189 and 223 of the Local Government Act 1989 in respect of the proposed sale of the Land.

FINANCIAL CONSIDERATIONS

The 2015/16 budget for General Land and Building Sales has been set at $265,225. The Land is not public open space and as such, the income from the purchase price will be placed into Council's Consolidated Revenue.

RISKS

- Reputation loss if the transaction is not concluded given the passage of time.

- Environmental risk in that Council is unable to properly care for the Land.

CONCLUSION

Given the history of Council decisions affecting the Land and passage of time, it is recommended that Council continue with the process for the sale of the Land to the adjoining landowner.

RECOMMENDATION

That Council:

1. Continue with the sale of Lot 1 on PS710334L to the adjoining landowner at 205 Mount Best Road Tin Mine Road, Toora North at not less than the valuation provided by Council's valuers.

2. Appoint a Special Committee comprising of two Councillors and the Chief Executive Officer or his delegate to hear submitters and determine any submissions made as part of the Section 223 process in respect of the proposal to sell Lot 1 on PS710334L to the adjoining landowner at 205 Mount Best Road Tin Mine Road, Toora North.

3. Authorise the Chief Executive Officer to carry out the administrative procedures necessary to enable the Council to carry out its functions under Section 223 of the Local Government Act 1989 in respect of the proposed sale of Lot 1 on PS710334L.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Hutchinson-Brooks SECONDED: Cr Davies

THAT COUNCIL:

1. **CONTINUE WITH THE SALE OF LOT 1 ON PS710334L TO THE ADJOINING LANDOWNER AT 205 MOUNT BEST ROAD TIN MINE ROAD, TOORA NORTH AT NOT LESS THAN THE VALUATION PROVIDED BY COUNCIL'S VALUERS.**

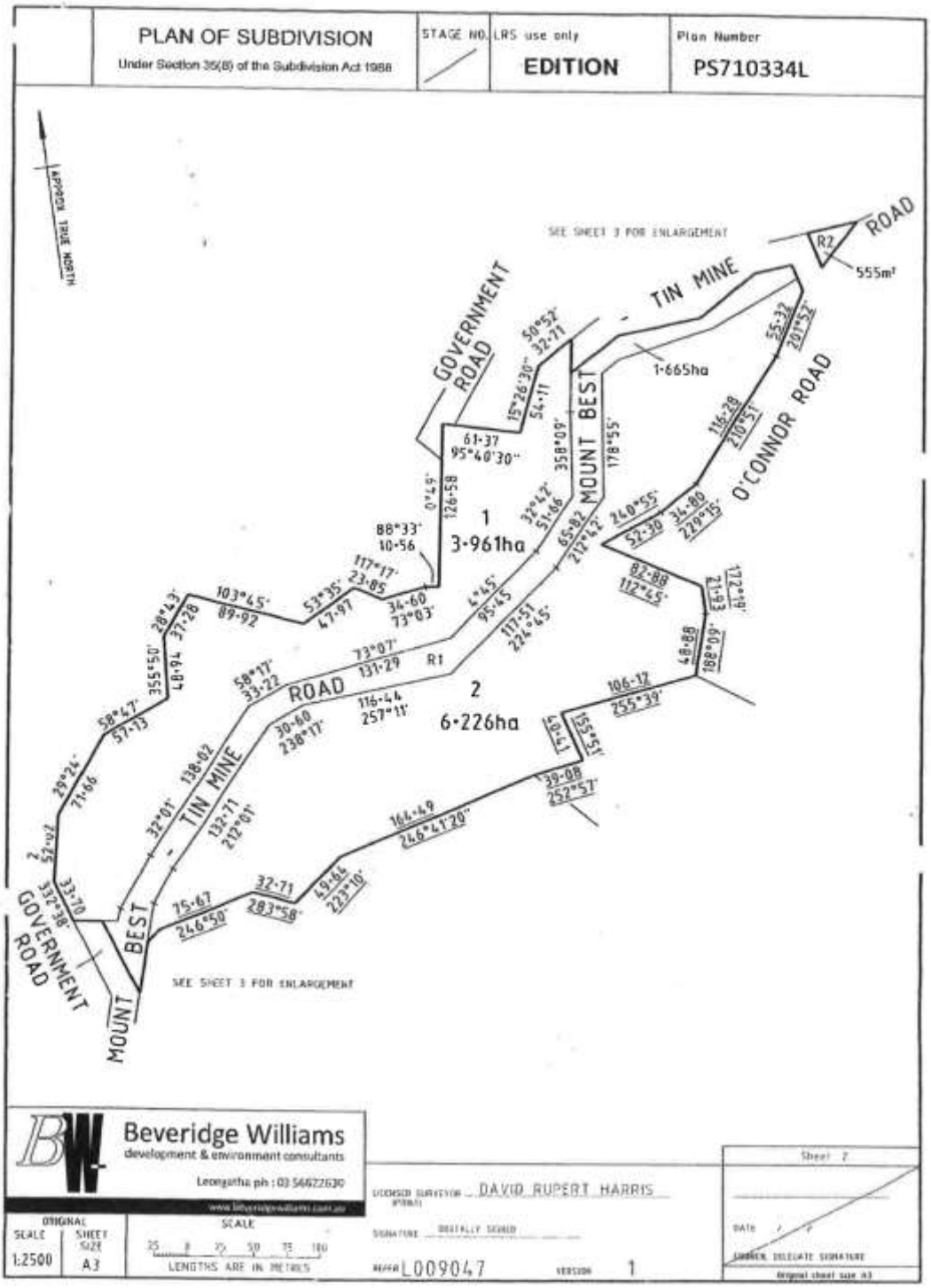
2. **APPOINT A SPECIAL COMMITTEE COMPRISING OF TWO COUNCILLORS AND THE CHIEF EXECUTIVE OFFICER OR HIS DELEGATE TO HEAR SUBMITTERS AND DETERMINE ANY SUBMISSIONS MADE AS PART OF THE SECTION 223 PROCESS IN RESPECT OF THE PROPOSAL TO SELL LOT 1 ON PS710334L TO THE ADJOINING LANDOWNER AT 205 MOUNT BEST ROAD TIN MINE ROAD, TOORA NORTH.**

3. **AUTHORISE THE CHIEF EXECUTIVE OFFICER TO CARRY OUT THE ADMINISTRATIVE PROCEDURES NECESSARY TO ENABLE THE COUNCIL TO CARRY OUT ITS FUNCTIONS UNDER SECTION 223 OF THE LOCAL GOVERNMENT ACT 1989 IN RESPECT OF THE PROPOSED SALE OF LOT 1 ON PS710334L.**

CARRIED UNANIMOUSLY

Attachment 1
Locality Plan

Attachment 2
Plan of Subdivision



Attachment 3
Public Notification of Road Deviation and Exchange – 10 June 2009

COUNCIL NOTICEBOARD

ORDINARY COUNCIL MEETING

Council Chamber, Leongatha
7pm - Wed, 17 June 2009

Councillor Discretionary Fund Allocations

Open Meeting:

1. 190 Lees Rd, Venus Bay - use and development of a place of assembly (Men's Shed) & waiver of car parking (2008/062)
2. Ripple Landing, Tarwin Lower - development of the land for a single dwelling (2008/195)
3. 45 Ryeburn Rd, Outtrim - use of the land for a paintball facility (2008/449)
4. Former Korumburra Saleyards - Options in response to the minister for planning's refusal to authorise a rezoning request
5. Natural Reserve Strategy Review 2009
6. Weed Survey of Shire owned & managed land
7. SG SPLASH Quarterly Report to 31st March 2009
8. Proposed New Road Naming Policy 2009
9. Proposed New Road Opening Policy 2009
10. Proposed New Road Discontinuance Policy 2009
11. Engineering Guidelines
12. Adoption of Mayoral and Councillor Allowances, 2009/10-2018/19 Long Term Financial Plan, Council Plan 2009-2013, 2009/10 Budget and Declaration Of Rates And Charges

Please note this list is subject to change.

For hearing assistance equipment phone 5662 9222 or TTY 5662 9371. Agendas and question time forms are available on www.southgippsland.vic.gov.au and at Council.

COUNCILLOR BRIEFING SESSIONS

Council Chamber, Leongatha

Wed – 10 June 2009
12.45pm - Native Title
2.45pm - Natural Gas
3.15pm - Planning Information Session
Wed – 17 June 2009 – No Briefings

PUBLIC MEETING IN KORUMBURRA ON RETAIL PROPOSALS

Following the recent decision by Minister for Planning not to support the exhibition of a rezoning proposal to facilitate retail development at the former Korumburra Saleyards, Council has identified the need to review the future direction of the saleyard site and town centre as part of the wider Korumburra Structure Plan. A Public Meeting has been arranged for 7pm Thurs. 11 June at Korumburra Community Meeting Room (Old Council Chamber), Commercial St.

SILAGE WRAP COLLECTION DAY

Tues 23 June 9 am – 1pm

Silage wrap plastic will be accepted at the Koonwarra Transfer Station on the Koonwarra Inverloch Rd between 9am and 1pm sharp. In order to be accepted for recycling, silage wrap must be free of vegetative matter, stones, dirt and other contamination and should be rolled into tight balls. It is preferable that material is brought in bulka bags or wool bales, and compacted. Disposal fees of $11m apply.

PROPOSED ROAD DEVIATION/EXCHANGE

Mount Best – Tin Mine Road, Mount Best

Council hereby gives notice pursuant to Section 207B(2A) and S10 C2(2)(b) of LGA 1989, that it proposes to deviate/exchange part Mount Best – Tin Mine Road, Mount Best through part Council owned land described in Certificate of Title Volume 8228 Folio 461 and Certificate of Title Volume 9278 Folio 196 in exchange for the Government Road Reserve that abuts the described Council land in accordance with the road deviation diagram shown below, and seek Ministerial consent to the proposed deviation/exchange.

Council will consider written submissions received within 28 days of this notice under S 223 of LGA1989. Persons who wish to be heard by Council in support of their written submission should indicate this in their submission. Submissions must be addressed to the CEO, Private Bag 4, Leongatha 3953. For further information please contact Andrea Wrigley, Property Coordinator on 56629309.
Any correspondence you submit will be made public in accordance with section 11 (K) of the Local Government Regulations 2004. Copies will form part of the report to a Council or Committee meeting and will be kept with the records of the meeting. This is particularly important if you think you might place personal information in the document.

South Gippsland

9 Smith Street, Leongatha
Private Bag 4, Leongatha 3953
council@southgippsland.vic.gov.au

General enquiries
5662 9200
Maintenance Requests (roads, footpaths, trees)
5662 9111
TTY 5662 9371
www.southgippsland.vic.gov.au

Available in larger type upon request

Attachment 4
Public Notification of Proposed Sale - 28 July 2015

SOUTH GIPPSLAND SHIRE COUNCIL

NOTICE OF INTENTION TO SELL LAND

South Gippsland Shire Council (**Council**) gives notice under Section 189 of the *Local Government Act* 1989 (**Act**) that it intends to sell its land described below. The land is Lot 1 on Plan of Subdivision 710334L, Mount Best Tin Mine Road, Toora North and being an area of 3.961ha. The plan below shows the land to be sold. A copy of the Plan can be inspected at Council's offices by contacting Chris Van Der Ark, Manager Property on 5662 9391.

The proposal is that the land be sold by private treaty to the adjoining landowner at 205 Mount Best Tin Mine Road, Toora North. The principal terms of the Contract of Sale will be:-

1. A purchase price to be negotiated but not less than that determined upon advice from Council's Valuer.

2. Payment of a deposit of 10% of the price on exchange of Contracts.

3. A requirement to consolidate the title to the land with the title to the adjoining property.

4. Settlement will take place 14 days after registration of the Plan of Subdivision at the Land Registry.

A person may make a submission on the proposal. Any person proposing to make a submission under section 223 of the Act must do so on or before 25 August 2015. All submissions will be considered in accordance with section 223 of the Act. Submissions should be addressed to the Chief Executive Officer, and can be hand delivered to Council's Office at 9 Smith Street, Leongatha or posted to the following address: The Chief Executive Officer
South Gippsland Shire Council
Private Bag 4
Leongatha VIC 3953

Copies of submissions (including submitters' names and addresses) will be made available at the Council or Special Committee at which submissions are considered and council is required to make submissions available for public inspection for a period of 12 months after the submission is made.

Any person requesting to be heard in support of his or her submission is entitled to be heard before Council (or a Committee established by Council for this purpose) or be represented by a person acting on his or her behalf, and will be notified of the time and date of the hearing.

Tim Tamlin
Chief Executive Officer

E.5 SWIMMING POOL CONTRACT REVIEW – YEAR 1 (SGC 15/08 MANAGEMENT AND OPERATION OF SELECTED AQUATIC VENUES WITHIN SOUTH GIPPSLAND SHIRE)

Sustainable Communities & Infrastructure Directorate

EXECUTIVE SUMMARY

This report discusses the first year of operation of the Pool Management Contract and recommends changing the opening temperature to 25 degrees following community feedback.

Document/s pertaining to this Council Report

- **Attachment 1** – 2014/15 Attendance Data.

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Strategic Direction for Aquatic Facilities in South Gippsland 2015 - 2020

COUNCIL PLAN

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

CONSULTATION

External consultation has been through electronic media, telephone enquiries and a meeting of the Combined Pools Advisory Group.

Internal consultation has comprised of a briefing to Council on 3 June 2015.

REPORT

Background

At its meeting on 19 March 2014, Council resolved to seek Tenders for a single contractor to manage and operate South Gippsland Shires Aquatic Facilities (excluding Toora) and to increase the minimum opening temperature to 26 degrees.

Subsequently, at its meeting on 23 July 2014, Council resolved to award a three year guaranteed price Contract to the YMCA Victoria to manage and operate South Gippsland Shires Aquatic Facilities (excluding Toora).

This Contract provided a reduction in costs and a consistent service level across the sites.

Discussion

Outcome of increase in Temperature to 26 degrees

There were significant negative responses on South Gippsland Outdoor Pools Facebook page and by telephone to the new opening temperature of 26 degrees and the pools not being open.

It was observed that on days when weather is warmer than forecast (or close to the required opening temperature (24 - 25 degrees), approximately 50 - 100 negative comments were posted with up to several hundred other people viewing and liking these negative comments.

A Combined Pools Advisory Group meeting was held on 7 April 2015. This meeting discussed the impact of the higher opening temperature of 26 degrees. All representatives agreed with the need for a temperature reduction for the 2015/16 Season, with some supporting a return to 24 degrees and others supporting a 25 degree opening temperature.

Council researched the link between temperature and attendance to outdoor pools across the region and this is provided in **Attachment 1 – 2014/15 Attendance Data**.

Pool Liaison Officer

The appointment by Council of a part time Pool Liaison Officer was positively received by the Committee. This Officer has assisted Committees with the development, organisation and promotion of events and ensured clear communication between the Contractor and the community volunteers. The cost of the Pool Liaison Officer for the Season was $12,269. Given the success of this position, it is proposed to continue in 2015/16 at a cost of $13,000.

Attendance / Income

The Attendance and Income data for each pool is contained in **Attachment 1 – 2014/15 Attendance Data.** A discussion on the Attendance is provided below:

- The Attendance data tells us that all pools experienced a reduction in attendance this Season.
- This reduction in attendance follows two to three years of improved visitation numbers.
- No pools fell to the low level of attendance of 2010/11 despite the introduction of a higher minimum opening temperature.

- The high number of cool days (under 23 degrees) last summer combined with the increase in opening temperature resulted in the pools being closed more than they were open.

- It was anticipated that the increase in the opening temperature to 26 degrees would result in the pools being closed for an additional 20 days in comparison with other Seasons. Temperature data from this Season is shown in Table 1 below and indicates the pools were closed for an additional 17 days due to the reduction in opening temperature, which is 3 days less than anticipated.

Table 1 – Temperature for the Latrobe Valley (Dec 14 - Mar 15)

Latrobe Valley	Dec 2014	Jan 2015	Feb 2015	Mar 2015	Total
Temp 26 +	10	13	19	2	**44**
Temp 24/25	4	6	4	3	**17**
Temp Under 23	16	12	5	4	**37**

Contractor Performance

4. Opening Hours

The Contract has provided consistency across the pools with opening hours. These are shown in Table 2 below.

Table 2 – Pool Opening Hours

Pool	School Days	Weekends	Public / School Holidays
Korumburra	3pm - 7pm	12pm - 7pm	12pm - 7pm
Poowong	3pm - 7pm	12pm - 7pm	12pm - 7pm
Mirboo North	3pm - 7pm	12pm - 7pm	12pm - 7pm
Foster	3pm - 7pm	12pm - 7pm	12pm - 7pm

5. Season Opening Dates

The Contract has provided consistency across the pools with Season Opening Dates. These are shown in Table 3 below.

Table 3 – Season Opening Dates

Pool	Date
Korumburra	29 November 2015
Poowong	29 November 2015
Mirboo North	29 November 2015
Foster Pool	20 December 2015

6. Staffing

YMCA Victoria experienced a number of staffing challenges early in the Season which impacted on their provision of services required under the Contract. YMCA acknowledged the performance issues and have already taken action to ensure that these issues do not recur in the 2015/16 Season.

Changes Made to the Contract

Following the briefing to Council on 3 June 2015, the YMCA was requested to implement a number of performance changes in response to our community's feedback. These included:

- Utilising the Latrobe Valley temperature forecast to determine if Mirboo North Pool would open.
- Opening pools to the public when non-temperature dependent programs such as Vicswim were operating and lifeguards were onsite.
- Flexibility to open pools when the actual temperature on the day is above the daily forecast temperature and the opening minimum temperature.
- The re-introduction of early morning swimming and implementing the Low Patronages guidelines taken from the Guidelines for Safe Pool Operation.

The Contract was amended to include these performance changes.

The only outstanding matter for Council to consider is amending the Contract to reflect a reduced forecast temperature as discussed at the Combined Swimming Pools Group meeting.

Options

The following options were discussed with the Combined Swimming Pools Group regarding the Contract:

1. Proceed with the current Contract with the 26 degree opening temperature and continue with the changes made to the Contract during the 2014/15 Season.
2. Proceed with the current Contract but amend the opening temperature to 25 degrees and continue with the changes made to the Contract during the 2014/15 Season.
3. Proceed with the current Contract but amend the opening temperature to 24 degrees and continue with the changes made to the Contract during the 2014/15 Season.

Proposal

It is proposed to proceed with Option 2 as this was a compromise between 24 degrees and 26 degrees as discussed with the Combined Swimming Pools Group.

FINANCIAL CONSIDERATIONS

2014/15 Budget

Making the changes to the Contract in the 2014/15 season has resulted in a saving of $59,913 to Council. These costs together with the 2015/16 costs are shown in Table 4 below.

Table 4 – Cost Comparison

	2013/14 Actual	2014/15 Actual	2015/2016 Contract
Outdoor Pools	$488,691	$402,968	$416,185
SPLASH	$352,469	$366,010	$383,669
Total	$841,160	$768,978	$799,854
Pool Liaison Officer	-	$12,269	$13,000
Additional cost opening pools at 25 degrees	-	-	$10,000
TOTAL	$841,160	$781,247	$822,854

2015/16 Budget

Reducing the opening temperature to 25 degrees will require a contract variation and budget adjustment of approximately $10,000.

If Council chose to reduce the temperature back to 24 degrees an extra budget allocation of $20,000 would be required.

Profit Share

The guaranteed price contract stipulates a profit share arrangement between the Contractor 40% and Council 60% for better than budgeted financial performance. For the 2014/15 financial year the YMCA was over the contract budget by $4,835 therefore the profit share arrangement was not activated.

RISKS

Reputational

The community has provided very strong feedback regarding their expectation for the pools to be open to the public during summer. This can be mitigated by making the service level changes in the Contract with minor impact to the financial performance of the pools.

CONCLUSION

The increase to the opening temperature to 26 degrees has impacted on the availability and use of the pools and our community have provided clear feedback to Council on this issue.

Council made adjustments to the Contract to improve our communities' ability to access the pools.

Progressing with the proposal (option 2) to proceed with the current Contract (with the changes made) and amend the opening temperature to 25 degrees will be welcomed by our community and have a minor impact on the financial performance of the pools.

RECOMMENDATION

That Council:

1. Note the review of the first year of operation of Contract SGC15/08 Management and Operation of Selected Aquatic Venues within South Gippsland Shire.

2. Support the continuation of the changes made to the Contract with YMCA Victoria during the 2014/15 Season.

3. Amend the Contract with YMCA Victoria to reflect a change in outdoor pool opening temperature from 26 degrees to 25 degrees for the duration of the contract.

4. Increase the pool operating budget by $10,000 to reflect the increase in service level.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Brunt **SECONDED: Cr Davies**

THAT COUNCIL:

1. **NOTE THE REVIEW OF THE FIRST YEAR OF OPERATION OF CONTRACT SGC15/08 MANAGEMENT AND OPERATION OF SELECTED AQUATIC VENUES WITHIN SOUTH GIPPSLAND SHIRE.**

2. **SUPPORT THE CONTINUATION OF THE CHANGES MADE TO THE CONTRACT WITH YMCA VICTORIA DURING THE 2014/15 SEASON.**

3. **AMEND THE CONTRACT WITH YMCA VICTORIA TO REFLECT A CHANGE IN OUTDOOR POOL OPENING TEMPERATURE FROM 26 DEGREES TO 25 DEGREES FOR THE DURATION OF THE CONTRACT.**

4. **INCREASE THE POOL OPERATING BUDGET BY $10,000 TO REFLECT THE INCREASE IN SERVICE LEVEL.**

Cr Kennedy left the Meeting at 4.45pm.

CARRIED UNANIMOUSLY

Attachment 1
2014/15 Attendance Data

Attendance information in the tables below was taken from outdoor pools across Gippsland. They show that South Gippsland outdoor pools are exceptionally well supported by the community in comparison with similar facilities with much greater populations in neighbouring municipalities.

Sth Gippsland: Population 27,937	*Attendance Figures*
Foster	4,087
Poowong	6,216
Korumburra	10,405
Mirboo North	11,124
Toora	23,253
Total	**55,085**

Latrobe: Population 73,653	*Attendance Figures*
Yallourn North	4,609
Moe	10,558
Traralgon	13,077
Total	**28,244**

Baw Baw: Population 45,945	*Attendance Figures*
Thorpdale	989
Neerim South	2,435
Rawson	3,573
Trafalgar	3,979
Drouin	5,365
Total	**16,341**

Wellington: Population 42,220	*Attendance Figures*
Rosedale	646
Heyfield	2,265
Stratford	3,989
Yarram	4,323
Maffra	8,208
Total	**19,431**

The YMCA has provided daily attendance data for each pool across each entry category.

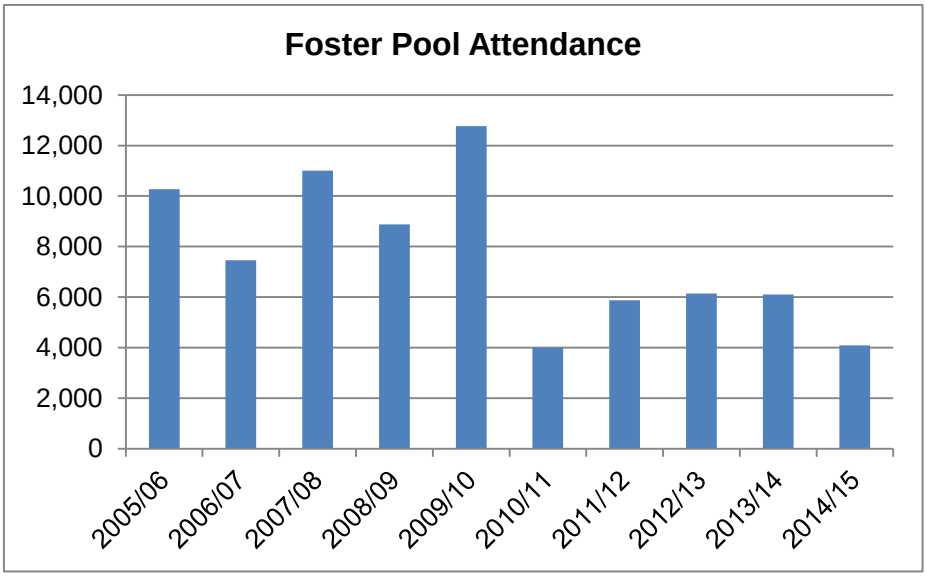
- Adult swim
- Child swim
- Spectator entry
- Family entry
- Season Pass entry
- Schools usage
- Under 3 & Carer - free entry

The income and attendance data for each pool on the following pages shows that all pools (other than Toora) experienced a reduction in attendance for the 2014/2015 Season. This follows 2-3 years of improved visitation numbers. However, no pools fell to the low level of attendance of 2010/11 despite the introduction of a higher minimum opening temperature.

Attachment 1
2014/15 Attendance Data

FOSTER SWIMMING POOL

	Income	Attendance
2005/06	$ 23,336	10,271
2006/07	$ 20,719	7,461
2007/08	$ 27,750	11,000
2008/09	$ 20,464	8,873
2009/10	$ 30,496	12,764
2010/11	$ 8,498	4,000
2011/12	$ 17,080	5,871
2012/13	$ 17,530	6,147
2013/14	$ 15,291	6,103
2014/15	$ 11,085	4,087



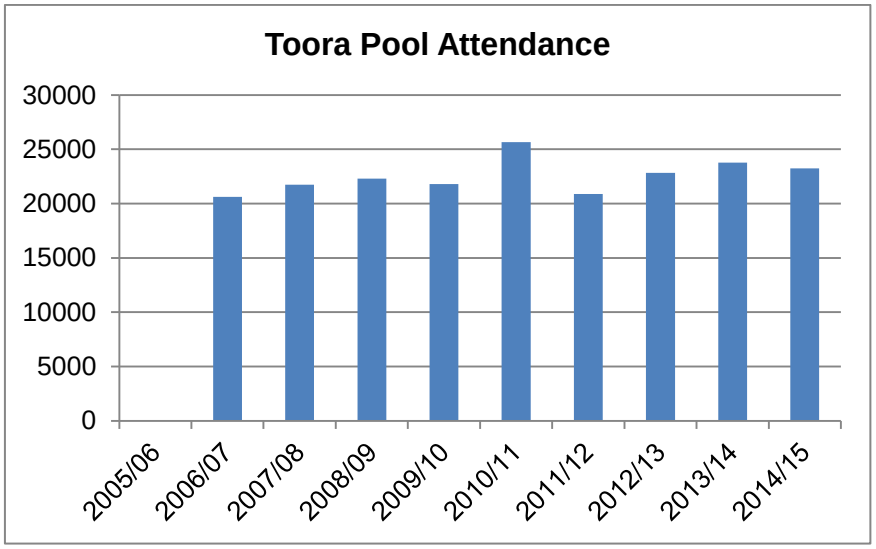
Foster Total Attendances 2014/15

Entry Category	Nov	Dec	Jan	Feb	Mar	Total
Adult Swim		13	121	76	5	215
Child Swim		23	155	102	5	285
Spectator entry		95	25	143	0	263
Family Entry			153	37	0	190
Season Pass Entry		173	542	689	63	1,467
Schools Usage			0	1631	0	1,631
Under 3 & Carer - Free entry			23	13	0	36
Total Users		**304**	**1,019**	**2,691**	**73**	**4,087**

Attachment 1
2014/15 Attendance Data

TOORA SWIMMING POOL

	Income	Attendance
2005/06	$ 33,410	20,616
2006/07	$ 40,928	21,747
2007/08	$ 41,818	22,294
2008/09	$ 32,391	21,788
2009/10	$ 37,793	25,647
2010/11	$ 33,020	20,882
2011/12	$ 40,080	22,837
2012/13	$ 48,000	23,785
2013/14	$ 53,720	23,244
2014/15	$ 48,898	23,253



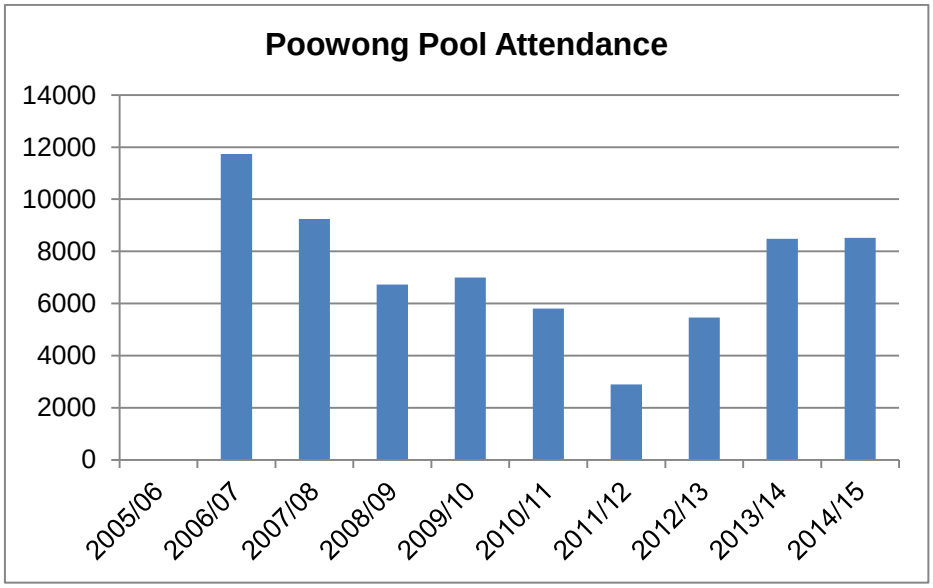
Toora Total Attendances 2014/15

Entry Category	Sep/Oct	Nov	Dec	Jan	Feb	Mar/Apr	Total
Adult Swim	107	147	57	435	141	62	949
Child Swim	172	307	316	751	188	120	1,854
Spectator entry	22	52	64	121	43	3	305
Season Pass Entry	2,004	2,255	2,461	3,708	2,545	2,311	15,284
Schools Usage	277	253	683		385		1,598
Aqua	278	533	237	305	346	352	2,051
Events			310	60	216	310	896
Rehab	38	62	64	13	92	47	316
Total Users	**2,898**	**3,609**	**4,192**	**5,393**	**3,956**	**3,205**	**23,253**

Attachment 1
2014/15 Attendance Data

POOWONG SWIMMING POOL

	Income	Attendance
2005/06	$ 15,630	11,741
2006/07	$ 15,027	9,247
2007/08	$ 11,646	6,732
2008/09	$ 15,812	7,000
2009/10	$ 10,360	5,800
2010/11	$ 8,900	2,893
2011/12	$ 19,241	5,457
2012/13	$ 26,506	8,484
2013/14	$ 27,856	8,522
2014/15	$ 22,049	6,216



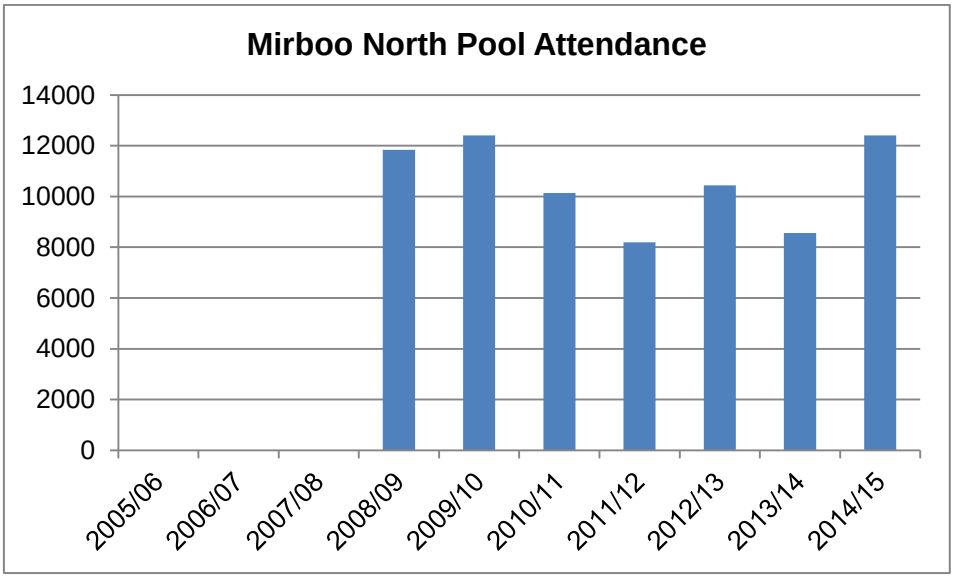
Poowong Total Attendances 2014/15

Entry Category	Nov	Dec	Jan	Feb	Mar	Total
Adult Swim	7	97	183	149	9	445
Child Swim	38	131	318	197	7	691
Spectator entry	5	20	127	353	6	511
Family Entry		66	412	169	0	647
Season Pass Entry	125	357	921	847	83	2,333
Schools Usage			0	1,521	0	1,521
Under 3 & Carer - Free entry		13	27	28	0	68
Total Users	**175**	**684**	**1,988**	**3,264**	**105**	**6,216**

Attachment 1
2014/15 Attendance Data

MIRBOO NORTH SWIMMING POOL

	Income	Attendance
2005/06	$ 22,065	11,835
2006/07	$ 23,618	12,407
2007/08	$ 21,711	10,134
2008/09	$ 17,542	8,189
2009/10	$ 19,839	10,434
2010/11	$ 16,313	8,564
2011/12	$ 39,824	12,401
2012/13	$ 50,835	16,165
2013/14	Not supplied by contractor	15,932
2014/15	$ 37,437	11,224



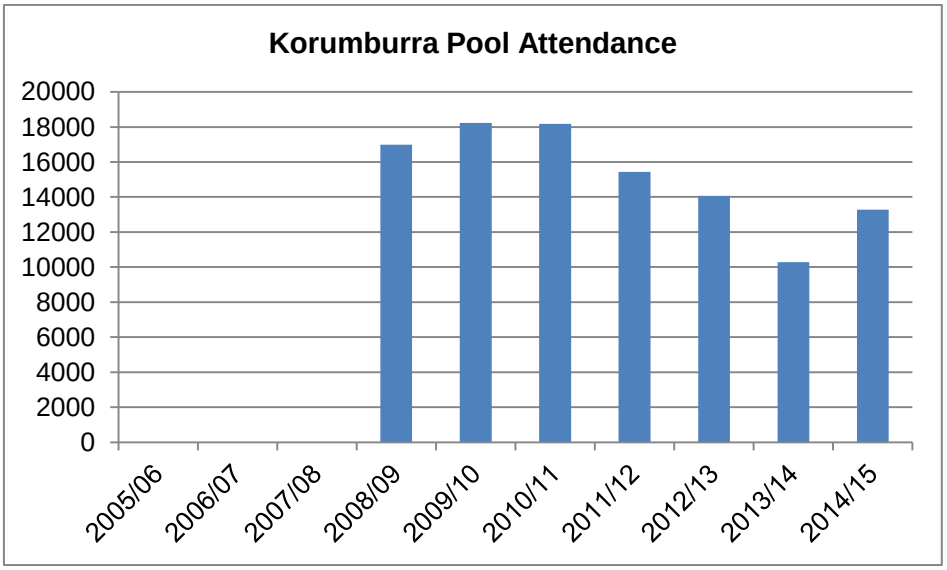
Mirboo North Total Attendances 2014/15

Entry Category	Nov	Dec	Jan	Feb	Mar	Total
Adult Swim	23	138	335	195	2	693
Child Swim	69	247	552	218	3	1,089
Spectator entry	6	69	253	114	0	442
Family Entry	35	211	567	233	0	1,046
Season Pass Entry	156	622	1,295	1,746	67	3,886
Schools Usage		520	64	3,253	0	3,837
Under 3 & Carer - Free entry	11	83	98	39	0	231
Total Users	**300**	**1,890**	**3,164**	**5,798**	**72**	**11,224**

Attachment 1
2014/15 Attendance Data

KORUMBURRA SWIMMING POOL

	Income	Attendance
2005/06	$ 35,902	16,980
2006/07	$ 32,034	18,224
2007/08	$ 36,585	18,183
2008/09	$ 34,532	15,437
2009/10	$ 35,000	14,063
2010/11	$ 24,290	10,283
2011/12	$ 31,190	13,269
2012/13	$ 37,492	17,073
2013/14	$ 36,913	15,807
2014/15	$ 38,366	10,405



Korumburra Total Attendances 2014/15

Entry Category	Nov	Dec	Jan	Feb	Mar	Total
Adult Swim	12	72	271	146	1	502
Child Swim	61	264	611	366	6	1,308
Spectator entry	1	63	198	520	14	796
Family Entry	17	96	357	208	0	678
Season Pass Entry	58	503	903	1,126	135	2,725
Schools Usage	0	69	0	3,181	909	4,159
Under 3 & Carer - Free entry	0	21	87	129	0	237
Total Users	**149**	**1,088**	**2,427**	**5,676**	**1,065**	**10,405**

E.6 KORUMBURRA COMMUNITY ACCESS CENTRE SPECIAL COMMITTEE - REVOCATION OF INSTRUMENT OF DELEGATION

Sustainable Communities and Infrastructure Directorate

EXECUTIVE SUMMARY

This report recommends that Council:

1. Revokes the Korumburra Community Access Centre Special Committee Instrument of Delegation.

2. Receive a further report on options for the future of the building.

Documents pertaining to this Council Report

- **Attachment 1** - Instrument of Delegation.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Local Government Act 1989 (Section 86)

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Korumburra Access Centre Special Committee Instrument of Delegation

- Korumburra Community Infrastructure Assessment

COUNCIL PLAN

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

CONSULTATION

In preparing this report, consultation was undertaken with the Korumburra Access Centre Special Committee (Committee), Council's Property, Community Strengthening and Governance Teams.

A discussion was also held with the Korumburra Community Development and Action Inc (KCDA) and other community members who use the Centre. It was indicated that there may be a continued need for this meeting space. The KDCA and other community members were informed of other meeting spaces in Korumburra that can accommodate their needs.

REPORT

Background

The Korumburra Community Access Centre

The Korumburra Community Access Centre is located in Radovick Street, Korumburra (the Centre). It is the former public toilet building, which is a heritage listed building and included in the heritage overlay for Korumburra. The heritage overlay means that Council cannot easily remove the building or alter the external facades.

The Centre's current use was formalised in 2003 in response to a community development project that identified that a community information centre was needed in central Korumburra. The Centre was refurbished by Council with a State Government grant of $65,000 which was matched by Council funds in excess of $65,000. This project was not funded by community fundraising.

The purpose of the Centre has been to provide access to information about local organisations, activities, business and services. The Centre provided a hub for the local community in a friendly and inviting atmosphere. Visitors were able to drop in, make enquiries about local services and organisations, and chat over a cup of tea or coffee. The Centre was staffed and managed by a group of volunteers. The Committee was responsible for the care and upkeep of the building. Activities and services provided have included:

- Noticeboards for the community, Council and businesses.
- Displays for community events.
- Welcoming tea and coffee for people to come in for a chat.
- Free internet access.
- Meeting place for community groups.
- Provision of brochures and information on local facilities and localities.

Korumburra Community Access Centre Special Committee

The Committee exercises Council's functions and powers and performs Council's duties in relation to the management of the Centre since 2003. Refer to **Attachment 1** for a copy of the Instrument of Delegation.

Discussion

The Committee has advised that the Centre has served its purpose and that it is appropriate that it should close. The Centre has not been open since 21 May 2015.

Some community groups use the Centre for monthly meetings, but all these groups could be accommodated at other existing community meeting rooms in Korumburra. Much of the community information that was provided by the Centre is now provided on-line and via the Milpara Community House, the Men's Shed, the Library and the Visitor Information Centre based at Coal Creek.

Future of the Centre

Upon revoking the Committee, the building will become permanently vacant. Council has an opportunity to lease the building for a commercial rental or sell it. A further report to Council will discuss this.

PROPOSAL

It is proposed that Council:

1. Revoke the Instrument of Delegation to the Committee and close the Centre.

2. Receive a further report on options for the future of the building.

FINANCIAL CONSIDERATIONS

If the Centre is closed there will be minimal maintenance expenditure.

RISKS

Should the Instrument of Delegation not be revoked, the Committee may still be able to make decisions in respect of the Centre that would be binding on Council.

CONCLUSION

The Centre and the Committee have provided a good service to the Korumburra community. This service is no longer required and the volunteer effort required to maintain the service can be more effectively used to support other community organisations in the Korumburra district.

RECOMMENDATION

That Council:

1. Revoke the Korumburra Community Access Centre Special Committee Instrument of Delegation.

2. Thank the members of the Korumburra Community Access Centre Special Committee for their valuable contribution in managing the Korumburra Community Access Centre.

3. Receive a further report on the future use of the building.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Newton **SECONDED: Cr Brunt**

THAT COUNCIL:

1. **REVOKE THE KORUMBURRA COMMUNITY ACCESS CENTRE SPECIAL COMMITTEE INSTRUMENT OF DELEGATION.**

2. **THANK THE MEMBERS OF THE KORUMBURRA COMMUNITY ACCESS CENTRE SPECIAL COMMITTEE FOR THEIR VALUABLE CONTRIBUTION IN MANAGING THE KORUMBURRA COMMUNITY ACCESS CENTRE.**

3. **RECEIVE A FURTHER REPORT ON THE FUTURE USE OF THE BUILDING.**

Cr Kennedy returned to the Meeting at 4.51pm.

CARRIED UNANIMOUSLY

Attachment 1
Instrument of Delegation

South Gippsland Shire Council
Instrument of Delegation

Korumburra Community Access Centre
Special Committee

South Gippsland Shire Council ("Council") delegates to the special committee established by resolution of Council passed on 24 September 2014 and known as the Korumburra Community Access Centre Special Committee ("the Committee"), the powers and functions set out in the Schedule, and declare that:

1. this Instrument of Delegation is authorised by a resolution of Council passed on 24 September 2014.

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 affixed in the presence of Tim Tamlin, Chief Executive Officer.

.....

Date: 3 October 2014

THE SOUTH GIPPSLAND SHIRE COUNCIL
THE COMMON SEAL OF

Page 1 of 7

Attachment 1
Instrument of Delegation

Instrument of Delegation

Korumburra Community Access Centre
Special Committee

SCHEDULE

PURPOSE

To exercise Council's functions and powers and to perform Council's duties in relation to the management of the Korumburra Community Access Centre.

1. Reporting requirement

The Committee must report to Council according to Clauses 3.2, 3.3, 5.5, 5.6, 6.1, 6.4 and 7.3 in the Schedule of the Instrument of Delegation of Korumburra Community Access Centre Special Committee.

2. Powers and functions

To exercise Council's functions and powers to perform Council's duties in relation to the management of the Korumburra Community Access Centre, and for those purposes.

3. Administration

3.1 To do all things necessary or convenient to be done for or in connection with the performance of those functions, duties and powers;

3.2 To provide Council with monthly financial reports and minutes of every meeting and a Treasurer's report;

3.3 To provide Council with an annual report, including a self-evaluation of the Committee's effectiveness, to be submitted in September including:

- Patronage
- User groups
- Injuries and Accidents
- Maintenance/Improvements undertaken and future requirements
- Self-evaluation of operations and management
- Other matters considered relevant by the Committee;

3.4 To be the point of contact for the public with respect to the operation of Korumburra Community Access Centre. All matters shall be referred to

Page 2 of 7

Attachment 1
Instrument of Delegation

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;

3.5 To ensure that the decisions and policies of Council are implemented/adhered to without delay;

4. Facility use

4.1 The power to negotiate the use of facilities with user groups and the power to approve programs operating from the Korumburra Community Access Centre;

4.2 The power to set dates and opening/closing times;

4.3 To ensure that the Korumburra Community Access Centre is used only for purposes appropriate to the facility;

4.4 To ensure that the facility is operated in accordance with community hall type guidelines;

5. Finance

5.1 The power to set user fees;

5.2 To enter into contracts and to incur expenditure under $2000, with approval being required from Council for contracts over $2000;

5.3 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 and or transactions drawn on the account shall be signed and or authorised by any two of the following:

- Chairperson
- Vice Chairperson
- Secretary
- Treasurer;

5.4 To pay all utility, municipal and water charges incurred in occupying the premises;

5.5 To provide Council with adopted Financial Statements by 30 September each year, with support documentation being available upon request;

5.6 To provide Council with a proposed budget for the forthcoming year, within seven (7) days of the end of the financial year;

5.7 The power to apply income received from facility users to the ongoing operation and management of the Korumburra Community Access Centre;

Attachment 1
Instrument of Delegation

6. Maintenance

6.1 To provide an annual 'Facility Maintenance Report' detailing all anticipated maintenance for the following financial year that is submitted to Council by 31 January of the preceding year;

6.2 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. All maintenance is to be in accord with Council's approved Maintenance Regime/Schedule;

6.3 To make no structural alterations or additions to the premises without the written consent of Council's Engineering and Assets department;

6.4 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;

7. Risk Management / Insurance

7.1 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;

7.2 To maintain a monthly checklist, provided by Council, relating to building safety, and make available to Council staff when requested;

7.3 To ensure that volunteers complete a registration form that is to be forwarded to Council's Insurance and Return to Work Advisor. 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;

7.4 To contact Council's Occupational Health and Safety Coordinator, before volunteers commence any work to determine whether training is required;

7.5 To adhere to all statutory and legislative requirements;

8. Exceptions, conditions and limitations

The Committee is not authorised by this Instrument to:

Attachment 1
Instrument of Delegation

8.1 Enter into contracts over $2000, or incur expenditure, for an amount which exceeds the approved budget;

8.2 Employ people, engage contractors or enter into leases without the prior consent of Council;

8.3 Exercise the powers which, by force Section 86 of the Act, cannot be delegated;

8.4 Borrow funds.

Attachment 1
Instrument of Delegation

GUIDELINES – COMMITTEE DELEGATIONS

Name

These guidelines may be referred to as the Korumburra Community Access Centre Committee Guidelines.

Application

These guidelines have been adopted by the South Gippsland Shire Council ("Council") for the guidance of:

- Korumburra Community Access Centre
- any other special committee in respect of which Council resolves that these guidelines are to apply.

Exercise of Powers

The powers, duties and functions set out in the Instrument are delegated to the Committee. This means that the Committee can only act under delegation when sitting in a formally constituted meeting.

This means that the meeting must be called and conducted in a manner that complies with the provisions of the Local Government Act 1989 ("the Act") and with the Council's meeting procedures local law.

The Committee cannot exercise its delegated powers when gathered outside the formal meeting structure as described above. For example, an informal coming together of members would not resolve to act under delegation.

Similarly, the delegations do not extend to individual members of the Committee.

The only opportunity for individual Committee members to be granted delegated powers exists where the Committee member is a member of Council staff and subject to a delegation under section 98 of the Act.

All delegations must be read in conjunction with this document and any other policies and guidelines that may be adopted by the Council from time to time.

Reporting Back

These guidelines have been developed to support the concept of delegation as a means of ensuring that the functions of Council are conducted in an efficient and timely manner.

Reporting back of delegations exercised may be necessary to ensure that adequate information regarding those actions is available to other staff, management and the Council.

Attachment 1
Instrument of Delegation

Such reporting back would be by presentation of reports to Council within the time specified in the Instrument of Delegation; and production of minutes of meetings that will be circulated or available for inspection at any time.

It is to be noted that the reporting back requirements on this policy are a minimum standard only and that nothing will preclude more detailed or extensive reporting back of delegated actions if individual circumstances warrant.

Insurance

After receiving Special Committee Details Form, within 1 month of appointment, Council will, upon appointment of each committee, effect and pay for an annual public liability insurance policy to protect hirers. For events involving large numbers of people (more than 50), alcohol, some children's activities and some sporting events, Council will effect and pay for cover but may require the committee to ensure that hirers complete an insurance form which is to be directed to the insurance company by the committee. Council must be contacted before events such as carnivals, large sporting events and 'pop/rock' concerts are booked or organised, as cover may not be available for some events.

All of the above insurance arrangements are subject to Council approval based on reasonable use of facilities and frequency. If a committee is unsure about any aspect of insurance cover, they must contact Council's Risk Management Coordinator.

The actions of committee members, in the proper execution of the committee power and responsibilities, are covered by Council's existing public liability policy.

The members of the Committee appointed by Council on 24 September 2014 are:

- Iris Rapps
- Shirley Reeves
- Lois Wust
- Sandy Hoult
- Peter Hoult
- Charlie O'Rafferty

E.7 CAPITAL WORKS PROGRAM 2015/16 - PROPOSED AMENDMENTS DUE TO INCREASED - ROADS TO RECOVERY FUNDING

Sustainable Communities & Infrastructure Directorate

EXECUTIVE SUMMARY

This report recommends the following budget adjustments are made to the 2015/16 Capital Works Program as a consequence of the increased Roads to Recovery (R2R) funding totalling $1,432,817 as follows.

1. Bring forward the 2016/17 Princes Street, Korumburra Reconstruction Project budget of $636,407 to 2015/16.

2. Increase the Resheet Program budget by $500,000.

3. Direct the balance of the funds of $296,410 to the Rural Road Rehabilitation Program for projects still being finalised.

The increased funding is available over the next two financial years.

Document pertaining to this Council Report

- **Attachment 1** – Extract from R2R Circular 2015/4.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Long Term Financial Plan

COUNCIL PLAN

Outcome:	3.0	Integrated Services & Infrastructure.
Objective:	3.1	Deliver affordable modern community services and facilities through an integrated approach to planning and infrastructure development.
Outcome:	4.0	A Leading Organisation.
Objective:	4.1	Improve the financial sustainability of Council, including diversifying revenue streams.

CONSULTATION

These proposed changes to the Capital Works Program have been discussed and agreed to by the relevant officers in the Sustainable Communities & Infrastructure Directorate.

REPORT

Background

In May 2015, the Australian Government announced that Council will be receiving $4,776,633 for the 2015/16 financial year and $5,516,638 for the 2016/17 financial year as part of the R2R Program.

The allocated funding to Council for the next four years is as follows:

	2015/16	2016/17	2017/18	2018/19
Original Funding	$3,343,816	$1,671,908	$1,671,908	$1,671,908
New Funding	$4,776,633	$5,516,638	Unchanged	Unchanged
Additional Funds	**$1,432,817**	**$3,844,730**	**N/A**	**N/A**
	$5,277,547			

Refer to **Attachment 1** for a copy of the extract from the R2R Circular 2015/4 regarding the allocation of funding over the next 4 years.

Discussion

The following amendments to the Capital Works Program have been identified as the most appropriate works to utilise the additional R2R funding of $1,432,817 for the 2015/16 financial year.

The proposed additional works are:

1. RECONSTRUCTION OF PRINCESS STREET, KORUMBURRA – bring forward the 2016/17 budget of $636,407 to 2015/16.

The design for this project is complete. Bringing forward this project will enable it to be delivered in parallel with the Karmai Integrated Children's Centre (KICC) which will be delivered over the 2015/16 and first half of the 2016/17 financial years. This will be beneficial in terms of minimising the period of disruption to the community by delivering the two projects together. Any interface issues between the two contract packages are considered to be manageable.

2. RESHEET PROGRAM – increase the budget by $500,000.

A Councillor Briefing Session and presentation on 3 September 2014 and again on 26 November 2014 argued that there is a funding gap of around $1.3M for pavement works on Council's unsealed road network which is Council's single biggest asset. This funding will assist Council in reducing this gap.

3. RURAL ROAD REHABILITATION PROGRAM – direct the balance of the funds of $296,410 to this program.

The Rural Road Rehabilitation Program is the major category of improvement works for the sealed road network along with the Reseal Program. The increased funding under the R2R program over the next two years provides an opportunity to make a meaningful improvement to the condition of this asset class and help address some of the negative results in the Community Satisfaction Survey relating to the condition of the road network. The actual projects to be completed will be determined using the results from the recently completed Condition Survey for the sealed road network.

Proposal

It is proposed that Council:

1. Approve the above amendments to the 2015/16 Capital Works Program.

2. Prioritise the 2016/17 allocation of $3,844,730 as part of the 2016/17 budget process.

FINANCIAL CONSIDERATIONS

The increased funding from the R2R program adequately covers these proposed amendments to the Capital Works Program.

The extra $3,844,730 for 2016/2017 will be prioritised as part of the 2016/17 budget process.

RISKS

The projects must be delivered with in the 2015/16 financial year for Council to receive the full R2R allocation. The projects that have been chosen can be delivered within that timeframe.

CONCLUSION

The extra funding will assist Council in accelerating improvements within the road network.

RECOMMENDATION

That Council amend the 2015/16 Capital Works Program as follows:

1. Bring forward the Princes Street, Korumburra Reconstruction Project from the 2016/17 financial year totalling $636,407.

2. Increase the Resheet Program by $500,000.

3. Direct the balance of the funds $296,410 to the Rural Road Rehabilitation Program.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Newton **SECONDED: Cr Davies**

THAT COUNCIL AMEND THE 2015/16 CAPITAL WORKS PROGRAM AS FOLLOWS:

1. **BRING FORWARD THE PRINCES STREET, KORUMBURRA RECONSTRUCTION PROJECT FROM THE 2016/17 FINANCIAL YEAR TOTALLING $636,407.**

2. **INCREASE THE RESHEET PROGRAM BY $500,000.**

3. **DIRECT THE BALANCE OF THE FUNDS $296,410 TO THE RURAL ROAD REHABILITATION PROGRAM.**

CARRIED UNANIMOUSLY

Attachment 1
Extract from Roads to Recovery Circular 2015/4

State	Council Name	Original Life of Programme Funding	New Funding from Fuel Excise Change	New Life of Programme Funding	New 15-16 Allocation Up To	New 16-17 Allocation Up To	17-18 Allocation Up To	18-19 Allocation Up To
VIC	Mildura Rural City Council	$10,861,200	$5,714,079	$16,575,279	$5,171,732	$5,972,947	$1,810,200	$1,810,200
VIC	Mitchell Shire Council	$4,936,618	$2,597,156	$7,533,774	$2,350,649	$2,714,816	$822,770	$822,770
VIC	Moira Shire Council	$10,745,460	$5,653,189	$16,398,649	$5,116,621	$5,909,298	$1,790,910	$1,790,910
VIC	Monash City Council	$3,334,400	$1,754,229	$5,088,629	$1,587,728	$1,833,701	$555,733	$555,733
VIC	Moonee Valley City Council	$1,937,183	$1,019,152	$2,956,335	$922,421	$1,065,323	$322,864	$322,864
VIC	Moorabool Shire Council	$5,271,283	$2,773,223	$8,044,506	$2,510,005	$2,898,859	$878,547	$878,547
VIC	Moreland City Council	$2,665,552	$1,402,347	$4,067,899	$1,269,244	$1,465,879	$444,259	$444,259
VIC	Mornington Peninsula Shire Council	$6,880,652	$3,619,912	$10,500,564	$3,276,332	$3,783,906	$1,146,775	$1,146,775
VIC	Mount Alexander Shire Council	$4,416,120	$2,323,321	$6,739,441	$2,102,805	$2,428,576	$736,020	$736,020
VIC	Shire of Moyne	$10,924,024	$5,747,131	$16,671,155	$5,201,647	$6,007,496	$1,820,671	$1,820,671
VIC	Shire of Murrindindi	$4,795,477	$2,522,902	$7,318,379	$2,283,442	$2,637,198	$799,246	$799,246
VIC	Nillumbik Shire Council	$3,224,951	$1,696,647	$4,921,598	$1,535,612	$1,773,511	$537,492	$537,492
VIC	Northern Grampians Shire Council	$7,740,143	$4,072,090	$11,812,233	$3,685,592	$4,256,570	$1,290,024	$1,290,024
VIC	City of Port Phillip	$1,167,544	$614,245	$1,781,789	$555,944	$642,073	$194,591	$194,591
VIC	Pyrenees Shire Council	$5,928,426	$3,118,946	$9,047,372	$2,822,914	$3,260,245	$988,071	$988,071
VIC	Borough of Queenscliffe	$151,545	$79,729	$231,274	$72,161	$83,341	$25,258	$25,258
VIC	South Gippsland Shire Council	$10,031,449	$5,277,547	$15,308,996	$4,776,633	$5,516,638	$1,671,908	$1,671,908
VIC	Southern Grampians Shire Council	$8,527,747	$4,486,450	$13,014,197	$4,060,622	$4,689,701	$1,421,291	$1,421,291
VIC	Stonnington City Council	$1,182,744	$622,242	$1,804,986	$563,182	$650,432	$197,124	$197,124
VIC	Shire of Strathbogie	$6,163,291	$3,242,509	$9,405,800	$2,934,748	$3,389,406	$1,027,215	$1,027,215
VIC	Surf Coast Shire	$4,166,654	$2,192,078	$6,358,732	$1,984,019	$2,291,386	$694,442	$694,442
VIC	Swan Hill Rural City Council	$6,049,258	$3,182,516	$9,231,774	$2,880,450	$3,326,695	$1,008,210	$1,008,210
VIC	Shire of Towong	$4,026,834	$2,118,518	$6,145,352	$1,917,441	$2,214,494	$671,139	$671,139
VIC	Department of Environment and Primary Industries	$114,000	$59,651	$173,651	$54,195	$62,456	$19,000	$19,000
VIC	Wangaratta Rural City Council	$6,790,547	$3,572,508	$10,363,055	$3,233,427	$3,734,355	$1,131,758	$1,131,758
VIC	Warrnambool City Council	$1,942,246	$1,021,816	$2,964,062	$924,831	$1,068,108	$323,708	$323,708
VIC	Wellington Shire Council	$13,336,018	$7,016,082	$20,352,100	$6,350,156	$7,333,935	$2,222,670	$2,222,670
VIC	West Wimmera Shire Council	$6,547,734	$3,444,764	$9,992,498	$3,117,807	$3,600,824	$1,091,289	$1,091,289
VIC	Whitehorse City Council	$2,506,957	$1,318,911	$3,825,868	$1,193,727	$1,378,662	$417,826	$417,826
VIC	City of Whittlesea	$5,482,146	$2,884,158	$8,366,304	$2,610,411	$3,014,820	$913,691	$913,691
VIC	Wodonga City Council	$2,586,637	$1,360,830	$3,947,467	$1,231,668	$1,422,480	$431,106	$431,106

Councillor Davies left the Meeting at 4.54pm with a declared indirect financial conflict of interest in Council Reports - E.8 APPROVAL TO AWARD THE 2015/16 CAPITAL WORKS CONTRACTS UNDER CHIEF EXECUTIVE OFFICER DELEGATION, having an indirect financial interest in one part of the Capital Works Contracts, Foster Streetscape.

E.8 APPROVAL TO AWARD THE 2015/16 CAPITAL WORKS CONTRACTS UNDER CHIEF EXECUTIVE OFFICER DELEGATION

Sustainable Communities & Infrastructure Directorate

EXECUTIVE SUMMARY

This report recommends Council delegates to the Chief Executive Officer the power to award the 2015/16 Capital Works Contracts on the basis that the preferred Tenders received are within budget.

Once the Contracts are awarded, a report will be presented to Council detailing the Contracts awarded.

LEGISLATIVE/ ACTION PLANS/ STRATEGIES/ POLICIES

- Local Government Act 1989 - Section 98(1)

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Procurement Policy 2014
- 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.

CONSULTATION

The proposed Capital Works Program was presented to Council throughout the 2014/15 financial year as part of the Financial Sustainability Steering Committee in readiness for the adoption of the 2015/16 Annual Budget. The Annual Budget and the Capital Works Program was adopted on 24 June 2015.

REPORT

Background

The following is a list of Capital Works Contracts which are either currently being publically advertised or will be over the next four months:

#	Project	Cost Centre	Budget
a)	Footpath Renewal	8841	$286,197
b)	Karmai Integrated Children's Centre (KICC) Construction	9425	$4,409,530
c)	Foster Streetscape Project *(subject to grant funding being secured)*	8314	$1,000,000
d)	A'Beckett Street, Leongatha Reconstruction	8287	$465,000
e)	North Poowong Road, Poowong Reconstruction	9081	$1,300,000
f)	Princes Street & John Street, Korumburra Reconstruction	8279	$716,577
g)	Leongatha Skate Park Construction	9578	$429,067
h)	Koonwarra Landfill Cell 4 Construction	8567	$1,765,852
i)	Public Toilet Replacement (Waratah Bay and Tarwin Lower)	9470	$484,872
j)	G.S.R.T. Trail Upgrade (Welshpool to Long Jetty, Port Welshpool)	8309	$500,000
k)	G.S.R.T. Signage Upgrade Project	8885	$630,680
l)	Walkerville Road, Tarwin Lower Footpath Construction *(subject to grant funding being secured)*	8876	$484,000
m)	Agnes Falls Viewing Platform Construction *(subject to grant funding being secured)*	9781	$410,000

Discussion

All of the Contracts are for works within the approved Capital Works Program budget with the majority of the projects to begin construction prior to the end of 2015. The exception is Princes Street and John Street which are both subject to a separate report to Council recommending inclusion of these works in the 2015/16 Capital Works Program.

A number of the above Contracts will generate a high level of interest from prospective Contractors, therefore it is unknown as to the length of time it may take to adequately evaluate the Tenders, clarify any Tender issues, carry out the necessary referee checks and complete the report for Council. If this process takes longer than initially anticipated, a month's delay is typically incurred in order to present the report at the next available Council meeting.

The construction period in South Gippsland is quite short due to the weather patterns of the region, therefore it is often critical that projects are started as early as possible in the construction season to enable Contractors the maximum available time to complete the construction works.

Proposal

It is proposed that Council:

1. Delegate to the Chief Executive Officer the power to award the Capital Works Contracts for the nominated projects subject to the preferred Tenders being within budget.

2. Receive a report detailing the Contracts awarded.

Risks

There is a risk of these works being pushed into the 2016 wet winter months increasing the potential for suspension of the works and failure to deliver the Capital Works Program if these Contracts are not awarded at the earliest possible date.

CONCLUSION

By authorising the Chief Executive Officer the delegated power to award the Contracts will allow these projects to commence as early as possible in the construction season. This will allow the maximum available time to complete the construction works and potentially alleviate the risks of the projects being delayed or deferred.

RECOMMENDATION

That Council:

1. Delegate to the Chief Executive Officer the power to award the Capital Works Contracts as outlined below subject to the preferred Tenders being within budget.

#	Project	Cost Centre	Budget
a)	Footpath Renewal	8841	$286,197
b)	Karmai Integrated Children's Centre (KICC) Construction	9425	$4,409,530
c)	Foster Streetscape Project *(subject to grant funding being secured)*	8314	$1,000,000
d)	A'Beckett Street, Leongatha Reconstruction	8287	$465,000
e)	North Poowong Road, Poowong Reconstruction	9081	$1,300,000
f)	Princes Street & John Street, Korumburra Reconstruction	8279	$716,577
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h)	Koonwarra Landfill Cell 4 Construction	8567	$1,765,852
i)	Public Toilet Replacement (Waratah Bay and Tarwin Lower)	9470	$484,872
j)	G.S.R.T. Trail Upgrade (Welshpool to Long Jetty, Port Welshpool)	8309	$500,000
k)	G.S.R.T. Signage Upgrade Project	8885	$630,680
l)	Walkerville Road, Tarwin Lower Footpath Construction *(subject to grant funding being secured)*	8876	$484,000
m)	Agnes Falls Viewing Platform Construction *(subject to grant funding being secured)*	9781	$410,000

2. Receive a report detailing the Contracts awarded.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Newton **SECONDED: Cr Kennedy**

THAT COUNCIL:

1. DELEGATE TO THE CHIEF EXECUTIVE OFFICER THE POWER TO AWARD THE CAPITAL WORKS CONTRACTS AS OUTLINED BELOW SUBJECT TO THE PREFERRED TENDERS BEING WITHIN BUDGET.

#	PROJECT	COST CENTRE	BUDGET
a)	FOSTER STREETSCAPE PROJECT *(SUBJECT TO GRANT FUNDING BEING SECURED)*	8314	$1,000,000

CARRIED UNANIMOUSLY

Cr Davies returned to the Meeting at 4.55pm.
Cr Newton left the Meeting at 4.55pm.

MOVED: Cr Davies **SECONDED: Cr Kennedy**

2. DELEGATE TO THE CHIEF EXECUTIVE OFFICER THE POWER TO AWARD THE CAPITAL WORKS CONTRACTS AS OUTLINED BELOW SUBJECT TO THE PREFERRED TENDERS BEING WITHIN BUDGET.

#	PROJECT	COST CENTRE	BUDGET
a)	FOOTPATH RENEWAL	8841	$286,197
b)	KARMAI INTEGRATED CHILDREN'S CENTRE (KICC) CONSTRUCTION	9425	$4,409,530
c)	A'BECKETT STREET, LEONGATHA RECONSTRUCTION	8287	$465,000
d)	NORTH POOWONG ROAD, POOWONG RECONSTRUCTION	9081	$1,300,000

e)	PRINCES STREET & JOHN STREET, KORUMBURRA RECONSTRUCTION	8279	$716,577
f)	LEONGATHA SKATE PARK CONSTRUCTION	9578	$429,067
g)	KOONWARRA LANDFILL CELL 4 CONSTRUCTION	8567	$1,765,852
h)	PUBLIC TOILET REPLACEMENT (WARATAH BAY AND TARWIN LOWER)	9470	$484,872
i)	G.S.R.T. TRAIL UPGRADE (WELSHPOOL TO LONG JETTY, PORT WELSHPOOL)	8309	$500,000
j)	G.S.R.T. SIGNAGE UPGRADE PROJECT	8885	$630,680
k)	WALKERVILLE ROAD, TARWIN LOWER FOOTPATH CONSTRUCTION *(SUBJECT TO GRANT FUNDING BEING SECURED)*	8876	$484,000
l)	AGNES FALLS VIEWING PLATFORM CONSTRUCTION *(SUBJECT TO GRANT FUNDING BEING SECURED)*	9781	$410,000

3. RECEIVE A REPORT DETAILING THE CONTRACTS AWARDED.

CARRIED UNANIMOUSLY

E.9 TOORA BOAT RAMP - DREDGING OF ACCESS CHANNEL (TOORA BOATING, ENVIRONMENTAL AND ECOLOGICAL PROJECT)

Sustainable Communities & Infrastructure Directorate

EXECUTIVE SUMMARY

This report recommends Council:

- Approve the execution of the draft Section 27 Consent under the National Parks Act by the Chief Executive Officer.
- Allocate $300,000 in the budget as Council's contribution to this project.
- Seek funding under the Tourism Demand Driver Infrastructure (TDDI) Program.

Document/s pertaining to this Council Report

- **Attachment 1** - Park Victoria Consent under National Parks Act.
- **Attachment 2** - Corner Inlet Tourism Development Project, Regional Economic Impact (extract).
- **Confidential Appendix 1** - Estimate.

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

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- National Parks Act 1975
- Environment Protection and Biodiversity Conservation Act (BPBC Act)
- Coastal Management Act 1995
- Gippsland Coastal Board’s Boating Coastal Action Plan 2013

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Corner Inlet Tourism Development Project - Priority Project 2015

COUNCIL PLAN

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

		development, tourism infrastructure and community facilities.
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:	3.1.1	We will deliver Council and community projects and leverage project funds to attract investment from external sources.

CONSULTATION

Support for this project has previously been provided by Gippsland Water Police on the basis that not having access to this ramp potentially hinders response times for incidents on Corner Inlet due to having to use alternative access points. This arguably puts their members at greater risk particularly at night and in adverse weather conditions.

Destination Gippsland has recently indicated their support for an application to the Tourism Demand Driver Infrastructure (TDDI) Program for the Toora Dredging Project.

REPORT

Background

In 1992 Council created a channel and constructed the Toora Boat Ramp, floating pontoon and car park in the Corner Inlet Marine and Coastal Park utilising Government funding and funds raised by the Toora community. These works resulted after extensive lobbying to have access to Corner Inlet from the Toora beach. It was noted at the time of construction that the channel would need ongoing dredging.

In 2005 Council applied for a grant from Marine Safety Victoria to do the work and was successful in obtaining $160,000 as it was a safety issue. Council committed $70,000 to the project. However, since construction of the ramp, the Corner Inlet Marine and Coastal Park has been created and the channel is within the Corner Inlet Ramsar Wetland, an area of international significance. This requires any works in this area to be subject to a referral under the Environment Protection and Biodiversity Conservation (EPBC) Act. As a consequence of these escalating requirements, the original dredging estimates increased significantly and considerable funds were expended on studies related to approvals. Following delays in obtaining the necessary environmental approvals, the Marine Safety Victoria funds were re-directed in May 2012 to the Port Welshpool Public Jetty Upgrade which was completed in August 2013. This alternative project was approved and undertaken to ensure the funding was not lost due to the expiration of its availability in delivering the original project.

In August 1998, Council signed a National Parks Act Section 27 Consent which stated that Council would:

> *"…maintain and operate the boat launching area at the Toora boat ramp and associated channel, car park and access road…".*

This Consent expired in August 2003 and in October 2004 Council was presented with a revised agreement. Council was unwilling to enter into a new Section 27 Consent because in doing so, it would be accepting responsibility for the ongoing cost of future dredging.

Since this project was re-activated early 2014, the following tasks have been completed:

Activities	**Timing**
Re-designed the revised disposal site.	February 2014
Informal agreement with disposal site Landowner	May 2014
Approval by the Federal Department of the Environment under the EPBC Act.	25 June 2014
Consent under the Coastal Management Act.	2 October 2014
Approval from the West Gippsland Catchment Management Authority (WGCMA).	20 April 2015

Discussion

This report presents to Council the options for the ongoing maintenance dredging of the Toora Boat Ramp access channel. One of the aims of the report is to obtain Council approval to execute the Section 27 Consent under the National Parks Act. A copy of the draft Consent forwarded by Parks Victoria on 2 June 2015 is available in **Attachment 1 - Park Victoria Consent under National Parks Act**.

This draft Consent mentions the dredging in Schedule 2 where it states:

> *"The Public Authority and the Public Authority Members and Agents may dredge the Toora Boat Ramp Channel to ensure that it is maintained at a channel length of approximately 500 metres and average width of approximately 25 metres."*

This clause allows Council to dredge but does not put any onus on Council to dredge at the direction of others.

Following the Confidential Councillor Briefing on 17 June 2015, the draft Consent has been reviewed by Council's Lawyers Russell Kennedy Pty Ltd. They have advised that unless the original agreement has been revoked by

Parks Victoria (Council has no record that this has occurred), that agreement is still arguably operative. Their advice is that it would be reasonable for Council to either continue with the existing agreement or to enter into the new agreement providing Clause 8.7 is revised or deleted. It is likely that Parks Victoria will prefer the new agreement as it is more comprehensive and DELWP is a signatory whereas it is not a party to the original agreement. Council officers will now negotiate this matter.

Based on the response from Gippsland Ports as discussed below, the option of Council continuing to take responsibility for the maintenance dredging of the access channel is recommended. Continuing to push for the delivery of this project is consistent with it being included in Council's Priority Project 2015 for Corner Inlet Tourism Development. Proceeding with this project is based on the assumption that Council is able to attract appropriate State Government funding to assist in delivering the project. Similar assistance could be sought in the future when further dredging is required.

The activities that remain for completion are as follows:

1. Formalise agreement with the Landowner of the proposed disposal site (the Site).

2. Obtain a planning permit for the Site subject to inundation.

3. Secure funding.

Council is able to apply for funding under the Tourism Demand Driver Infrastructure (TDDI) Program which provides an opportunity to source external funding. Funding of up to $750,000 is available on a 1:1 basis. Applications for the next round close on 9 September 2015.

To enhance the application under this program, it is suggested that some additional elements be included in the project such as the remediation of the existing bird hide near the boat ramp and the construction of a rotunda subject to the necessary Park Victoria approvals. An additional allowance has been included in the revised estimate for these items.

Options

It is considered that the options for the Toora Boat Ramp and access channel are as follows:

- Undertake no action.

- Close and de-commission the boat ramp.

- Maintenance dredging by Council every 10 years.

Proposal

As a Priority Project for Council, it is proposed that Council proceed with the dredging of the access channel at the Toora Boat Ramp with the expectation that this activity will need to be repeated approximately every 10 years. It is also proposed that Council seek funding under the Tourism Demand Driver Infrastructure (TDDI) Program which closes on 9 September 2015 and allocate $300,000 in the budget as Council's contribution.

FINANCIAL CONSIDERATIONS

Using the dredging estimate provided by Evers Consult, Council has developed a total estimate for the project of $600,000. Refer to **Confidential Appendix 1 – Estimate**. This estimate includes allowances for the construction of bunds and weirs on the Landowners property for the de-watering process and their removal at the completion of the works. It also includes allowance for cleaning of drains to the sea-wall and an upgrade of the non-return culvert through the sea-wall. An additional allowance has been included for the remediation of the existing bird hide near the boat ramp and the construction of a rotunda, both of which would be subject to the necessary Parks Victoria approvals.

It is noted that the Corner Inlet Tourism Development Project – Economic Impact Study dated January 2012 estimates there will be an annual economic stimulus from increased visitor expenditure of $112,750 during the operating phase after dredging. The relevant extract from this report is in **Attachment 2 – Corner Inlet Tourism Development Project, Regional Economic Impact**.

RISKS

One of the risks with the current arrangement is the potential for boats running aground in the access channel as the tide recedes. This has occurred on at least one occasion in February 2015. If this project is not funded, future occurrences such as this could have serious consequences.

CONCLUSION

It is concluded that the best option is for Council to agree to the execution of the Section 27 Consent under the National Parks Act, allocate $300,000 for this project in the budget and to seek grant funding under the Tourism Demand Driver Infrastructure (TDDI) Program so that that this project can be delivered.

RECOMMENDATION

That Council:

1. Approve the execution of the Section 27 Consent under the National Parks Act by the Chief Executive Officer.

2. Allocate $300,000 in the budget as Council's contribution to this project.

3. Seek funding under the Tourism Demand Driver Infrastructure (TDDI) Program.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Harding **SECONDED: Cr Kennedy**

THAT COUNCIL:

1. APPROVE THE EXECUTION OF THE SECTION 27 CONSENT UNDER THE NATIONAL PARKS ACT BY THE CHIEF EXECUTIVE OFFICER.

2. ALLOCATE $300,000 IN THE BUDGET AS COUNCIL'S CONTRIBUTION TO THIS PROJECT.

3. SEEK FUNDING UNDER THE TOURISM DEMAND DRIVER INFRASTRUCTURE (TDDI) PROGRAM.

Cr Newton returned to the Meeting at 4.59pm.

CARRIED UNANIMOUSLY

Cr McEwen left the Meeting 5.03pm and did not return to the Meeting.

Attachment 1
Parks Victoria Consent under National Parks Act

Maddocks

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Date / /

Consent to Public Authority – Section 27 National Parks Act 1975 (Vic)

Location: Corner Inlet Marine and Coastal Park
Consent No.

The Secretary to the Department of Environment, Land, Water and Planning
and

Parks Victoria
and

South Gippsland Shire Council
ABN: 67 816 770 786

[5712072: 11594187_1]

Interstate offices
Canberra Sydney

Affiliated offices around the world through the Advoc network - www.advoc.com

Attachment 9
Consent to Public Authority – Section 27 National Parks Act 1975 (Vic)

Attachment 1
Parks Victoria Consent under National Parks Act

Maddocks

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Consent

The Park upon which the Site is located is subject to the *National Parks Act* 1975 (Vic).

The Secretary consents to the occupation, use and maintenance of the Site including existing Infrastructure and, where applicable, to the installation on the Site of the Infrastructure and its maintenance and operation by the Public Authority in accordance with the conditions set out below.

Parks Victoria manages the Park and the Site pursuant to a direction from the Minister for Environment and Climate Change dated 6 August 2013 and an agreement between the Secretary to the Department of Environment and Primary Industries and Parks Victoria dated 6 August 2013 and Parks Victoria is a party to this Consent.

Conditions

1. Definitions

In these conditions, unless the contrary intention appears, the following words or expressions have the following meanings:

Access Road means the road shown on the Site Plan to be the Access Road.

Adjoining Land means that part of the Park immediately surrounding the Site.

Annual Consent Fee means the Annual Consent Fee specified in Item 6 of Schedule 1 as varied in accordance with conditions 4.2 and 4.3.

Annual Consent Fee Review Date means a date specified in Item 7 of Schedule 1.

Commencement Date means the date as set out in Item 3 of Schedule 1.

Contact Officer means the officer nominated by the Park Manager to be the Contact Officer under condition 6.5 or in the absence of any nomination shall be the Park Manager.

CPI means:

(a) the Consumer Price Index All Groups Melbourne;

(b) if that index is suspended or discontinued and another index is substituted by the Australian Statistician, that index; or

(c) if there is no index under the preceding condition, the general inflation rate in Victoria as used by the Victorian Treasury for the relevant period.

CPI Review Date means a date specified as a CPI Review Date in Item 7 of Schedule 1.

Emergency means an actual occurrence or imminent occurrence of an event which in any way endangers or threatens the safety or health of any person or which threatens to destroy or damage any property, the environment or part of the environment including but not limited to flood, fire, periods of extreme fire danger, road accident or other accident, explosion, plague or epidemic, waterway pollution or sewerage leak.

Equipment Shelter means the shed installed on the Site for the storage of the Public Authority's equipment (if any);

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GST means the goods and services tax levied under the GST Act or any other goods and services tax, value added tax, consumption tax or tax of similar effect levied from time to time.

GST Act means the *A New Tax System (Goods and Services Tax) Act* 1999 (Cth) as amended.

Infrastructure means any part or parts of the infrastructure set out in Item 5 of Schedule 1 and identified in the Installation Plan or Site Plan, including, but not limited to the Equipment Shelter (if applicable), any line, cabling equipment, conduit, drain, pipe, duct, apparatus, tunnel, hole or pit used or for use in a system of infrastructure and any indicator installed showing its location.

Input Tax Credit has the meaning ascribed to it under the GST Act.

Installation Plan means the plan annexed to these conditions and marked Annexure A.

Item means an item of Schedule 1.

Law includes any act, regulation, ordinance or statutory instrument, present or future, and the conditions of any licence or permit or similar instrument issued under a Law.

Maintenance Works means works required to maintain, repair, and carry out minor replacement (but does not include the decommissioning or removal) of the existing infrastructure or new infrastructure provided that the maintenance works do not increase the area of the Site or impact on the visual amenity of the Site.

Manager means Parks Victoria or such other party as the Secretary may from time to time appoint as manager of the Park and the Site.

Market Review Date means a date specified as a Market Review Date in Item 7 of Schedule 1.

Occupational Health and Safety Laws means all laws, requirements and regulations concerning the health, safety and welfare of people at work, including (without limitation):

(a) *Occupational Health and Safety Act* 2004 (Vic);

(b) *Occupational Health and Safety Regulations* 2007 (Vic);

(c) *Dangerous Goods Act* 1985 (Vic);

(d) *Dangerous Goods (Storage and Handling) Interim Regulations* 2011 (Vic); and

(e) *Work Health and Safety Act* 2011 (Cth).

Outgoings means all existing and future rates (including any special rates or levies), taxes (including land tax), duties, charges, assessments, impositions and outgoings whatsoever now or at any time imposed, charged or assessed on or against any one or more of:

(a) the Site;

(b) the Infrastructure;

(c) the Secretary with respect to any or all of the Site or the Infrastructure; or

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(d) the Public Authority with respect to any or all of the Site or, the Infrastructure or both (including land tax assessed on or against the Site or for which the Public Authority is directly liable under the *Land Tax Act* 2005 (Vic)).

Park means the land specified in Item 1 of Schedule 1.

Park Manager means the person duly authorised by Parks Victoria and referred to in Item 8 of Schedule 1 or the person performing the duties of the Park Manager.

Parks Victoria means the public authority which has been appointed by the Secretary to manage the Park and is established under Part 2 of the *Parks Victoria Act* 1998 (Vic) and includes, where the context so admits, its authorised officers.

Preparation Fee means the fee specified in Item 14 of Schedule 1 for the preparation of this Consent.

Principal means the Secretary and the Manager and includes their respective officers, employees and agents.

Public Authority means a public authority as defined in section 3 of the *National Parks Act* 1975 (Vic), and for the purposes of this Consent means the authority named in Item 2 of Schedule 1 which was declared by Order of the Governor in Council under section 3(2) of the Act on the date set out in Item 2A of Schedule 1.

Public Authority's Members and Agents means any one or more of the officers, employees, agents, contractors, sub-contractors and invitees of the Public Authority.

Public Authority's Proportion means the proportion determined by the Secretary in such manner as the Secretary reasonably deems fit.

Review Period means the period following each Annual Consent Fee Review Date until the next Annual Consent Fee Review Date.

Schedule 1 means Schedule 1 attached to this Consent.

Secretary means Secretary to the Department of Environment, Land, Water and Planning, a body corporate established under section 6 of the *Conservation, Forests and Lands Act* 1987 (Vic).

Site means that part of the Park delineated on the Site Plan.

Site Plan means the plan annexed to these conditions and marked Annexure B.

Supervisor means the site works supervisor nominated by the Public Authority.

Taxable Supply has the meaning ascribed to it under the GST Act.

Term means the term of this Consent, as set out in Item 4 of Schedule 1.

2. Term

2.1 This Consent becomes effective and operates from the Commencement Date and continues as and from the Commencement Date until the earlier of:

2.1.1 the expiry of the Term; and

2.1.2 the date this Consent is revoked.

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2.2 With the written consent of the Park Manager, the Public Authority may continue to use the Site for a period of 3 months after the end of the Term on the same terms and conditions as this Consent. The fee payable during such overholding period is one quarter of the amount equal to 105% of the Annual Consent Fee payable during the final year of the Term.

3. Acknowledgement

3.1 The parties acknowledge that the Secretary has appointed Parks Victoria to manage the Park and the Site.

3.2 The Public Authority covenants and agrees that:

3.2.1 any right, power or authority vested in the Secretary under this Consent shall be treated by the Public Authority as a right, power and authority of the Manager; and

3.2.2 any lawful direction of the Manager must be complied with or otherwise treated as a direction of the Secretary.

4. Fees

4.1 The Public Authority must pay to the Secretary:

4.1.1 upon the giving of this Consent, the Preparation Fee;

4.1.2 upon production of valid invoices showing the Secretary's reasonable legal costs on a solicitor and own client basis and disbursements incurred as a result of the preparation, negotiation and entry into this Consent;

4.1.3 upon the Commencement Date and each anniversary of the Commencement Date throughout the Term of this Consent, the Annual Consent Fee subject to conditions 4.2 and 4.3; and

4.1.4 the Secretary's reasonable legal costs on a solicitor and own client basis and disbursements occasioned by any default in the performance by the Public Authority of the conditions of this Consent.

4.2 If Item 7(a) of Schedule 1 provides for a market review of the Annual Consent Fee, the Annual Consent Fee shall be reviewed on each Market Review Date as follows:

4.2.1 either party may initiate a review of the Annual Consent Fee by giving the other party a written notice (**Review Notice**) stating the Annual Consent Fee for the next Review Period;

4.2.2 if the parties agree that the Annual Consent Fee for the next Review Period should be the amount set out in the Review Notice, then the Annual Consent Fee payable by the Public Authority for the next Review Period shall be such amount;

4.2.3 if the parties cannot agree upon the Annual Consent Fee for the next Review Period within 21 days after the date of the Review Notice, the parties must request the Valuer General for the state of Victoria to determine the current market consent fee for the Site;

4.2.4 in determining the current market consent fee for the Site the Valuer General must:

(a) act as an expert and not as an arbitrator;

Attachment 1
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(b) ignore any installations or improvements made to the Site unless those improvements are owned by the Crown;

(c) consider all submissions made by the parties provided the submissions are made within 21 days of the Valuer General being appointed; and

(d) determine the current market consent fee for the Site and give reasons in writing as soon as possible after the end of 21 days allowed for submissions by the parties;

4.2.5 notwithstanding any other provision of this Consent, the Annual Consent Fee for the next Review Period shall not be less than the Annual Consent Fee for the period immediately prior to the relevant Review Date;

4.2.6 within 7 days of being informed of the Valuer General's determination, the parties must make any necessary adjustments in relation to the Annual Consent Fee;

4.2.7 the Valuer General's costs and disbursements must be borne by the parties equally; and

4.2.8 if there is a delay in making a market review of the Annual Consent Fee after the relevant Market Review Date, that delay will not prevent the review from subsequently taking place and being effective from the relevant Market Review Date.

4.3 If Item 7(b) of Schedule 1 provides for a CPI review of the Annual Consent Fee, then on each CPI Review Date the Annual Consent Fee shall be calculated as follows:

$$A = B \times \frac{C}{D}$$

where: **A** is the Annual Consent Fee for the next Review Period;

B is the Annual Consent Fee paid by the Public Authority just prior to the relevant CPI Review Date;

C is the CPI published for the quarter immediately preceding the relevant CPI Review Date; and

D is the CPI published for the quarter immediately preceding the last Annual Consent Fee Review Date or, where there has not been an Annual Consent Fee Review Date, the quarter immediately preceding the start of the Term.

5. Outgoings

5.1 The Public Authority must pay all Outgoings, however imposed, charged or assessed, before or when they are due.

5.2 If any Outgoing relates to or benefits other areas or lands of which the Site and the Infrastructure form part the Public Authority must pay or reimburse the Secretary on demand the Public Authority's Proportion of such Outgoing.

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6. Installation of Infrastructure

If the Public Authority is installing any Infrastructure:

6.1 before commencing installation of the Infrastructure, the Public Authority must give notice to relevant Parks Victoria licensed tour operators and other stakeholders of its intention to install the Infrastructure;

6.2 the Infrastructure must be installed on the Site strictly in accordance with the Installation Plan and the Installation Schedule and in a good and workmanlike manner and must thereafter be maintained in good and safe working order by the Public Authority;

6.3 the Public Authority shall be entitled to use that part of the Adjoining Land reasonably required for purposes associated with the installation, repair, replacement and removal of the Infrastructure, provided such use is fully detailed in the Installation Plan;

6.4 if reasonably required for the protection of the Park from damage, the Public Authority and the Public Authority's Members and Agents must, at the direction of the Park Manager, curtail or discontinue (as required) the installation of the Infrastructure and/or the use of the Adjoining Land. Exceptional circumstances in the reasonable opinion of the Park Manager, must exist before the Park Manager may exercise the power granted under this condition;

6.5 the Public Authority must submit a Schedule (**Installation Schedule**) to the Park Manager which specifies:

6.5.1 the days and time required to install the Infrastructure; and

6.5.2 its nominated Supervisor,

prior to the commencement of any installation works for the Infrastructure. The Park Manager must notify the Public Authority of the nominated Contact Officer upon receipt of the Installation Schedule;

6.6 the Supervisor must keep the Contact Officer fully informed as to the progress of works at all times during the installation of the Infrastructure so that the Contact Officer is at all times fully acquainted with the progress of such installation and any developments which arise;

6.7 the Supervisor must meet with the Contact Officer as required by the Contact Officer to discuss the installation of the Infrastructure, such meeting to only take place between the hours of 8.00am and 5.00pm Monday to Friday;

6.8 the Public Authority must not excavate or dig a trench on the Site otherwise than in accordance with the Installation Plan and the Installation Schedule;

6.9 the Public Authority must ensure that the boundaries of the Adjoining Land and that part of the Site within which any equipment building which shall form part of the Infrastructure is to be located, is pegged on the ground to the satisfaction of the Contact Officer prior to the commencement of any works or the installation of the Infrastructure;

6.10 the Public Authority must provide all things (including without limitation, suitable barricades, guards and fencing) and take all measures reasonably necessary to prevent access to the Site by members of the public until the installation of the Infrastructure has been completed;

6.11 upon completion of all works required for the installation of the Infrastructure:

6.11.1 the Public Authority must immediately give to the Park Manager written notice of such completion and must vacate and reinstate the Adjoining Land to its original condition;

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Parks Victoria Consent under National Parks Act

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6.11.2 the Public Authority must clean and remove from the Park any rubbish, debris or other materials or substances not required for the proper operation of the Infrastructure (including, but not limited to, vegetation debris), to the reasonable satisfaction of the Park Manager; and

6.12 if the Public Authority wishes to carry out further works on the Infrastructure, it must give notice of such works to the Park Manager and Contact Officer before commencing such works. The Contact Officer may refer details of such works to the Secretary who may, in his or her discretion, require the Public Authority to obtain a new or amended Consent.

7. Obstructions and Interruptions

7.1 The Public Authority must not obstruct, interrupt or permit the obstruction or interruption of the use, occupation or enjoyment of, by any person lawfully entitled to use, any part of the Park, including the Adjoining Land, save as is permitted by this Consent or as may be agreed by the person so entitled.

7.2 If:

7.2.1 the operation of the Infrastructure obstructs or interrupts the use, occupation or enjoyment of any part of the Park by any person lawfully entitled to use the Park; and

7.2.2 the Park Manager serves written notice on the Public Authority requiring the Public Authority to cease such obstruction or interruption; and

7.2.3 the Public Authority fails:

(a) within 7 days, if such obstruction or interruption causes, in the opinion of the Park Manager, an Emergency; or

(b) within 30 days, or such other period as may be specified in the notice,

of receipt of the notice referred to in condition 7.2.2, to modify the Infrastructure in order to cease such obstruction or interruption,

the Secretary may revoke this Consent forthwith by written notice served on the Public Authority.

7.3 The Public Authority must fulfil the requirements of the Secretary to maximise the number of users of any shared equipment in the Park.

8. Use of Park, Site and Infrastructure

8.1 The Public Authority must at all times keep the Site and Adjoining Land clean, tidy and free from garbage and refuse attributable to the Public Authority's use of the Site and Adjoining Land.

8.2 The Public Authority must not introduce or permit to be introduced into the Park any noxious weed, harmful fungi or any deleterious substance.

8.3 The Public Authority may erect route markers at locations approved by the Park Manager or Contact Officer.

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8.4 All vehicles travelling to and from the Site or the Adjoining Land at the request or for the purposes of the Public Authority, must travel along the Access Road and must not use any other route whatsoever without the prior written approval of the Park Manager or Contact Officer.

8.5 The Secretary must use reasonable endeavours to keep the Access Road open, except that the Access Road may be closed from time to time for repairs and maintenance or for any other cause which, in the opinion of the Secretary, requires its closure. The Secretary shall not, in any circumstances, be liable in any way to the Public Authority if the Access Road is closed for any period and for any reason.

8.6 The Public Authority and the Public Authority's Members and Agents must ensure that the Access Road is available for use and is in a safe condition for all users and members of the public at all times.

8.7 The Public Authority and all persons authorised by the Public Authority shall be entitled, with or without vehicles, materials, plant and other apparatus, to enter the Park for the purposes of anything permitted or required to be done in accordance with this Consent provided that before exercising such rights, the Public Authority must give notice by telephoning the Secretary on the telephone number specified in Item 11 of Schedule 1 or such other telephone number as may be notified from time to time by the Secretary of its intention to exercise those rights.

8.8 In the case of an emergency, the Public Authority must take all reasonable steps to notify the Contact Officer and Park Manager of the Emergency and all works required to be carried out by the Public Authority in the Park as a result of the Emergency.

8.9 The Public Authority must not do, cause or permit to be done anything which constitutes an actionable nuisance, annoyance or disturbance to other persons lawfully entitled to use the Site or the Park or to occupiers of properties adjoining the Park.

8.10 The Public Authority must not permit the removal, trimming or lopping of any vegetation in the Park without the prior approval of the Park Manager or Contact Officer, such approval to be withheld or refused in the Park Manager or Contact Officer's sole and absolute discretion.

8.11 The Public Authority must not cause or permit any part of the Park to be used as a camp site or for accommodation purposes.

8.12 The Public Authority must not permit the storage of any equipment or other materials on the Site otherwise than in a building constructed pursuant to this Consent or as approved by the Contact Officer.

8.13 The Public Authority must not amend, change or replace the Infrastructure or any part thereof without first obtaining the written approval of the Secretary. The Secretary's approval may be withheld or refused if, in the opinion of the Secretary, such amendment, change or replacement would result in detriment to the Park. The Secretary's approval will not be given unless written application for that approval is made by the Public Authority and that application contains full and complete specifications for the proposed amendment, change or replacement and establishes to the reasonable satisfaction of the Secretary that detriment to the Park will not be caused by the proposed amendment, change or replacement. Notwithstanding this condition, the Secretary's approval of the adjustment of antennae or routine maintenance and repair will not be required.

8.14 Notwithstanding condition 8.13:

8.14.1 the Infrastructure must be painted and repainted by the Public Authority in the manner specified in Item 9 of Schedule 1; and

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8.14.2 the Public Authority may undertake minor works on the Infrastructure without prior approval of the Park Manager provided that such minor works do not involve soil disturbance or the installation of additional Infrastructure.

8.15 Subject to condition 7.1, the Public Authority must not permit the use of any part of the Infrastructure by any person or authority other than the Public Authority or Public Authority's Members and Agents without first obtaining the written consent of the Secretary, such consent not to be unreasonably withheld or delayed.

8.16 The Public Authority and the Public Authority's Members and Agents must obey any lawful and reasonable directions given by the Park Manager which the Park Manager considers to be in the best interests of the Park. Exceptional circumstances must exist in the reasonable opinion of the Park Manager before the Park Manager may require the Public Authority to modify or shut down the Infrastructure whether on a temporary or permanent basis.

9. Suitability

No warranty as to the suitability of the Site is given by the Secretary and any such warranty is expressly negatived.

10. Consents, etc

10.1 All consents and permits of any statutory, public or other authority which are required for the installation and use of the Infrastructure must be obtained by the Public Authority before the commencement of the installation and use of the Infrastructure and such consents and permits must be maintained and kept in force until the use of the Infrastructure ceases.

10.2 Notwithstanding the grant of this Consent, the Public Authority must obtain any planning permit required under the *Planning and Environment Act* 1987 (Vic) and all other approvals necessary in respect of the Infrastructure.

10.3 Unless this Consent provides otherwise, any consent or approval to be given by the Secretary, the Manager or the Park Manager may be given conditionally or unconditionally or withheld at the Secretary, Manager or Park Manager's absolute discretion. If conditions are imposed by the Secretary, Manager or Park Manager, the Public Authority must comply with each condition imposed as if it were a provision of this Consent.

11. Releases

11.1 The Public Authority agrees that it:

11.1.1 has not relied upon any representation by or on behalf of the Principal or any party comprising the Principal concerning the Site or its use;

11.1.2 is aware of all Laws and legal requirements in relation to the Site;

11.1.3 occupies and uses the Site at its own risk; and

11.1.4 has inspected the Site and is of the opinion that:

(a) the Site is safe and suitable for the activities of the Public Authority; and

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(b) the structure of and fixtures in the Site, plant and equipment in the Site and the appliances, fittings or fixtures provided by the Secretary and the Manager in relation to the services are in good repair.

11.2 The Public Authority releases the Principal from:

11.2.1 all claims and demands resulting from any accident, damage, death or injury occurring at the Site or any other area used by the Public Authority or the Public Authority's Members and Agents in connection with this Consent; and

11.2.2 all loss, cost, damage, liability or other detriment (whether direct or consequential) suffered or incurred by the Public Authority or the Public Authority's Members and Agents;

as a direct or indirect result of the Public Authority's or the Public Authority's Members and Agents occupation and use of the Site except to the extent caused or contributed to by the negligence of the Principal or any party comprising the Principal.

12. Indemnity

12.1 To the extent permitted by law the Public Authority indemnifies and agrees to keep indemnified the Principal against all actions, claims, demands, losses, damages, costs and expenses (whether direct or consequential) suffered or incurred by the Principal or any party comprising the Principal or for which the Principal or any party comprising the Principal is or may be or become liable concerning:

12.1.1 the default of the Public Authority or the Public Authority's Members and Agents under this Consent;

12.1.2 the Public Authority's or the Public Authority's Members and Agents use of the Site, the Public Authority's infrastructure or any other area used by the Public Authority or the Public Authority's Members and Agents in connection with this Consent; or

12.1.3 loss, damage or injury to property or persons or death of any person caused or contributed to by the act, omission, default or negligence of the Public Authority or the Public Authority's Members and Agents,

except to the extent caused or contributed to by the negligence of the Principal or any party comprising the Principal.

12.2 Each indemnity in this Consent is a continuing obligation, separate and independent from the other obligations of the Public Authority and survives expiry or termination of this Consent.

13. Insurance

13.1 The Public Authority must at its cost effect and maintain throughout the Term, with an insurer approved by the Secretary, which approval shall not be unreasonably withheld provided the insurer is authorised by the Australian Prudential Regulation Authority to conduct new or renewal insurance business in Australia:

13.1.1 a public, and if relevant, products liability insurance policy for not less than the amount set out in Item 10 of Schedule 1 (or any greater amount required by the Secretary) in respect of any single claim arising out of the activities of the Public Authority, covering all third party claims arising out of:

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(a) loss, including financial loss, destruction or damage to real or personal property and ensuing loss of use of that property; and

(b) death, injury to, or disease of persons;

13.1.2 an employers' liability and workers' compensation policy which covers any damage, loss or liability suffered or incurred by any person engaged by the Public Authority arising:

(a) by virtue of any statute relating to workers' or accident compensation or employers' liability; or

(b) at common law;

13.1.3 any other policy of insurance specified by the Secretary that a reasonably prudent person conducting the activity of the Public Authority would maintain,

such policies in conditions 13.1.1 and 13.1.3 referred to collectively as the **'Policy'**.

13.2 The Public Authority must effect and maintain the Policy noting the interests of the Principal.

13.3 The Public Authority must provide the Secretary with:

13.3.1 a certificate of currency for the Policy which clearly confirms the requirements of condition 13.2:

(a) prior to the Commencement Date;

(b) within 14 days of the renewal of the Policy throughout the Term; and

(c) at any other time upon request by the Secretary;

13.3.2 a copy of the Policy upon request by the Secretary; and

13.3.3 evidence of confirmation of registration with the Victorian WorkCover Authority prior to the Commencement Date and at any other time upon request by the Secretary.

13.4 The Public Authority must promptly notify the Secretary if:

13.4.1 an event occurs at the Site which may give rise to a claim under or in any way causes prejudice to the Policy; or

13.4.2 the Policy is cancelled.

13.5 The Public Authority must not do anything or allow anything to be done which may:

13.5.1 prejudice any insurance held by the Secretary in connection with the Site; or

13.5.2 increase the premium payable for any insurance held by the Secretary in connection with the Site.

13.6 The Public Authority acknowledges that it has no rights under this Consent until it has complied with condition 13.2.

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14. Revocation

The Secretary may revoke this Consent by notice in writing served on the Public Authority if:

14.1 the Public Authority fails, neglects or refuses to perform or observe any condition of this Consent and such breach is not remedied within 30 days (or such longer period as is set out in any notice) after service of notice in writing of such breach by the Secretary on the Public Authority;

14.2 the circumstances set out in condition 7.2 of this Consent arise;

14.3 a resolution is passed, or taken to have been passed under the provisions of Part 5.3A of the *Corporations Act* 2001 (Cth), that the Public Authority be wound up;

14.4 proceedings are commenced for either the voluntary or compulsory winding up of the Public Authority;

14.5 an order is made for the appointment of a provisional liquidator to the Public Authority;

14.6 a controller within the meaning of section 9 of the *Corporations Act* 2001 (Cth) is appointed over any property of the Public Authority;

14.7 the Public Authority enters into a formal scheme of arrangement or composition with, or assignment for the benefit of any of the Public Authority's creditors; or

14.8 an administrator is appointed in respect of the Public Authority under Part 5.3A of the *Corporations Act* 2001 (Cth) or the directors of the Public Authority pass a resolution or implement procedures to pass a resolution to appoint an administrator.

15. Consequences of Revocation

15.1 If this Consent is revoked by the Secretary pursuant to condition 14, the Secretary shall be entitled to retain any Annual Consent Fee already paid. This is in addition to the Secretary's entitlement to any other legal remedies.

15.2 Within 28 days after the receipt by the Public Authority of notice of revocation of this Consent, or such longer period as shall be stipulated in that notice of revocation, the Public Authority must dismantle, remove and carry away from the Park the Infrastructure and must leave the Site in a clean and tidy state and otherwise make good and reinstate any damage to the Site or to the Park caused by the installation or removal of the Infrastructure.

15.3 If the Public Authority fails to carry out the work proposed to be carried out by the Public Authority in accordance with condition 15.2 or condition 15.6 the reasonable costs incurred by the Secretary in carrying out this work are recoverable by the Secretary from the Public Authority as a liquidated debt payable on demand.

15.4 A schedule and specification for the work proposed to be carried out by the Public Authority in accordance with condition 15.2 or condition 15.6 must be prepared by the Public Authority and submitted to the Secretary before the commencement of that work and that work must not be carried out without first having obtained the written approval of the Secretary.

15.5 The obligations on the part of the Public Authority contained in conditions 6.1 to 6.11 and 16.1 to 16.7 (both inclusive) will apply (mutatis mutandis) to the work to be carried out by the Public Authority in accordance with this condition.

15.6 The Public Authority:

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15.6.1 retains ownership of the Infrastructure at all times during the Term;

15.6.2 may remove all or any part of the Infrastructure at any time during or on expiry of the Term; and

15.6.3 must, if requested by the Secretary on expiry of the Term, remove all parts of the Infrastructure as directed by the Secretary and must leave the Site in a clean and tidy state and otherwise make good and reinstate any damage to the Site or to the Park caused by the installation or removal of the Infrastructure.

16. Maintenance of Infrastructure

16.1 If the Public Authority wishes to conduct Maintenance Works on either new or existing Infrastructure the Public Authority must supply the Park Manager with a Maintenance Plan for those Maintenance Works and obtain the Park Manager's written approval prior to commencing any Maintenance Works. The Maintenance Plan must specify:

16.1.1 the Maintenance Works to be carried out;

16.1.2 soil management and earthworks to be undertaken to ensure that soil disturbance and erosion is minimised in the Park;

16.1.3 vegetation management;

16.1.4 site rehabilitation;

16.1.5 safety management;

16.1.6 its nominated Supervisor; and

16.1.7 the date and hours of the day required to undertake the Maintenance Works.

16.2 The Maintenance Works must be carried out at the Site in a good and safe workmanlike manner by the Public Authority and the Public Authority's Members and Agents.

16.3 The Public Authority shall be entitled to use that part of the Adjoining Land reasonably required for purposes associated with the Maintenance Works.

16.4 If reasonably required for the protection of the Park from damage, the Public Authority and the Public Authority's Members and Agents must, at the direction of the Park Manager, curtail or discontinue (as required) the Maintenance Works and/or the use of the Adjoining Land. Exceptional circumstances, in the reasonable opinion of the Park Manager, must exist before the Park Manager may exercise the power granted under this condition.

16.5 The Supervisor must keep the Park Manager fully informed as to the progress of the Maintenance Works at all times in order that the Park Manager is at all times fully acquainted with the progress of the Maintenance Works and any developments in relation thereto.

16.6 Upon completion of all the Maintenance Works:

16.6.1 the Public Authority must immediately give to the Park Manager written notice of such completion and must vacate and reinstate the Adjoining Land; and

16.6.2 the Public Authority must clean and remove from the Park any rubbish, debris or other materials or substances not required for the proper operation of the existing Infrastructure or new Infrastructure (including, but not limited to, vegetation debris), to the reasonable satisfaction of the Park Manager.

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16.7 If the Public Authority has provided the Park Manager with the Maintenance Plan, then all persons authorised by the Public Authority shall be entitled, with or without vehicles, materials, plant and other apparatus, to enter the Park for the purposes of anything permitted or required to be done in accordance with such maintenance.

16.8 If necessary, the existing and new Infrastructure must be painted and repainted by the Public Authority in the manner specified in Item 9 of Schedule 1.

17. Interest

If the Public Authority defaults for more than 30 days in the payment of any money payable by the Public Authority in accordance with these conditions then interest at a rate 2% higher than the rate for the time being fixed under section 2 of the *Penalty Interest Rates Act* 1983 (Vic) computed upon the money overdue during the period of default must be paid by the Public Authority.

18. Observance of Legislation

The Public Authority must at all times comply with and observe and cause the Public Authority's Members and Agents to comply with and observe the *Forests (Fire Protection) Regulations* 2004 (Vic) and all other Laws, regulations, by-laws, ordinances and management plans concerning the Park, the Site and/or the Infrastructure to the extent applicable to the Public Authority.

19. Duties of Secretary not affected

This Consent will not limit or restrict the exercise of any powers or the performance of any duties by the Secretary under the *National Parks Act* 1975 (Vic) or the *Conservation, Forests and Lands Act* 1987 (Vic).

20. Additional Provisions

The conditions in Schedule 2 apply to this Consent.

21. Notices

21.1 Any notice or other document in writing served or given by the Public Authority will be valid and effectual if signed by a director or secretary or attorney or solicitors for the time being of the Public Authority.

21.2 Any notice or other document in writing served or given by the Secretary will be valid and effectual if signed by an authorised officer of the Secretary.

21.3 Any notice required to be served under this Consent will be sufficiently served if:

21.3.1 served personally or left addressed to the relevant party at its address specified in Item 11 of Schedule 1 or such other address as notified in writing to the other party;

21.3.2 sent by facsimile to the relevant party's facsimile number specified in Item 11 of Schedule 1 or such other number as notified in writing to the other party; or

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21.3.3 forwarded by Registered Post addressed to the relevant party to the address identified under Item 11 of Schedule 1.

21.4 Any notice sent by:

21.4.1 prepaid Security Post will be deemed to be served at the time when it would be delivered in the ordinary course of that post;

21.4.2 facsimile machine will be deemed to be served at the time and on the day that the whole of the notice or communication has been transmitted from the sending facsimile machine and the answer back of the receiving machine has been received by the sending machine.

22. Goods and Service Tax

22.1 The consideration payable by any party under this Consent is the GST exclusive amount of the Taxable Supply for which payment is to be made.

22.2 Subject to condition 22.4, if a party makes a Taxable Supply in connection with this Consent for a consideration, then the party liable to pay for the Taxable Supply must also pay, at the same time and in the same manner as the consideration is otherwise payable, the amount of any GST payable in respect of the Taxable Supply.

22.3 Where this Consent requires a party (**first party**) to pay, reimburse or contribute to an amount paid or payable by the other party (**other party**) in respect of an acquisition from, or a transaction with a third party for which the other party is entitled to claim an Input Tax Credit, the amount for payment, reimbursement or contribution will be the GST exclusive value of the acquisition by the other party plus any GST payable in respect of the other party's recovery from the first party.

22.4 A party's right to payment under condition 22.2 is subject to a Tax Invoice being delivered to the party liable to pay for the Taxable Supply.

23. Soil Management

If the Public Authority is installing any Infrastructure, the Public Authority must comply with this condition 23. Condition 23.2 applies in all cases even if the Public Authority is not installing any Infrastructure.

23.1 A detailed soil study must be completed by the Public Authority for the Site, the Adjoining Land and the Access Road. The study is to include a geotechnical survey at specific locations (if required by the Contact Officer), an assessment of drainage requirements, erosion control, sediment management measures and rehabilitation requirements.

23.2 No gravel or other soil material may be brought into the Park unless such material and the source of such gravel or other soil material is approved by the Contact Officer or Park Manager before delivery.

23.3 Earthworks and disturbance to natural drainage patterns must be kept to the minimum necessary to successfully install the Infrastructure. All disturbed surfaces other than approved drains must be levelled to the natural surface level.

23.4 Road and track surfaces are to be left either crowned (eg where table drains exist), or otherwise sufficiently cross-sloped to prevent the accumulation of water on the road or track.

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23.5 Any drainage works required at the time of installation of the Infrastructure or subsequent to such installation must first be approved in writing by the Park Manager and must be undertaken at the expense of the Public Authority in accordance with any reasonable directions of the Contact Officer or Park Manager. The Public Authority must undertake any drainage works as reasonably directed in writing by the Park Manager.

23.6 Trench spoil storage is to be stored within the vehicle track width and not placed on top of the track verge vegetation.

23.7 Trenches and rip lines are to be back-filled with the original road-track material and consolidated, with minimal side-cast of material.

23.8 Any side-cast material must be spread level, and not placed where it can enter streams.

23.9 Any trench to be reinstated at the Site must be inspected by the Contact Officer within 12 months after completion of the installation works in order to assess the need for any additional reinstatement required due to subsidence or erosion. The Public Authority must undertake any additional works as reasonably directed in writing by the Park Manager.

23.10 Tracks must have cross-drains reinstalled immediately following back-filling in order to provide an effective barrier to the flow of water down the track. Cross-drains must be angled up to 15 degrees to direct the flow of surface water onto undisturbed or uncompacted soil and must not pond water. Cross-drains should be spaced at least every 100m for track grades of less than 10 degrees and at least every 50m for track grades exceeding 10 degrees and be of a height above the track of 30-50cm.

23.11 Run-off from earthworks should discharge onto at least 20m of undisturbed vegetation or otherwise be intercepted first by sediment traps (straw bales, etc) before entering a stream or drainage line.

23.12 Culverts must be of an adequate size to carry expected peak flows, with a minimum diameter of 375mm, and be held in place and protected from erosion using sandbags, timber, concrete or rock at the head and discharge points and provided with silt traps.

23.13 Culverts must be installed to conform wherever possible to the natural slope and alignment of the stream or drainage line. Any diverted water must be returned to its natural course by a flume, rock-spill or equivalent hard-surfaced bed to prevent erosion of the fill. The minimum length of any installed culvert is to be 7.2m unless otherwise agreed with the Contact Officer.

23.14 Any monitoring of works must be undertaken by the Public Authority during the 12 month period immediately following the Commencement Date and then at least annually in order to guard against and remedy slumping, depressions, tunnelling and other erosion problems.

24. Vegetation Management

24.1 Subject to condition 24.3 and 24.4, cutting back or removal of native vegetation to allow for the supply and installation of the equipment building and associated Infrastructure must be minimised. Any native vegetation which the Public Authority proposes to clear shall be marked by biodegradable tape for inspection by the Contact Officer or Park Manager prior to any works commencing. No clearing is to commence until:

24.1.1 the Public Authority has applied in writing to the Park Manager for approval to remove any vegetation; and

24.1.2 the Park Manager or Contact Officer has given approval and advice on where native vegetation is to be avoided or retained.

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24.2 Subject to condition 24.3 and 24.4, if it is necessary to remove vegetation during any earthworks, such removal must be undertaken so as to minimise the visual impact of the Infrastructure on the Park.

24.3 The Public Authority and the Public Authority's Members and Agents shall not damage or remove any vegetation that is outside the Site.

24.4 The Contact Officer or Park Manager must be present during any removal of vegetation, whether on or outside the Site.

25. Safety and Environmental Protection

25.1 Before transporting any earth moving equipment to the Park, the Public Authority must ensure that the equipment is thoroughly cleansed of soil and organic material to remove seeds and, if coming from an area known to be infested with a forest pathogen such as Phytophthora cinnamomi (Cinnamon fungus), disinfected.

25.2 Persons engaged in the installation, maintenance, decommissioning or removal of the Infrastructure must comply with the *Forest (Fire Protection) Regulations* 2004 (Vic).

25.3 For the purposes of fire protection, the following equipment must be made available by the Public Authority for use at the Site during the installation of the Infrastructure and at other times during maintenance or repair or decommissioning or removal works involving welding, grinding or other works that may generate a spark or pose a fire risk, unless otherwise directed by the Contact Officer or Park Manager:

25.3.1 1 x rakehoe per operational crew member;

25.3.2 1 x knapsack spray (15 litre minimum) per two (2) operational crew members;

25.3.3 1 x 200 litre container of water, with provision to transfer water to knapsack; and

25.3.4 1 x fire extinguisher of not less than 2kg total capacity for the extinguishment of class B (petroleum) fires for each item of the Public Authority's plant (including trucks).

25.4 If the Contact Officer or Park Manager authorised to require closure of the Site during periods of extreme fire danger, serves notice on the Supervisor requiring works to be suspended due to extreme fire danger, the Public Authority must suspend operations immediately and must comply with any reasonable directions of the Park Manager or Contact Officer in relation to the moving of equipment in order to allow the passage of fire fighting vehicles.

25.5 The Public Authority must take measures which the Park Manager reasonably considers appropriate to ensure public safety.

25.6 The Public Authority must suspend operations whenever stream water quality is likely to be reduced following periods of wet weather, namely, when water is flowing freely on the road surface or in the trench, or under any circumstances where operations would result in stream turbidity, eg muddy water directly entering streams without first being adequately filtered through ground vegetation.

25.7 The location of re-fuelling sites must be approved by the Park Manager or Contact Officer. These sites must be located more than 40m from any permanent spring, soak, swamp or body of standing water and more than 20m from temporary streams and drainage lines. These re-fuelling sites may only be used for fixed machinery as designated by the Park Manager or Contact Officer.

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25.8 Routine servicing of machinery is not permitted in the Park except in special circumstances as approved by the Park Manager or Contact Officer.

25.9 No oils, fuel or storage drums are to be dumped or deposited in the Park.

25.10 Should an accidental spillage of a polluting substance occur, the Public Authority must immediately take reasonable steps to contain the spillage on site. The Park Manager and Contact Officer must be informed of any spillage and of efforts and strategies for cleaning and disposal of the polluting substance.

25.11 The areas for the storage of drums and other stores, and the location of the isolation cubicles and survey markers are subject to approval by the Park Manager or Contact Officer.

25.12 The Public Authority and the Public Authority's Members and Agents must:

25.12.1 ensure that any rubbish, surplus materials and any polluting substances are not stored on the Site or in the Park; and

25.12.2 ensure that any rubbish, surplus materials and any polluting substances are appropriately contained, including to ensure that no such materials or substances are blown from the Site, and removed from the Site and the Park, to the satisfaction of the Park Manager.

25.13 The Public Authority and the Public Authority's Members and Agents must ensure that:

25.13.1 all vehicles and machinery brought onto the Park or onto the Site remain on dedicated roadways at all times; and

25.13.2 Subject to condition 25.7, no vehicles or machinery are washed, cleaned or refuelled whilst on the Site or in the Park.

26. Rehabilitation Plan

If the Public Authority is installing any Infrastructure, the Public Authority must comply with this condition 26.

26.1 Following the installation of the Infrastructure, the Contact Officer may inspect the areas of the Park affected by the installation works from which native vegetation has been removed or upon which there has been extensive off-road soil disturbance in order to determine the extent and type of rehabilitation and revegetation to be undertaken by the Public Authority over the following 3 years.

26.2 Upon completion of the inspection referred to in condition 26.1, the Public Authority must prepare a plan (**Rehabilitation Plan**) incorporating the determinations (if any) of the Contact Officer referred to in condition 26.1 and including maps of rehabilitation and revegetation sites, techniques, plant species lists and drainage requirements for the following 3 years.

26.3 The Public Authority must forward the Rehabilitation Plan to the Contact Officer by the date listed in Item 12(a) of Schedule 1. The Contact Officer may approve the Rehabilitation Plan or require the Public Authority to redraft or amend the Rehabilitation Plan.

26.4 The Public Authority will bear all costs associated with carrying out the works specified in the Rehabilitation Plan.

26.5 The works specified in the Rehabilitation Plan must be completed by the date listed in Item 12(b) of Schedule 1, except where tubestock must be grown or seed collected. In these

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cases, the works specified in the Rehabilitation Plan must be completed by the date listed in Item 12(c) of Schedule 1.

26.6 Follow-up maintenance of rehabilitation and revegetation sites must be undertaken for at least 3 years until the date listed in Item 12(d) of Schedule 1. Additional rehabilitation and revegetation may be required as determined by the Contact Officer or Park Manager in order to effect acceptable restoration and revegetation. Plant species must be from local provenance where possible.

26.7 The Public Authority must monitor the rehabilitation and revegetation sites until the date listed in Item 12(e) of Schedule 1 for pest plants. Any new pest plants identified, or existing pest plants that have significantly spread as a result of the installation of the Infrastructure, must be eradicated or controlled by the Public Authority to the satisfaction of the Contact Officer and Park Manager.

27. Environmental Management Plan

If the Public Authority is installing any Infrastructure, the Public Authority must comply with this condition 27. Condition 27.4.2 applies in all cases even if the Public Authority is not installing any Infrastructure.

27.1 Before the commencement of the installation of the Infrastructure, the Public Authority must prepare and forward to the Contact Officer a plan (**Environmental Management Plan**) which includes installation techniques, soil management, vegetation management, cultural heritage management, fire and emergency measures, and provision for liaison with and monitoring by the Secretary.

27.2 The Contact Officer may from time to time amend the Environmental Management Plan and inform the Public Authority of such amendments in his or her discretion.

27.3 The Public Authority must complete the Environmental Management Plan by the date listed in Item 13 of Schedule 1 and, upon approval by the Contact Officer, implement the Environmental Management Plan as directed by the Contact Officer in order to ensure that the installation of the Infrastructure causes minimal environmental impact.

27.4 The Public Authority must appoint an environmental officer:

27.4.1 to oversee the implementation of the Environmental Management Plan; and

27.4.2 to liaise with the Contact Officer or Park Manager on environmental matters.

28. *Native Title Act* 1993 (Cth)

28.1 If the Public Authority proposes to carry out an act which is a 'future act' within the meaning of the *Native Title Act* 1993 (Cth) (**NTA**) then the Public Authority must immediately notify the Secretary and shall not carry out any such action until those persons as are required to be notified under the NTA of the intention to carry out the future act have been notified and any response considered.

28.2 If the Public Authority fails to comply with condition 28.1, the Secretary shall not in any way be deemed to have authorised such failure to comply and the Public Authority shall indemnify the Secretary against any claim made against or compensation sought from the Secretary as a result of the Public Authority's failure to comply.

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28.3 In the event that those persons as are required to be notified under the NTA of the intention to carry out the future act have been notified or a native title claim is made in relation to the Site or any part thereof the Secretary shall not be liable for the consequences of the notification or subsequent processes nor to pay the Public Authority any compensation if the Public Authority's use of the Site or any other right or interest of the Public Authority under this Consent is affected or prejudiced as a result of that notification, or claim.

29. *Aboriginal and Torres Strait Islander Heritage Protection Act* 1984 (Cth)

29.1 The Public Authority must comply with any declaration, and any conditions made in or pursuant to such declaration, under the *Aboriginal and Torres Strait Islander Heritage Protection Act* 1984 (Cth) (**ATSIHPA**) in relation to the Site or any part thereof.

29.2 In the event that a declaration is made under the ATSIHPA, the Secretary shall not be liable to pay the Public Authority any compensation if the Public Authority's use of the Site or any other right or interest of the Public Authority under this Consent is affected or prejudiced as a result of that declaration.

29.3 If the Public Authority fails to comply with any requirement under the ATSIHPA in relation to the Park or the Site, the Secretary shall not in any way be deemed to have authorised such failure to comply and the Public Authority shall indemnify the Secretary against any action taken or claim made against the Secretary as a result of the Public Authority's failure to comply.

30. *Aboriginal Heritage Act* 2006 (Vic)

30.1 If the Park or the Site or any part thereof is an Aboriginal place within meaning of the *Aboriginal Heritage Act* 2006 (Vic) (**AHA**), the Public Authority must not enter that Aboriginal place until the Public Authority has obtained the necessary permit pursuant to section 40 of the AHA and provided a copy of the permit to the Secretary.

30.2 If the Public Authority proposes to carry out any act which requires a cultural heritage permit or a cultural heritage management plan (as those terms are defined in the AHA), the Public Authority must, prior to carrying out such act, contact the Secretary and must obtain the necessary cultural heritage permit or approved cultural heritage management plan. The Public Authority must not carry out any such act until the necessary cultural heritage permit or approved cultural heritage management plan has been obtained.

30.3 If the Public Authority identifies or discovers an Aboriginal object, an Aboriginal place or Aboriginal human remains (as those terms are defined in the AHA), the Public Authority must report the discovery to the Secretary and to such persons as are required under sections 17 and 24 of the AHA as soon as the identification or discovery is made.

31. *Environment Protection and Biodiversity Conservation Act* 1999 (Cth)

31.1 If the Public Authority proposes to take action, which is an 'action' within the meaning of Part 3 of the *Environment Protection and Biodiversity Conservation Act* 1999 (Cth) (**EPBCA**), then the Public Authority must immediately notify the Secretary in writing and shall not carry out such action until any necessary approvals are obtained by the Public Authority under Part 9 of the EPBCA, at the Public Authority's expense.

31.2 The Public Authority must comply with any requirements under the EPBCA in respect of the Public Authority's use of the Site at the Public Authority's expense.

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31.3 If the Public Authority fails to comply with conditions 31.1 and 31.2, the Secretary shall not in any way be deemed to have authorised or assisted such failure to comply regardless of any action taken by the Secretary and the Public Authority shall indemnify the Secretary against any claim made against or compensation sought from the Secretary as a result of the Public Authority's failure to comply.

31.4 In the event the Public Authority is unable to obtain approval for a proposed action within the meaning of the EPBCA or is in breach of the EPBCA, the Secretary shall not be liable to pay the Public Authority any compensation if the Public Authority's use of the Site or any other right or interest of the Public Authority under this agreement is affected or prejudiced as a consequence.

32. Environmental Conditions

The Public Authority covenants that, during the continuance of this Consent, the Public Authority will:

32.1 not use or permit to be used or stored at the Site any radioactive, toxic or hazardous chemicals, wastes or substances, except in concentrations and quantities permitted by the relevant statutory authorities and in accordance with any licences, permits or authorisations required by law and in accordance with the conditions imposed by such authorities or under their permissions;

32.2 not permit any petroleum product, oil, grease, or any noxious, dangerous or poisonous chemical or substance to be discharged through the pipes of the water or sewerage service at the Site, or into any nearby stream or river or into or under the soil, and to discharge them only as permitted by the relevant statutory authorities, as required by law and in accordance with any conditions imposed by those authorities;

32.3 control and restrict the emission of smoke or odours at and from the Site in accordance with legislation, regulations and the requirements of statutory authorities;

32.4 not use plant or machinery at the Site so as to constitute a nuisance or disturbance to the Secretary or the Manager or to any other occupiers of adjacent land, due to noise, vibration, odours or otherwise;

32.5 comply with the demand notices and requirements of the regulatory authorities in respect of contamination of the Site caused by the Public Authority or by the Public Authority's Members and Agents, including notices to remediate the Site; and

32.6 notify the Secretary within 14 days after receiving any demand or notice from a regulatory authority in respect of contamination of the Site.

33. Compliance with Occupational Health and Safety requirements

33.1 The Public Authority acknowledges that occupational health and safety of the Site is the responsibility of the Public Authority (other than to the extent the Secretary cannot at law contract out of its obligations with respect to occupational health and safety).

33.2 The Public Authority must, in relation to the Site:

33.2.1 comply with, all Occupational Health and Safety Laws and any applicable Australian Standards.

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33.2.2 ensure that there is no risk to the environment or the health, safety and welfare of the Public Authority and its employees, agents, contracts and invitees;

33.2.3 without limiting conditions 33.2.1 and 33.2.2, ensure that no person is exposed to a risk to his or her safety or health arising out of or in connection with the carrying out of the Public Authority's use of the Site or the Park.

33.2.4 ensure that a complete copy of the occupational health and safety plan referred to in condition 33.3 is available for inspection by every person to whom such plan is relevant; and

33.2.5 as soon as practicable notify the Secretary of any incident or dangerous occurrence at the Site or the Park which is notifiable to the Victorian WorkCover Authority pursuant to the provisions of any Occupational Health and Safety Laws, including without limitation, the *Occupational Health and Safety Act* 2004 (Vic) and the *Work Health and Safety Act* 2011 (Cth).

33.3 Within one month after the Commencement Date, the Public Authority must:

33.3.1 develop and implement an occupational health and safety plan and supply same to the Secretary upon request; and

33.3.2 in conjunction with the Secretary, develop and implement an emergency evacuation and management plan.

33.4 The Public Authority must ensure that at all times its occupational health and safety plan:

33.4.1 complies with Australian Standard AS/NZ 4804-2001 (or other similar substitute standard);

33.4.2 includes the Public Authority's occupational health and safety policy;

33.4.3 identifies the obligations of the Public Authority under the Occupational Health and Safety Laws;

33.4.4 describes the practices that will be employed to secure the health, safety and welfare of persons at work; and

33.4.5 identifies measures to eliminate risks to the health, safety and welfare of persons at work.

33.5 The Public Authority acknowledges that referral to, and any subsequent approval by, the Secretary or Parks Victoria of the plans referred to in condition 33.3 does not amount to a warranty by the Secretary or Parks Victoria of the suitability of the content of the plans and does not create any liability on behalf of the Secretary or Parks Victoria or their respective officers, employees and agents for loss or damage incurred as a result of complying with the plans.

33.6 The Public Authority acknowledges that it is bound to comply with the Secretary's or Parks Victoria's emergency plans for the Site and the Park and that the Public Authority's emergency evacuation and management plan and occupational health and safety plan cannot conflict with such plan. The Public Authority is required to comply with all directions of the Secretary or Parks Victoria in an emergency, even if such direction contradicts the Public Authority's emergency evacuation and management plan.

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33.7 To the extent permitted by the law, the Public Authority indemnifies and agrees to keep indemnified the Principal against all actions, claims, demands, losses, damages, costs and expenses which the Principal or any party comprising the Principal may suffer or incur, arising out of or in connection with a breach by the Public Authority or the Public Authority's Members and Agents of any of the obligations under this condition 33.

34. Without Prejudice

This Consent does not affect any:

34.1 immunity given to;

34.2 obligation imposed on; or

34.3 right or power given to,

the Public Authority under any legislation or regulation of the Commonwealth of Australia or the State of Victoria.

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Parks Victoria Consent under National Parks Act

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Signing Page

Dated the day of

Signed under delegation from the **Secretary** to the **Department of Environment, Land, Water and Planning** by the authorised officer of **Parks Victoria** in the presence of:)
)
)
)
)

Signature of Witness	Signature of authorised officer
Name of Witness	Name of authorised officer
Date	Position of authorised officer

Signed for and on behalf of **Parks Victoria** by its authorised officer in the presence of:)
)
)

Signature of Witness	Signature of authorised officer
Name of Witness	Name of authorised officer
Date	Position of authorised officer

THE COMMON SEAL of the **SOUTH GIPPSLAND SHIRE COUNCIL** was affixed in the presence of:)
)
)

Signature of Councillor	Signature of Chief Executive Officer
Name of Councillor	Name of Chief Executive Officer
Date	

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Schedule 1

Item		
1	**Park:**	Corner Inlet Marine and Coastal Park
2	**Public Authority:**	South Gippsland Shire Council ABN: 67 816 770 786
2A	**Date of Order in Council:**	Not applicable
3	**Commencement Date:**	01 July 2015
4	**Term:**	20 years
5	**Infrastructure:**	Boat Ramp, Floating Platoon and Carpark
6	**Annual Consent Fee:**	$104.00 plus GST
7	**Annual Consent Fee Review Dates of:**	(a) **Market Review Dates**: Not applicable (b) **CPI Review Dates**: Annually on the Commencement Date
8	**Park Manager:**	Area Chief Ranger South Gippsland and Bass
9	**Painting and Repainting Requirements:**	The Infrastructure shall be painted with a vandal-proofing paint of an agreed muted green colour and non-gloss finish. Repainting of the Infrastructure shall be undertaken upon the written request of the Park Manager.
10	**Public Liability Insurance:**	Twenty million dollars ($20,000,000.00)
11	**Address for Service of Notices:**	The Secretary to the Department of Environment, Land, Water and Planning C/- Leases and Licences Manager Parks Victoria Level 10, 535 Bourke Street Melbourne VIC 3000 Ph: (03) 8627 4699 Fax: (03) 9629 1716 **Park Manager:** Parks Victoria Area Chief Ranger South Gippsland and Bass Cnr McDonald Street and Victory Avenue (PO Box 91) Foster VIC 3960 Ph: (03) 5683 9000 Fax: (03) 5682 2235 **Public Authority:** South Gippsland Shire Council 9 Smith Street

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(Private Bag 4)
Leongatha VIC 3953
Ph: (03) 5662 9200
Fax: 03) 5662 3754#

12	**Relevant dates for Rehabilitation Plan**	Not applicable
13	**Date for completion of Environmental Management Plan**	Not applicable
14	**Preparation Fee**	$1350.00 plus GST

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Schedule 2

Additional Provisions:

Polluting Substances

The Public Authority and the Public Authority's Members and Agents must not permit the Site to become polluted or contaminated.

The Public Authority and the Public Authority's Members and Agents must keep a fuel spill kit at the Site.

Without limiting condition 25.10, should an accidental spillage of a polluting substance occur, the Public Authority and the Public Authority's Members and Agents must follow the relevant Environment Protection Authority guidelines in containing and cleaning up that spillage.

The Public Authority must notify the Park Manager as soon as practicable after the accidental spillage has occurred and provide a written report on the accidental spillage and the methods used in cleaning up that spillage.

Infrastructure

The Public Authority must keep the floating platoon securely moored to meet and continue to meet, the minimum standard determined by Gippsland Ports and comply with all directions given by the Park Manager in relation to the Infrastructure.

The Public Authority must clearly paint the Infrastructure Licence Number (number size of 75mm to 100mm) on three sides of the floating platoon above the water line, in white paint at a minimum height of 150mm, and maintain the finish and repaint the floating platoon Licence Number whenever reasonably required by the Park Manager.

The Licensee must fit retro-reflective tape of 150mm square as approved by the Park Manager to both sides of the seaward end of the floating platoon.

The Public Authority must obtain a 'Certificate of Standard/Compliance' certifying that the floating platoon meets the standards for public use Infrastructure, as required by Gippsland Ports, and forward such a certificate to the Park Manager.

The Public Authority and the Public Authority's Members and Agents must maintain the boat ramp in a clear, tidy and safe condition at all times.

Should a build up of sand or other marine material accumulate at the boat ramp, the Public Authority or the Public Authority's Members and Agents must clear the boat ramp and soon as practicable after being notified of the build up of material and dispose of such material at a location agreed to by the Park Manager.

The Public Authority and the Public Authority's Members and Agents must maintain the carpark in a safe condition to the satisfaction of the Park Manager.

The Public Authority must provide a fish cleaning facility for members of the public at the Site. This must be maintained in a clean condition at all times.

The Public Authority must provide rubbish bins at the Site at locations agreed to by the Park Manager. The Public Authority and the Public Authority's Members and Agents must ensure that the rubbish is collected regularly and must not allow the rubbish to accumulate at the Site.

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Dredging

The Public Authority and the Public Authority Members and Agents may dredge the Toora Boat Ramp Channel to ensure that it is maintained at a channel length of approximately 500 meters and average width of approximately 25 meters.

The Public Authority must not place any dredged material within the Park. It is to be disposed of at a location outside of the Park.

Prior to any dredging works being undertaken by the Public Authority or the Public Authority's Members and Agents the Public Authority must provide at least 48 hours written notice to the Park Manager.

All dredging works and any Maintenance Works undertaken by the Public Authority or the Public Authority's Members and Agents must occur between the hours of 0730 hours and 1900 hours with no work permitted outside these hours unless otherwise agreed in writing by the Park Manager.

General

Employees of Parks Victoria and the Department of Environment, Land, Water and Planning shall have free access to the Infrastructure while acting in their normal course of employment.

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Annexure A

Installation Plan

See attached

Attachment 1
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Annexure B

Site Plan

See attached

Attachment 2
Corner Inlet Tourism Development Project – Regional Economic Impact

Table 10 Regional Economic Stimuli – Toora Channel Dredging

Source of Stimulus	Initial
Construction Phase	
Total Economic Stimulus from Construction (1 Year Period)	
Output (Construction Industry)	$ 500,000
Operating Phase	
Annual Economic Stimulus from Increased Visitor Expenditure	
Output (Tourism Industry)	$ 112,750

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.

Nil

SECTION G – GENERAL QUESTION TIME

Cr Brunt left the Meeting at 5.04pm and did not return to the Meeting.

G.1 QUESTION TIME

Paul Norton addressed Council and submitted written questions to Council.

The questions were taken on notice and will be responded to at the next appropriate Council Meeting.

Mr Ron Wangman addressed Council by asking questions, what is the cost per kilometre to re-sheet a road? In particular if it was a section of road that needs repairing. In reference to the Koonwarra Landfill, how many more cells are to be developed at Koonwarra and what is the further cost on remaining cells?

The questions were taken on notice and will be responded to at the next appropriate Council Meeting.

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 AUDIT COMMITTEE REPORT 18 MAY 2015

ITEM 2 CONTRACTUAL MATTER

RECOMMENDATION

That Council close the meeting to the public to allow for consideration of:

1. AUDIT COMMITTEE REPORT 18 MAY 2015 pursuant to section 89 (2)(h); and

2. CONTRACTUAL MATTER pursuant to section 89(2)(d) as provided for by the Local Government Act 1989.

MOVED: Cr Kennedy SECONDED: Cr Davies

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

1. AUDIT COMMITTEE REPORT 18 MAY 2015 PURSUANT TO SECTION 89 (2)(h); AND

2. CONTRACTUAL MATTER PURSUANT TO SECTION 89(2)(D) AS PROVIDED FOR BY THE LOCAL GOVERNMENT ACT 1989.

CARRIED UNANIMOUSLY

The Mayor adjourned the meeting for 5 minutes.

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.

PRESENT:

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

APOLOGY: **Councillor Lorraine Brunt and Councillor Andrew McEwen**

OFFICERS:

Mr Tim Tamlin	**Chief Executive Officer**
Anthony Seabrook	**Director Sustainability and Infrastructure Services**
Bryan Sword	**Director Development Services**
Jan Martin	**Director Community and Corporate Services**
June Ernst	**Director Corporate Planning and Council Business**
Natasha Berry	**Corporate and Council Business Officer**
Audrey Waddington	**Corporate and Council Business Officer**

ITEM 1 AUDIT COMMITTEE REPORT FEBRUARY 2015

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

The Audit Committee met on 18 May 2015 and a copy of their report **(Confidential Attachment 1)** is provided for Council's consideration and endorsement.

Document/s pertaining to this Council Report

- **Confidential Attachment 1** - Report of Audit Committee Meeting 18 May 2015

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989, Section 139

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Audit Committee Charter and Terms of Reference adopted by Council 25 November 2013
- 'Audit Committees A Guide to Good Practice for Local Government' January 2011

COUNCIL PLAN

Strategic Goal:	4.0	A Leading Organisation
Outcome:	4.2	Pursue Best Practice In Organisational Development and Operations of the Organisation.
Strategy No:	4.2.2	We will monitor corporate governance processes, including risk management and skills development with the aim of ongoing improvement.

CONSULTATION

The Audit Committee Report has been circulated to the Chair of the Audit Committee and the Chief Executive Officer for their endorsement.

REPORT

Background

The Audit Committee is an advisory committee, whose role it is to oversee and monitor Council's audit processes, including internal control activities. The Committee comprises three independent community members, one of which is the Committee Chair, and two Councillors (the Mayor, Councillor Harding and Councillor Davies). The Committee is independent from management and does not have any executive powers, management function or delegated financial responsibility. Some of the significant matters considered by the Audit Committee at the 18 May 2015 meeting included:

- The Strategic Risk Register and Strategic Risk Committee report;
- The Accounts Payable and Expenditure Review audit;
- The 2015/2016 Internal Audit Schedule Audit; and
- VAGO Interim Management Letter 2014/15.

FINANCIAL CONSIDERATIONS

There are no financial implications applicable to the Audit Committee minutes and budget allowances for attendance fees and travel are made within Council's current and forward budgets.

RISKS

The Audit Committee undertakes an integral and active role in risk mitigation (including financial and environmental) and oversees organisational compliance with legislation.

RECOMMENDATION

That Council:

1. Receive and endorse the report of the Audit Committee (Confidential Attachment 1) held on 18 May 2015; and

2. Make public the report of the Audit Committee (Confidential Attachment 1) held on 18 May 2015, excluding any reports referred to in the report of the Audit Committee.

STAFF DISCLOSURE OF INTEREST

Nil

MOVED: Cr Davies **SECONDED: Cr Kennedy**

THAT THE RECOMMENDATIONS IN ITEM 1 AND ITEM 2 BE ADOPTED.

CARRIED UNANIMOUSLY

Attachment 1

Report of Audit Committee Meeting 18 May 2015

Meeting Objective	**Report Audit Committee Meeting**						
Date	**Monday 18 May 2015**	Time	**10.00am start (Committee met in committee at 9.30am with internal auditor)**	Duration:	**2 hour meeting concluded at 12 noon**	Location:	**Meeting Room 2, Council Chambers, Michael Place, Leongatha**
Attendees	Dr Irene Irvine (Chair) Dr Craig Nisbet Dr A J Purcell Councillor Harding Support Staff: Tim Tamlin: CEO, June Ernst: Director Corporate Services, Luke Anthony: Manager Governance Services, Tom Lovass: Manager Finance (for Item 4.1.1 and 5.2) and David Roche: Governance & Statutory Compliance Coordinator. Tim Loughnan – Audit Director, Financial Audit VAGO phoned in at 10.45am for Item 5.2 Mark Holloway - HLB Mann Judd. The Chair welcomed Dr Purcell a recently appointed member of the Audit Committee to the meeting.						
Apologies	Councillor Davies						
In Committee Section	Tim Tamlin provided an update to the Committee on the current Organisational Review.						
Disclosures of Interest	Dr Irvine as a member of South Gippsland Water, Walkerville Foreshore Committee and Walkerville Residents Association. Dr Craig Nisbet as a member of the City Of Glen Eira Audit Committee. Dr A J Purcell as member of Baw Baw Shire Council, Bayside City Council, Banyule City Council and Moorondah City Council Audit Committees.						
Confirmation of report of previous meeting	Committee agree that the report of Meeting held on 16 February 2015 is approved.						
Advise of possible breaches of legislation/compliance	CEO advised of possible breach of Governance and recent virus attack on Council's IT system to which the response was quick and effective.						

CONFIDENTIAL

Agenda Items

MEETING ITEM IS SCHEDULED FOR	Qtr. 1 Feb 2016	Qtr. 2 May 2015	Qtr. 3 Sep 2015	Qtr. 4 Nov 2015	Who	Report Next Due	Action
1. Quarterly Performance Report							
Financial Performance Report Financial Performance Report Jul 14 – February 2015 **Quarterly (Non-Financial) performance report:** January – March 2015available at the following link as an Appendix to the 27 May 2015 Council Meeting agenda. http://www.southgippsland.vic.gov.au/Page/page.asp?Page_Id=243&h=0 **Local Government Performance Reporting Framework** LGPRF Q3 Report					Director Corporate Services	May 15	Committee noted report. Noted: 1. Trend of rising employee costs reflected the 4% increase in the EBA in 2015/16 and forecast for 3% increase in subsequent years; 2. Materials and services costs included a carry forward of grant funded activities in 2013/14 and there will be no carry forward for other years; and 3. No issues were apparent which was assuring.
2. Internal Control System							
Consider the effectiveness of Council's internal control system (including financial reporting), including Policy Review Timetable.					Director Corporate Services	Sept 15	Committee noted report rescheduled to September 2015.

MEETING ITEM IS SCHEDULED FOR	Qtr. 1 Feb 2016	Qtr. 2 May 2015	Qtr. 3 Sep 2015	Qtr. 4 Nov 2015	Who	Report Next Due	Action
3. Risk Management							
3.1 Risk Management Systems Monitor the systems and processes for risk management including status and content of Corporate risk register and review Council's risk profile, including adequacy of mitigation actions.							
3.1.1 Strategic Risk Register Strategic Risk Register Corporate (Operational) Risk Register					Manager Governance	Nov 15	Committee noted the absence of High rated risks on the Strategic Risk Register and as a consequence asked that the Register include the following about risk mitigation controls in the Register: • Type of controls • Are the controls in place • What are the planned controls • Are the controls communicated • Assessment of whether the controls are operating effectively • Progress/update on controls
3.1.2 Reports of the Strategic Risk Committee Meeting report 24 February 2015					Manager Governance	Nov 15	Committee noted the report.
3.1.3 Quarterly report from a Director					Director	Nov 15	Tim Tamlin CEO and Acting Director Corporate Services provided the Committee with an update on: • Governance matters • Organizational review • Corporate Plan and Budget • LGPRF • Presentation to VFF on rates

MEETING ITEM IS SCHEDULED FOR	Qtr. 1 Feb 2016	Qtr. 2 May 2015	Qtr. 3 Sep 2015	Qtr. 4 Nov 2015	Who	Report Next Due	Action
3.1.4 OHS Trends 3.1.5 Annual Leave Balances					Manager People and Culture	Nov 15 Nov 15	Committee noted report not due. Committee noted report not due.
3.2 Insurance Coverage Details of Council Insurance Cover required under section 76A Local Government Act 1989. Insurance Coverage report including a year by year comparison of premiums.					Manager Governance	Sept15	Committee noted report not due.
3.3 Business Continuity Monitor effectiveness of business continuity planning including disaster recovery plan.					Director Corporate Services	Sept15	Committee noted report not due.
3.4 Fiduciary duty Review any reports concerning evidence of material violation or breaches of fiduciary duty.	**As required**				Director Corporate Services	Feb 16 or as required	Committee noted nil report.
3.5 Fraud or possible illegal acts Review any instance of fraud or possible illegal acts.	**As required**				Directors and Managers	Feb 16 or as required	Committee noted nil report.
4. Internal Audit							
4.1 Planned Internal Audits Review Internal audits and management action plans for implementation of recommendations. 4.1.1: Accounts Payable and Expenditure (ACL) Data Interrogation Exercise Audit report with management comments 4.1.2: IT Governance					Manager Governance	Sept 15	Committee noteda minor variation between two Audit recommendations and the Management response, however the Committee is of the view that there was no significant risk in accepting the Management response and consequently the matter was considered closed. Committee noted that the scope was approved in approved in Feb 14, the audit visit occurred 12 – 15 May 2015 and the report will be provided to the Audit Committee at the September meeting.

MEETING ITEM IS SCHEDULED FOR	Qtr. 1 Feb 2016	Qtr. 2 May 2015	Qtr. 3 Sep 2015	Qtr. 4 Nov 2015	Who	Report Next Due	Action
4.1.3 Q1 2015/16 – Audit TBC							Committee receiveda draft scope for the 2015/2016 Internal Audit Schedule and suggested the following reviews are considered before the Schedule is determined: • Effectiveness of mitigation controls (of top 3 risks) • Council Governance (Induction, Council Meetings, Code of Conduct) • Credit cards (and Gifts Register) • Accounts payable (CAT)
4.2 Internal Audit Plan Draft 2015 / 2016 Internal Audit Plan					Manager Governance	Nov 15	Noted that this was considered with item 4.1.3
4.3 Audit recommendation implementation Consider status of implementation of internal audit recommendations and agreed action plans. Audit Actions Monitoring Plan Summary and High Rated Actions Update.					Manager Governance	Nov 15	Committee noted report.
4.4 Internal audit function review Review the internal audit function (internal auditor services/performance), monitor satisfaction with internal audit service. Key Performance Indicators Internal Audit Report					Manager Governance	Sept15	Committee noted report not due.
4.5 Internal audit function independence Monitor processes and practices to ensure the independence of the internal audit function.					Manager Governance	Sept 15	Committee noted report not due.
4.6 Opportunity to meet with internal auditor Provide an opportunity for the audit committee to meet with the internal auditor without management.	**As required**				Manager Governance	As required	As required.
5. External Audit							
5.1 External auditor proposed audit scope VAGO Audit Strategy 2014 / 2015					Manager Finance	Feb 16	Committee noted report not due.

MEETING ITEM IS SCHEDULED FOR	Qtr. 1 Feb 2016	Qtr. 2 May 2015	Qtr. 3 Sep 2015	Qtr. 4 Nov 2015	Who	Report Next Due	Action
5.2 VAGO Interim Management letter 2014/15 Interim Management Letter					Manager Finance	May 15	Phone conference with Tim Loughnan – Audit Director, VAGO to discuss Interim Management Letter 14/15. Committee noted progress with seven of eight matters closed, with only one matter outstanding which will be tested at year end and a clean audit was expected.
5.3 VAGO Financial Management Letter VAGO Financial Management letter for final audit for financial year 2014/15.					Director Corporate Services	Sept 15	Committee noted that thiswill be presented to September 2015 meeting.
5.4 Annual financial report review Review the annual financial report including external auditor's view on the control environment, results of annual external audit, communication required under Australian Auditing Standards & management letters. Annual Financial Report 2015/2016					Manager Finance	Sept 15	Committee noted report not due.
5.5 External audit discrepancies Resolve any disagreement between management and the external auditors in financial reporting.					Director Corporate	Sept15	Committee noted report not due.
5.6 External Accreditations e.g. HACC	**As required**				CEO	As required	Committee noted nil report.
6. Compliance							
6.1 Compliance reports Obtain updates on compliance matters including Freedom of Information, Privacy, Returns of Interest, Procurement and Gifts and Donations. Compliance report.					Manager Governance	Nov15	Committee received report and encouraged Councillors to note the compliance requirements as these reflect on the Council. Internal Auditor suggested that a review of the Gifts Register could be added to the proposed review of Credit Cards (refer item 4.1.3).
6.2 Compliance systems and processes Review the systems and processes for monitoring compliance with legislation and regulations. Compliance report.					Manager Governance	May 15	The Committee suggested to do more work on an overall Compliance Framework noting the review of compliance systems is a work in progress.

CONFIDENTIAL

MEETING ITEM IS SCHEDULED FOR	Qtr. 1 Feb 2016	Qtr. 2 May 2015	Qtr. 3 Sep 2015	Qtr. 4 Nov 2015	Who	Report Next Due	Action
6.3 Regulatory updates Keep informed of the findings of any examinations by regulatory agencies including Ombudsman, IBAC and Local Government Inspectorate. VAGO Reports http://www.audit.vic.gov.au/reports_and_publications/latest_reports/2014-15/20150226-local-government.aspx http://www.audit.vic.gov.au/reports_and_publications/latest_reports/2014-15/20150226-support-for-local-gov.aspx					Manager Governance	As required	The Committee asked that a further review of reports is undertaken to consider the relevant recommendations of these reports with the view to continuous improvement of Council's systems and processes.
6.4 Protected disclosure Review protected disclosure arrangements and reports.					CEO	Dec 15	Note report not due.
7. Reporting responsibilities							
7.1 Audit Committee reports regularly to Council.					Manager Governance	May 15	Committee noted that16 February 2015 Audit Committee Minutes were reported to Council on22 April 2015.
7.2 Audit Communications Monitor that open communication between the internal auditor, external auditor and Council occurs.	**As required**				CEO	As required	
7.3 Audit Chair Annual Report Report annually via Chair's report to Council.					Chair	Sept 15	Committee noted report not due and this has been scheduled earlier to coincide with Council's Annual Report.
8. Assessment of financial information							
8.1 Significant accounting and reporting issues.	**As required**				Manager Finance	As required	
8.2 Review attestations Including Best Value and National Competition Policy 2013 / 2014 Annual Report Attestations					Manager Governance	Sept 15	Committee noted report not due.

COMMITTED

MEETING ITEM IS SCHEDULED FOR	Qtr. 1 Feb 2016	Qtr. 2 May 2015	Qtr. 3 Sep 2015	Qtr. 4 Nov 2015	Who	Report Next Due	Action
9. General							
9.1 Establish number of meetings for forthcoming year.					Manager Governance	Sept 15	Committee report not due.
9.2 Review effectiveness of Secretariat support performance.					Manager Governance	Sept 15	Committee report not due.
9.3 Committee performance and fees Perform an assessment of the Committee's performance (and fees for budget consideration).							
9.3.1 Committee Performance					Manager Governance	Sept 15	Committee noted report not due.
9.3.2 Committee fees:					Manager Governance	Sept 15	Committee noted Independent Member fees increased by 2.5% in line with Councillor allowances effective 1 Dec 14 from $385 to $395 for Independent Members and from $435 to $446 for the Chair per meeting.
9.4 Committee Chair Consideration and recommendation of Chair for appointment by Council for the next calendar year.					Manager Governance	Dec 15	Committee notedthat report not due and that Dr Irvine was appointed as Chair by Council for a 1 year term in December 14.
9.5 Independent Committee Membership Confirmation of Independent Members and Terms of Office	**As required.**				Manager Governance	Dec 15	The terms of the Independent Committee Members are: **Craig Nisbet –** appointed by Council in March 2010 for an initial term ending 31 December 2010 and reappointed in December 2010 for a first 3 year term concluding in December 2013. Re-appointed Independent Member for a second and final three year term by Council on 27 November 2013 will conclude in December 2016. **Irene Irvine –** appointed by Council in December 2012 for an initial 3 year term concluding on 30 November 2015.

MEETING ITEM IS SCHEDULED FOR	Qtr. 1 Feb 2016	Qtr. 2 May 2015	Qtr. 3 Sep 2015	Qtr. 4 Nov 2015	Who	Report Next Due	Action
							Appointed as Chair by Council for a 1 year term in December 2014. **A J Purcell** – appointed by Council on 25 February 2015 for an initial term of three years concluding in February 2018.
9.6 Audit Committee Charter Review and assess the adequacy of the Audit Committee Charter annually and confirm all charter responsibilities have been carried out.					Manager Governance	Dec 15	Committee noted the Charter was adopted by Council on 27November 2013 and is due for review by the Council in November 2015. In 2014 the Committee agreed no change was required to the Charter and watch for possible changes that may need to occur resulting from legislative change.

10. General Business

Noted that a Councillor had approached the Chair of the Audit Committee proposing that the Audit Committee have a role in reviewing Council decisions in respect of capital expenditure. After discussion the Committee agreed that the Audit Committee under its Charter did not have role to play in this matter.

The Chair on behalf of the Committee thanked June Ernst for her excellent work and contribution to the effective functioning of the Committee and wished June all the best for the future.

11. Close / Next meetings: 14 September 2015 and 16 November 2015.

CONFIDENTIAL

ITEM 2 AWARD OF CONTRACT RFT/65 PROVISION OF URBAN AND ROADSIDE SLASHING SERVICES 2015 - 2018

Sustainable Communities and Infrastructure

EXECUTIVE SUMMARY

This report recommends awarding Contract RFT/65 Provision of Urban and Roadside Slashing Services 2015 - 2018 to David Harris Earthmoving Pty Ltd and Forrester Haulage Pty Ltd to assist the Operations Department in carrying out various works throughout the municipality.

The Contract shall operate on a Schedule of Rates basis and will be for a 3 year term with the option of two one year extensions.

Document/s pertaining to this Council Report

- **Attachment 1** – Evaluation Summary.
- **Attachment 2** – Roadsides, Reserves and Fire Breaks Site Map.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Local Government Procurement Best Practice Guidelines
- Occupational Health and Safety Act 2004
- Local Government Act 1989

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Procurement Policy 2014
- Road Management Plan 2009
- Urban Tree Management Guidelines 2011

COUNCIL PLAN

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

CONSULTATION

Tender specifications were developed to assist the Operations Department to assess urban and roadside slashing services Tenders. The Tender was advertised in The Age and local papers in May 2015.

REPORT

Background

In accordance with Council's Procurement Policy and procedures for tendering, an Evaluation Panel was convened on 29 June 2015 to assess the Tenders. The Evaluation Panel consisted of the Manager Operations, Coordinator Parks & Gardens, Coordinator Business and Coordinator Operations.

The Tenders were assessed in accordance with the criteria specified in the Tender documentation.

A summary of the Tender Evaluation has been included in **Attachment 1.**

This Contract will allow Council to provide urban and roadside slashing services from 2015 - 2020.

This Contract was broken up into the following 6 separate areas:

Urban Areas and Reserves

1. Townships of Poowong, Loch and Nyora, Korumburra, Kongwak, Jumbunna, Mirboo North, Mirboo, Darlimurla, Leongatha, Meeniyan, Koonwarra, Dumbalk and Stony Creek.

2. Townships of Welshpool, Port Welshpool, Foster, Toora, Port Franklin, Fish Creek, Waratah Bay, Sandy Point, Yanakie, Venus Bay, Walkerville and Tarwin Lower.

Roadsides, Reserves and Fire Breaks

1. North Area Zones 1, 2, 3 and 4 sealed roadsides and firebreaks.

2. North Area Zones 5, 6, 7 and 8 sealed roadsides and firebreaks.

3. South Area Zones 1, 2, 7 and 8 sealed roadsides and firebreaks.

4. South Area Zones 3, 4, 5 and 6 sealed roadsides and firebreaks.

A copy of a map detailing the above 6 areas is available in **Attachment 2 – Roadsides, Reserves and Fire Breaks Site Map.**

Discussion

Five submissions were received from the following Tenderers:

1. David Harris Earthmoving Pty Ltd.

2. John and Anita Harris Pty Ltd.

3. Forrester Haulage Pty Ltd.

4. Landlinks Environmental Services Pty Ltd.

5. JJH Contract Services.

Each of these Tenderers submitted Schedule of Rates for the services offered and provided Council with the necessary information regarding their business details, experience, capacity, availability and evidence of insurances and their level of OH&S systems.

To obtain best value for money, the Evaluation Panel has proposed to award the Contract to more than one Tenderer.

Proposal

It is proposed that Council:

1. Award Contract RFT/65 Provision of Urban and Roadside Slashing Services 2015 - 2018 to:

    a. David Harris Earthmoving Pty Ltd to provide the services to the areas of:

        i. Townships of Welshpool, Port Welshpool, Foster, Toora, Port Franklin, Fish Creek, Waratah Bay, Sandy Point, Yanakie, Venus Bay, Walkerville and Tarwin Lower.

        ii. South Area Zones 1, 2, 7 & 8 sealed roadsides & firebreaks.

        iii. South Area Zones 3, 4, 5 & 6 sealed roadsides & firebreaks.

    b. Forrester Haulage Pty Ltd to provide the services to the areas of:

        i. Townships of Poowong, Loch and Nyora ,Korumburra, Kongwak, Jumbunna, Mirboo Nth, Mirboo, Darlimurla, Leongatha, Meeniyan, Koonwarra, Dumbalk and Stony Creek.

        ii. North Area Zones 1, 2, 3 & 4 sealed roadsides & Firebreaks.

        iii. North Area Zones 5, 6, 7 & 8 sealed roadsides & Firebreaks.

FINANCIAL CONSIDERATIONS

The proposal is currently funded in the 2015/16 annual budget and is included in the Long Term Financial Plan as follows:

- Fire Prevention – Local Laws Team.

- Rural Roadside Slashing – Operations Department (Programmed Maintenance).

- Urban Fire Hazard Slashing and Grass Cutting of Reserves and Fire Breaks – Operations Department (Parks & Gardens Team).

There is no additional impact on the current or forward budgets in the Long Term Financial Plan.

CONCLUSION

Awarding this Contract will allow Council to undertake urban and roadside slashing services from 2015 - 2018.

RECOMMENDATION

That Council:

1. Award Contract RFT/65 Provision of Urban and Roadside Slashing Services 2015 - 2018 to:

a. David Harris Earthmoving Pty Ltd to provide the services to the areas of:

i. Townships of Welshpool, Port Welshpool, Foster, Toora, Port Franklin, Fish Creek, Waratah Bay, Sandy Point, Yanakie, Venus Bay, Walkerville and Tarwin Lower.

ii. South Area Zones 1, 2, 7 & 8 sealed roadsides & firebreaks.

iii. South Area Zones 3, 4, 5 & 6 sealed roadsides & firebreaks.

b. Forrester Haulage Pty Ltd to provide the services to the areas of:

i. Townships of Poowong, Loch and Nyora ,Korumburra, Kongwak, Jumbunna, Mirboo Nth, Mirboo, Darlimurla, Leongatha, Meeniyan, Koonwarra, Dumbalk and Stony Creek.

ii. North Area Zones 1,2,3 & 4 sealed roadsides & Firebreaks.

iii. North Area Zones 5,6,7 & 8 sealed roadsides & Firebreaks.

for a three year term with the option of two one year extensions.

3. Authorise the Chief Executive Officer to sign and affix the Common Seal of the Municipality to the contract documents.

4. Delegate to the Chief Executive Officer the power to approve the extension options upon satisfactory performance.

5. Make public in the minutes the successful contractors, and contract description.

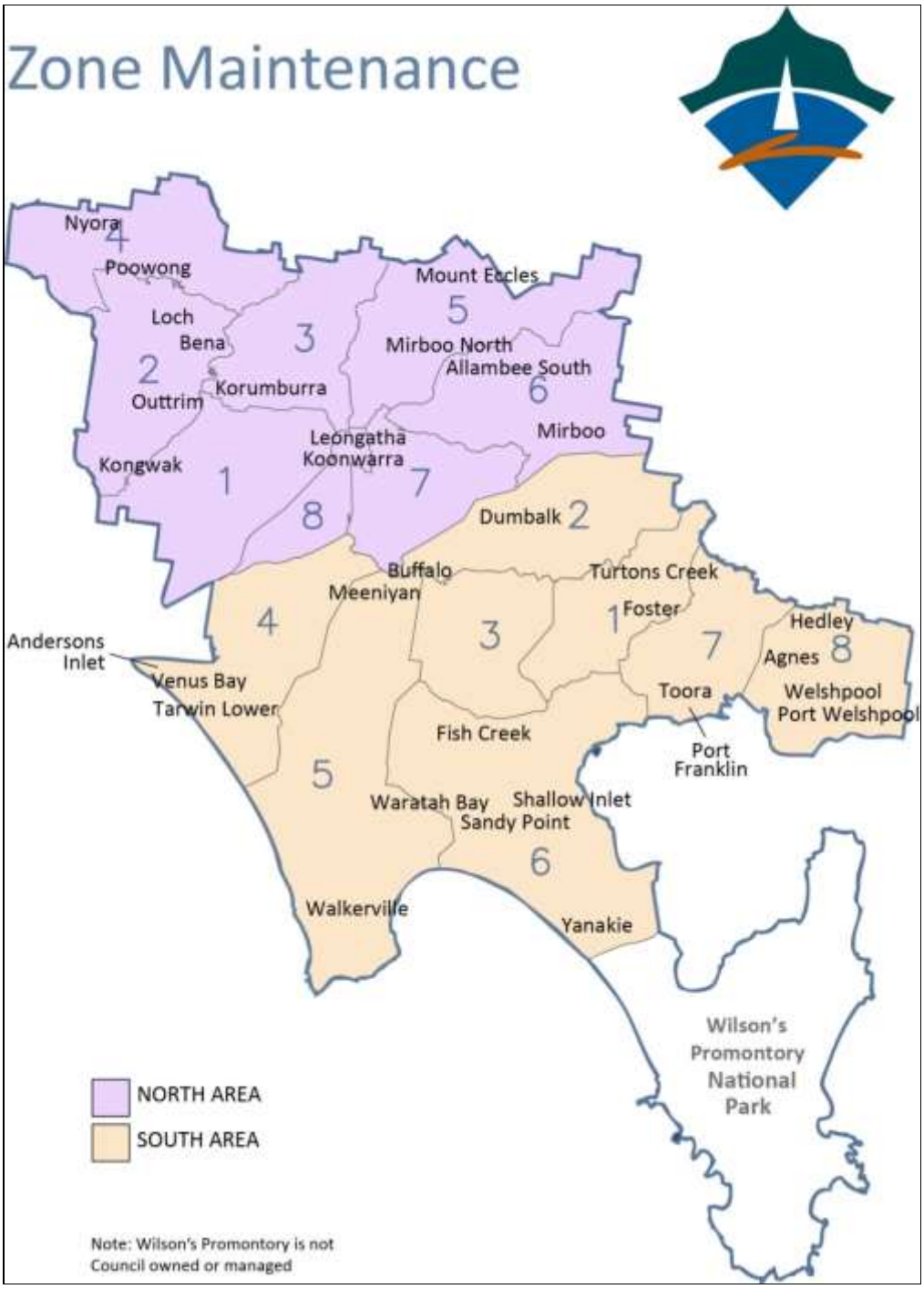
STAFF DISCLOSURE OF INTEREST

Nil

Attachment 1
Evaluation Summary

Criteria and Weighting	David Harris Earthmoving Pty Ltd	Landlinks Environmental Services Pty Ltd	John and Anita Harris	The Henry Family Trust t/a JJH Contract Services	Forrester Haulage Pty Ltd
Tendered Rates 30%	23.60	24.00	19.60	16.04	23.60
Social Procurement 10%	10.00	5.00	10.00	10.00	10.00
Capability 30%	24.00	16.50	22.50	16.50	24.00
Past Experience 20%	16.00	14.00	16.00	14.00	16.00
OH &S 10%	6.20	6.20	6.00	4.60	6.40
TOTAL WEIGHTED SCORE – 100%	**79.80**	**65.70**	**74.10**	**61.14**	**80.00**

Attachment 2
Roadsides, Reserves and Fire Breaks Site Map



MOVED: Cr Kennedy **SECONDED: Cr Newton**

THAT OPEN SESSION RESUME.

CARRIED UNANIMOUSLY

SECTION H - MEETING CLOSED

NEXT MEETING

The next Ordinary Council Meeting open to the public will be held on Wednesday, 23 September 2015 commencing at 2pm in the Council Chambers, Leongatha.

The Meeting closed at 5.17pm.

CONFIRMED:…...……..

COUNCILLOR JEANETTE HARDING – MAYOR

Date:…….……..