



South Gippsland
Shire Council

Come for the beauty, Stay for the lifestyle

COUNCIL AGENDA PAPERS

28 October 2015

**ORDINARY MEETING NO. 396
COUNCIL CHAMBERS, LEONGATHA
COMMENCING AT 2PM**

MISSION

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

SOUTH GIPPSLAND SHIRE COUNCIL

**NOTICE IS HEREBY GIVEN THAT ORDINARY MEETING NO. 396
OF THE SOUTH GIPPSLAND SHIRE COUNCIL WILL BE HELD ON
28 OCTOBER 2015 IN THE COUNCIL CHAMBERS, LEONGATHA
COMMENCING AT 2PM**

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Tim Tamlin
Chief Executive Officer

SECTION A - PRELIMINARY MATTERS

A.1 WELCOME

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

A.2 OPENING PRAYER

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

Amen

A.3 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

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

A.4 REQUESTS FOR LEAVE OF ABSENCE

A.5 APOLOGIES

A.6 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the South Gippsland Shire Council Ordinary Meeting No.395, held on 23 September 2015 in the Council Chambers, Leongatha be confirmed.

A.7 DECLARATION OF CONFLICT OF INTEREST FOR COUNCILLORS

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

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

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

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

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

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

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

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

Privacy

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

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

A.8 DECLARATION OF CONFLICT OF INTEREST FOR STAFF

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

Danny McDonald, Manager Economic Development, Tourism & Customer Service declared an indirect conflict of interest in Council Report – E.1 Gippsland Regional Plan, having a conflicting duty due to previous employment where he was involved in the review and development of the Gippsland Regional Plan.

Paul Stampton, Planning Manager declared a direct conflict of interest in Council Report - E.4 PLANNING SCHEME AMENDMENT C89 - WALKERVILLE VILLAGE. He has a conflicting duty in that he is a nearby landowner and member of the Walkerville Foreshore Committee who chose to comment to Council on the project.

Cavell Ferrier, Executive Assistant for the Director of Development Services declared a direct conflict of interest in Council Report - E.4 PLANNING SCHEME AMENDMENT C89 - WALKERVILLE VILLAGE, having a conflicting duty in that she is a landowner in Prom Views Estate.

A.9 PETITIONS

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

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

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

A.10 COUNCILLOR REPORTS

SECTION B - NOTICES OF MOTION AND/OR RESCISSION

B.1 NOTICE OF MOTION NUMBER 685 – SUPPORT OF SYRIAN REFUGEES

PURPOSE

Syria is in the midst of a civil war, its impact is regarded as one of the worst humanitarian disasters of our time. The UN estimates 12.2 million people require humanitarian assistance, the highest number of displaced people since the end of World War II. The impact on neighbouring countries is overwhelming, tens of thousands have fled Syria to the safety of Europe, however Europe has not been able to assemble humanitarian assistance quick enough to cope with the crisis.

Since the beginning of the conflict in 2011, Australia has contributed \$190 million in humanitarian funding. This includes \$83 million for assistance to people inside Syria and \$107 million to help the refugees in the region and their host communities. The funding has been delivered through United Nations agencies, international humanitarian organisations and Australian non-government organisations to reach people in need. By working with these partners, Australian funding has been able to provide shelter, protection, food, water and sanitation, education, health and medical services in response to the crisis.

The Australian government has indicated it will accept 12,000 Syrian refugees, as its contribution toward the alleviating the crisis. Successful resettlement of such a large number of refugees will be contingent on the goodwill and willingness of many communities across Australia to welcome new residents to their towns and cities.

MOTION

I, **Councillor Mohya Davies**, advise that I intend to submit the following motion to the Ordinary Council Meeting scheduled to be held on **28 October 2015**.

'That Council receive a report for the Ordinary Council Meeting 25 November 2015 on how Council could support and or assist the Federal and State Governments in responding to the Syrian Refugee crisis.'

B.2 NOTICE OF MOTION NUMBER 686 – AN ALTERNATIVE APPROACH TO A \$32 MILLION MUNICIPAL BUILDING COMPLEX

PURPOSE

A report be presented to Council by no later than Council Meeting conducted in February 2016 on the financial costs and options for the alternative scenarios as outlined in this notice of motion.

Initial calculations using figures obtained from engineering team suggest a result under \$5 million could be achieved thereby allowing \$27 million to be returned to ratepayers along with a new library and refurbished offices being achieved.

By not building a \$32 million municipal building complex, Council will be able to investigate a diversified model in coming years and/or reduce staff numbers in a future restructure.

MOTION

I, **Councillor Don Hill** advise that I intend to submit the following motion to the Ordinary Council Meeting scheduled to be held on **28 October 2015**.

‘A report be presented to council by no later than Council’s February 2016 meeting exploring the following Council building options:

- Option 1:**
- Relocate the library to Carino’s building and move the engineering department to the depot.**
 - A. Investigate type of building required at the depot to accommodate Carino’s building staff members and the financial cost of new buildings and fitting out of existing buildings (Carino’s and depot) as required.**
 - B. Using a model of 70% (or alternative figures) space required for staffing areas as per the model used in the newly constructed Cardinia shire council building, explore the space requirements in using the existing smith street site to house staff as well as additional rooms for community spaces.**
 - C. Cost out a refurbishment of the existing smith street site.**
- Option 2:**
- Relocate the Library to the existing offices on the smith street site, relocate displaced staff to Carino’s building, relocate the engineering staff from Carino’s to the depot.**
 - A. Investigate type of building required at the depot to accommodate Carino’s building these staff members and the financial cost of new buildings and fitting out of existing buildings (Carino’s, smith street site, and depot) as required**

- B. Using a model of 70% (or alternative figures) space required for staffing areas as per the model used in the newly constructed Cardinia shire council building, explore the space requirements to incorporate additional rooms for community spaces within the smith street site or Carino's.**

B.3 NOTICE OF MOTION NUMBER 687 – REQUIREMENT TO REPLACE THE SANDY POINT PUBLIC AMENITIES FACILITY

PURPOSE

It is the intent of this Notice of Motion for Council to work with the Department of Environment, Land Water and Planning and the Sandy Point Foreshore Committee to investigate options to fund the construction of a new Public Amenities Facility at Sandy Point due to the current facilities not meeting community expectations.

Council currently assists with the cleaning and fixing of the Amenity Facility (toilets) when they break down however Council has no renewal plans for the facility because they are not owned by or managed by Council.

The improvement of toilet facilities in Sandy Point has been identified in the Sandy Point Community Plan as a high priority. The Sandy Point Community Group have written to council on a number of occasions over many years acknowledging the work Council does in keeping the facility clean however expressing concern about the condition of the toilets. The toilets are a regular agenda item at Sandy Point Community Group meetings, as a consequence, they are planning to undertake work to improve the toilets for the coming season however a long term solution needs to be found.

Sandy Point is a tourist destination. During the summer season with the influx of visitors the toilets are inadequate. There are a number of events in Sandy Point during the summer season, such as the Sandy Point Fun, that attract large numbers of people and the toilets become an issue.

The Sandy Point toilets are identified in Councils strategic documents, such as the Social Infrastructure Plan as well as Seasonal Population in Coastal Towns Plan that is currently out on exhibition.

MOTION

I, **Councillor Mohya Davies** advise that I intend to submit the following motion to the Ordinary Council Meeting scheduled to be held on **28 October 2015**.

‘That Council receives a report on the options available to the Sandy Point Community and Council to ensure the replacement of the current Public Amenities facility.

The report is to include:

- 1. The Department of Environment, Land, Water and Planning and the Sandy Point Foreshore Committee of Management position regarding the replacement of the facility.**
- 2. The estimated cost to replace the facility and options for funding the construction.**

- 3. The ongoing ownership and maintenance responsibility for the facility.**
- 4. The implications to Council if Council were to fund the replacement.**

SECTION C - COMMITTEE REPORTS

Nil

SECTION D – PROCEDURAL REPORTS

D.1 REPORT ON ASSEMBLY OF COUNCILLORS - 1 - 21 SEPTEMBER 2015

Corporate and Community Services Directorate

STAFF DISCLOSURE OF INTEREST

Nil

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 from 1 – 21 September 2015.

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

Document/s pertaining to this Council Report

- Nil

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

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

COUNCIL PLAN

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

REPORT

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 2 September 2015		
Corner Inlet Kindergarten Infrastructure Review	<p>Councillors Attending: Crs Newton and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors were provided information on the draft Early Years Infrastructure Review: Satellite kindergarten services of Corner Inlet.</p>
Council Student Engagement Program	<p>Councillors Attending: Crs Newton, Brunt, Hutchinson-Brooks and Davies.</p> <p>Conflict of Interest: Nil disclosed.</p>	<p>Topics Discussed: Councillors evaluated Council's inaugural student engagement program held on Wednesday 27 May 2015 at the South Gippsland Secondary College.</p>
Planning Committee	<p>Councillors Attending: Crs Hutchinson–Brooks, Brunt, Newton and Davies.</p> <p>Conflict of Interest: Cr Hutchinson-Brooks declared an indirect conflict of interest by close association in item Koonwarra Agricultural Commercial Precinct Project and in item C89 Walkerville Rezoning.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Strategic Planning Project List • Planning Scheme Amendment C81 – Land Subject to Inundation Overlay – Public Exhibition Information • Planning Applications of Significance • Decisions for July 2015 • VCAT Decisions

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 16 September 2015		
OurSay Update – responses received regarding Budget 2016/17	<p>Councillors Attending:</p> <p>Crs Hutchinson-Brooks, Davies, Brunt, Newton, Fawcett.</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics Discussed:</p> <p>Councillors were provided an update on the OurSay community engagement that has commenced for the Council Budget 2016-2017.</p>
Local Government Amendment (Improved Governance) Bill 2015	<p>Councillors Attending:</p> <p>Crs Hutchinson-Brooks, Davies, Brunt, Newton, Fawcett.</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics Discussed:</p> <p>Councillors were provided information on the Local Government Amendment (Improved Governance) 2015 Bill. The Briefing brings to Council’s attention a range of significant changes to the Local Government Act 1989, that is currently before Parliament.</p>
Annual Report of Operations – LGPRF and end of year Update	<p>Councillors Attending:</p> <p>Crs Hutchinson-Brooks, Davies, Brunt, Newton, Fawcett.</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics Discussed:</p> <p>Councillors were provided information on the Report of Operations 2014-2015 and Performance Report, that will be presented to Council for endorsement and compilation into the Annual Report with the Financial Statements at the 23 September 2015 Council Meeting.</p>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 16 September 2015		
Executive Update / Discussion	<p>Councillors Attending:</p> <p>Crs Hutchinson-Brooks, Davies, Brunt, Newton, Fawcett.</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Karmai Children's Centre Construction • Services provided to vulnerable children and families in the Shire. • Funding for Facilitated Playgroups has increased • Land Subject to Inundation update – feedback from the community, information sessions. • OurSay hosting LG Minister for the first time
Planning Application 2015/135 - 13 Clarence Street, Loch - Change of use to Hospital (rehabilitation centre)	<p>Councillors Attending:</p> <p>Crs Hutchinson-Brooks, Davies, Brunt, Newton, Fawcett.</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics Discussed:</p> <p>Councillors were provided information on the planning application.</p>
Ordinary Council Agenda Topics Discussion 23 September 2015	<p>Councillors Attending:</p> <p>Crs Hutchinson-Brooks, Davies, Brunt, Newton, Fawcett.</p> <p>Conflict of Interest:</p> <p>Nil disclosed.</p>	<p>Topics Discussed:</p> <p>Councillors discussed Council Agenda Topics for meeting to be held on 23 September 2015.</p>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 16 September 2015		
Public Presentations	Councillors Attending:	
OPEN DAY SESSION	Crs Hutchinson-Brooks, Davies, Brunt, Newton, Fawcett.	
	Conflict of Interest:	
	Nil disclosed.	
Presentations were made to Council by the following community members:		
Rhett McLaren , Event Manager regarding Unify Music and Camping Festival in Tarwin Lower.		
David Amor , regarding articles in local newspapers about the Municipal Precinct Project, selling cars on the side of the road in Korumburra and Council Rates.		

RECOMMENDATION

That Council receive and note this report.

D.2 COUNCILLOR DISCRETIONARY FUND ALLOCATION REPORT SEPTEMBER 2015

Corporate & Community Services

STAFF DISCLOSURE OF INTEREST

Nil

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 3 September 2015 and 23 September 2015.

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Councillor Discretionary Fund Policy 2015

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 2015/2016 Discretionary Fund for the period between 03 September 2015 and 23 September 2015.

- Leongatha Community Garden: To assist with the purchase of sleepers to make raised garden beds and a composting system.

Mayor, Cr Jeanette Harding - \$200

Cr James Fawcett - \$300

Cr Don Hill - \$300

Cr Nigel Hutchinson Brooks - \$300
- Yanakie Progress Association: To secure stock water for drought affected farmers within the Yanakie district now and into the future.

Cr Mohya Davies - \$1,000

- South Coast Athletics: To assist with the costs of purchasing a laptop.

Cr James Fawcett - \$250

Cr Don Hill - \$250

Cr Nigel Hutchinson-Brooks - \$250

Tarwin Lower & District Community Health Centre: To assist with the costs of purchasing a new Vaccine Fridge along with a UPS Battery Backup System.

Cr Kieran Kennedy - \$600

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 remaining Councillor Discretionary Funds for the 2015/2016 Financial Year as at 23 September 2015 is as follows:

- Cr Mohya Davies - \$3,000
- Cr Jeanette Harding - \$3,680
- Cr Kieran Kennedy – \$3,400
- Cr Lorraine Brunt - \$3,033
- Cr Robert Newton - \$3,033
- Cr Andrew McEwen - \$3,034
- Cr James Fawcett - \$2,850
- Cr Don Hill - \$2,850
- Cr Nigel Hutchinson-Brooks - \$2,850
- Mayoral Fund - \$1,800

RECOMMENDATION

That Council receive and note this report.

**D.3 DOCUMENTS SEALED AND CONTRACTS AWARDED OR VARIED BY
THE CHIEF EXECUTIVE OFFICER - 1 – 25 SEPTEMBER 2015**

Corporate Services Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

This document reports to Council the following actions undertaken by the Chief Executive Officer (CEO) which occurred during the period 1- 25 September 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. 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 during the period 1 – 25 September 2015.

1. Contract CON/65-B Provision of Urban and Roadside Slashing Services 2015/2018 – David Harris Earthmoving Pty Ltd - Seal Applied 3 September 2015.
2. S173 Agreement between South Gippsland Shire Council and the owners of 38 Satellite Crescent, Venus Bay in relation to the development of a dwelling and removal of native vegetation – Seal Applied 8 September 2015.
3. Contract CON/65-A Provision of Urban and Roadside Slashing Services 2015/2018 – Forrester Haulage Pty Ltd - Seal Applied 8 September 2015.
4. Contract CON/73 Construction of the Karmai Children’s Centre Korumburra – T S Constructions Pty Ltd – 8 September 2015.
5. S173 Agreement between South Gippsland Shire Council and the owners of 16 Brown Street, Waratah Bay in relation to the development of a dwelling and associated works – Seal Applied 14 September 2015.
6. S173 Agreement between South Gippsland Shire Council and the owners of 2 Donald Street, Venus Bay in relation to the development of a dwelling – Seal Applied 14 September 2015.
7. S173 Agreement between South Gippsland Shire Council and the owners of 4 Sydney Court, Venus Bay in relation to a dwelling extension over easement – Seal Applied 21 September 2015.

8. S173 Agreement between South Gippsland Shire Council and the owners of 23 Anita Crescent, Venus Bay in relation to development of a dwelling – Seal Applied 23 September 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.

There were no contracts awarded under the CEO's delegation during period 1 – 25 September 2015 following a public tender.

In addition, Council resolved on 26 August 2015 to delegate to the Chief Executive Officer the power to award capital works contracts specified in the resolution, subject to the preferred tenders being within budget and that Council receive a report detailing the contracts awarded.

There were no capital works contracts awarded during 1-25 September 2015, that were specified in the 26 August 2015 Council Resolution.

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 the period 1 – 25 September 2015.

RECOMMENDATION

That Council receive and note this report.

SECTION E - COUNCIL REPORTS

E.1 GIPPSLAND REGIONAL PLAN 2015

Development Services Directorate

STAFF DISCLOSURE OF INTEREST

Danny McDonald, Manager Economic Development, Tourism & Customer Service declared an indirect conflict of interest in Council Report – E.1 Gippsland Regional Plan, having a conflicting duty due to previous employment where he was involved in the review and development of the Gippsland Regional Plan.

EXECUTIVE SUMMARY

The purpose of this report is to seek formal endorsement of the 2015 Gippsland Regional Plan (GRP), a copy of the Plan is located in **Appendix 1**.

The GRP was originally launched in 2010 as a joint initiative between Gippsland's six local Councils, Regional Development Australia (RDA) Gippsland, Gippsland Regional Managers Forum (RMF) and later supported by the Committee for Gippsland.

Over the last 18 months, the plan has undergone review and redevelopment with input and contributions provided by all of the partnering stakeholders.

The final draft 2015 GRP before Council is the culmination of this process.

Document/s pertaining to this Council Report

- **Appendix 1** - Gippsland Regional Plan 2015

A copy of **Appendix 1 - Gippsland Regional Plan 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

COUNCIL PLAN

Outcome:	1.	A Prosperous Shire
Objective:	1.1	Raise awareness of local and regional issues with State and Federal decision makers.
Strategy:	1.1.1	We will advocate for priority projects that assist in stimulating economic growth, agricultural development, tourism infrastructure and community facilities.

CONSULTATION

South Gippsland Shire Councillors and executive team members contributed to the early development of the new GRP during an initial strategic visioning and directions workshop held in May 2014, facilitated by the then GRP Executive Officer.

A presentation of relevant background information was provided to Councillors prior to the workshop to help inform discussion, including the results of a regional community survey undertaken shortly prior and summary findings from a preparatory data and literature review.

Similar workshops were held with the other five Gippsland Councils, RDA Gippsland, Committee for Gippsland, RMF and the then four GRP strategic advisory groups.

Based on input provided throughout the consultation process, an early draft revised GRP was developed and presented to Councillors for feedback and discussion by GRP Leadership Group Chair David Morcom on 1 July 2015.

A final draft 2015 GRP was reviewed by Councillors at a briefing session held on 7 October 2015, reflecting further feedback received from each of partners during July.

REPORT

Background

The GRP is a long-term strategic document that aims to address the key challenges and opportunities the region is expected to face.

The first iteration of the plan—based around eleven key thematic priorities and building upon work previously undertaken for the Gippsland Regional Development Strategy—was launched in August 2010 as a partnership initiative between the six Gippsland Councils, RDA Gippsland and the RMF before receiving further endorsement by private sector membership group Committee for Gippsland.

Over the last 18 months, a new version of the GRP has been developed with input and feedback from all partners to reflect contemporary economic, political, environmental, technological and social issues.

The final draft 2015 GRP, based around the four new strategic themes of economic prosperity; education and community wellbeing; natural environment stewardship and connectivity is the culmination of this process.

While the plan provides broad strategic direction that will help to guide and inform the identification of potential regional priority projects for consideration in the One Gippsland advocacy campaign into the future, such deliberations

would be subject to a rigorous periodic assessment process, and undertaken as a separate exercise.

Proposal

It is recommended that Council endorses the 2015 GRP, reflecting the contribution that both Councillors and officers have made throughout its development.

In doing so, Council will continue to play an important role together with its regional partners in supporting its ongoing implementation through the Gippsland Regional Plan Leadership Group, GRP strategic advisory groups and the One Gippsland campaign.

FINANCIAL CONSIDERATIONS

Council (along with all other Gippsland Councils) has made contributions to the GRP over the past three financial years.

The new draft GRP has been developed utilising existing funding from this period and state government funding. No financial contribution has been required by Council through the 14/15 budget.

RISKS

Council will have the opportunity to consider potential future regional priority projects for inclusion in the One Gippsland campaign, recommended through the Gippsland Regional Plan Leadership Group.

In endorsing the GRP, Council will resolve to not accept or support any changes or amendments to the Gippsland Regional Plan that either seek to change the overall strategic intent—unless considered and agreed to by all Gippsland Councils and GRP partners—or provide any direct reference to future specific projects so as to ensure that this process remains in place.

CONCLUSION

The Gippsland Regional Plan is an important long-term regional strategic document that provides the partnering organisations with a coordinated approach to responding to the major challenges and opportunities the region is expected to face.

Having had input into the development of the document, Council is in a position to endorse and continue to support its ongoing implementation and periodic review.

RECOMMENDATION

That Council:

- 1. Endorse the 2015 Gippsland Regional Plan (GRP);**
- 2. Acknowledge that minor changes and alterations may be undertaken to the wording of the GRP with the objective of clarifying the Gippsland Regional Plans strategic intent;**
- 3. Not accept or support any changes or amendments to the Gippsland Regional Plan that:**
 - a. seek to change the overall strategic intent, and**
 - b. provides any direct reference to future specific projects.**

**E.2 PLANNING SCHEME AMENDMENT C65 - 77 GIBSON STREET /
SHINGLER STREET REZONING - REVIEW OF SUBMISSIONS AND
REQUEST TO APPOINT A PLANNING PANEL**

Development Services Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

This report recommends that submissions made to Planning Scheme Amendment C65 are referred to an Independent Planning Panel (the Panel) for consideration.

The Amendment proposes to rezone 12ha at 77 Gibson Street, Leongatha from Farming Zone (FZ) to General Residential Zone (GRZ1). It will also apply a Development Plan Overlay (DPO) to approximately 60 ha of land covering the rezoned area and land adjoining to the south and west which is in the same ownership. The land being rezoned is at the intersection of Gibson and Shingler Street (**Attachment 1**). The DPO is to be applied to the entire area identified as 'Urban Expansion' on the western boundary of the township in the 'Leongatha Framework Plan' in the Planning Scheme.

The Amendment was exhibited for a month, ending on 31 August 2015. There were 17 submissions received of which 12 objected to aspects of the development, focussing on subdivision design and development contributions. Referring unresolved submissions (objections) to a Panel is a statutory requirement providing the benefit of independent review of the issues raised by submitters and the broader strategic merits of the Amendment. Council must consider the Panel's recommendation before it makes its final decision on the Amendment.

Document/s pertaining to this Council Report

- **Attachment 1** - Aerial Photo of Proposed Rezoning and DPO Area
- **Attachment 2** - Council Minutes and Resolution of 19 December 2012
- **Attachment 3** - Proposed Development Plan Overlay Schedule
- **Confidential Appendix 1** - Compiled submissions with names and addresses

A copy of **Confidential Appendix 1** - Compiled submissions with names and addresses has been distributed separately to Councillors and the Executive Leadership Team.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

This report recommends that all submissions be referred to a Panel pursuant to section 23(1)(b) of the Planning and Environment Act 1987 (the Act);

1. *After considering a submission which requests a change to the Amendment, the planning authority must:*

b. *refer the submission to a panel appointed under Part 8;*

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:	3.1.3	We will develop an integrated planning approach for our townships and villages, so that facilities are located in areas where they are most appropriate.

CONSULTATION

During exhibition, notice was provided by:

- Public notice in local newspapers.
- Postal notification to all landowners with land adjoining the proposed rezoning and Development Plan Overlay.
- Signs displayed at the corners of the rezoning site.
- Displays at Council and on Council's web page.

Articles also appeared in local papers related to the Amendment which assisted in raising public awareness.

REPORT

Background

In December 2012, as part of a larger land supply review, Council resolved to seek Authorisation from the Minister for Planning to exhibit a proposal to rezone 12ha at 77 Gibson Street to allow residential development (**Attachment 2**). The rezoning area is the north-eastern lot of a grazing property comprising several lots.

Following the completion of development negotiations, Authorisation was sought from the Minister for Planning to exhibit the Amendment, in line with the Council resolution.

Submissions (**Confidential Appendix 1**) will be discussed in detail at the Council presentation to the Panel.

Discussion

The Amendment proposes to;

- Rezone approximately 12ha of Farming Zone to the General Residential Zone 1 and apply a Development Plan Overlay to the larger site (see **Attachment 1**); and
- Remove the flood and erosion controls (Environmental Significance Overlays 5 & 6) from the land.

The rezoning will increase the choice of housing location in Leongatha and provide residential lots close to the town centre. This site has been identified for urban expansion in the Planning Scheme and is within the established town boundary. This provides the strategic planning justification to remove the land from the Farming Zone.

The Development Plan Overlay (DPO) guides the preparation of a detailed site design document called the Development Plan (DP). The DP will not be prepared until after adoption of the Amendment. Once the DPO is applied to the area, its contents can only be changed by another Planning Scheme Amendment.

The DP will include maps and descriptions of the intended residential subdivision. The DPO requires the design in the DP to be informed by relevant traffic studies, drainage, wastewater and other supporting documents prior to its approval. The DP must be prepared to the 'satisfaction of the responsible authority' (Council). Public exhibition of the DP will occur before it is adopted by Council.

Applying the DPO to the wider area (not just the land being rezoned by Amendment C65) provides an opportunity to prepare infrastructure plans that can consider several stages of planned subdivision development. The provision of infrastructure, particularly drainage and wastewater can be designed as part of a larger system. This will allow a more coordinated approach during construction and provide cost savings to the developer by avoiding the need to replicate and / or upgrade infrastructure as subdivision stages occur.

Submissions to the rezoning

The following are the key issues raised in the 17 submissions. The summation in each section will form the basis of the response to the Panel.

Key issue: SUBDIVISION DESIGN

Summarising the main submission points;

- *The design does not show footpaths,*
- *Final road design of Gibson Street including access points, intersection design, widths and tree retention,*
- *Lots facing Gibson Street to be a minimum of 700 square metres in keeping with neighbourhood character,*
- *No formal recognition of Public Open Space.*

An indicative subdivision design was exhibited with the Amendment showing the basic design and subdivision layout. The details of this design are likely to change in response to the DPO requirements and DP preparation, which include an opportunity for the community to comment on the final design.

Concerns raised about the provision of footpaths will be addressed by the DPO, which requires footpaths to be constructed along the development's street frontages. Internally, footpaths are required to conform to the Infrastructure Design Manual.

The final road design is to be informed by an updated Traffic Impact and Assessment Report (TIAR) as required by the DPO. This report will examine how the increased traffic will interact, including access to the development and increased user numbers. The final will also consider a landscaping plan which is to retain native vegetation wherever possible.

The submission that lot sizes should be a minimum 700m² size to align with the existing adjacent residential lots does not account for the full variation around the subject land. Existing lot sizes are as low as 630m² and there are a wide variety of sizes which are comparable with the proposed lots, which range between 600 and 850m².

Existing frontages range from approximately 18-20 metres. The proposed lots displayed in the indicative subdivision plan have street frontages ranging from 16 to 19 metres. The final widths may vary slightly with final design requirements but those proposed are consistent with the existing neighbourhood character.

In relation to the provision of public open space, the subject land is sufficiently large for the provision of appropriately sized and located open space to be easily achieved. The DPO Schedule contains detailed provisions regarding open space provision.

Key issue: DEVELOPER CONTRIBUTIONS

Summarising the main submission points;

- *Payment for a pathway.*
- *Financial contribution of Council and residents to infrastructure upgrades, especially along Worthy Street.*
- *Infrastructure should be at developer's cost alone. Residents should not be required to contribute.*

In accordance with normal practice, the developer is responsible for the provision of all infrastructure within the boundaries of the subject land necessary to support the development. Upgrades within road reserves immediately adjoining the subject land may also be their responsibility if these upgrades are reasonably required to support the development. This typically includes the provision of footpaths and intersection works necessary to service the development but could also include intersection upgrades not adjoining the subject land - if the upgrading of such intersections is essential to service the proposed development.

In addition to these standard requirements, the developer has entered into a legal agreement with Council (a development contributions agreement pursuant to Section 173 of the Act) that will provide a financial contribution to Council for each residential lot created on the subject land. The monies collected from this agreement will be put toward maintaining and upgrading services and infrastructure in Leongatha.

The concern expressed that surrounding landowners will be required to contribute to upgraded infrastructure related to the subject land is unfounded. It is unusual for Council to require financial contributions from adjoining landowners to upgrade infrastructure required as part of a greenfield subdivision proposal. This typically only occurs where the existing landowners are the primary beneficiary of the upgrade.

Exhibition of the Development Plan will provide an opportunity for surrounding landowners to consider and comment on the infrastructure upgrades that are required of the developer by Council to support the subdivision.

Key issue: INFRASTRUCTURE - TRAFFIC/ DRAINAGE

Summarising the main submission points;

- *Status of 2011 Traffic Impact Assessment Report,*
- *The development will be required to connect with existing water and sewer systems,*

- *DPO should require that surface flows should not increase and to address stormwater discharge at the intersection of Worthy and Gibson Street to be controlled,*
- *The spring on the property is to be protected from contamination arising from the development of the area,*
- *A Waterway Management Plan, which must address revegetation and ongoing maintenance of the waterway reserve.*

A TIAR prepared with recent traffic figures will be required to inform road design. The report prepared in 2011 does not account for current road usage or for the development that has occurred in the town that may influence road usage. The 2011 TIAR was exhibited to indicate what traffic designs and road management will be considered by the final design. Residential development resulting from this amendment will be based on updated data to support the road design recommendations. The DPO sets out the TIAR requirements to inform this design.

South Gippsland Water requires the subdivision to be connected to reticulated sewer and potable water networks. This is a standard requirement for developments of the intended density and proximity to established water districts.

Protecting a spring that is not located on the property and the waterway management associated with it will be addressed by two plans which are required by the DPO - the Stormwater Management Plan (SMP) and Drainage Management Plan (DMP). These will inform the location and size of drainage reserves, retardation measures and discharge quality. Surface flow and any revegetation requirements will be investigated and addressed through subdivision design.

Key issue: APPROPRIATE ZONING

Summarising the main submission points:

- *Land to the west of Gibson Street between Higg and Worthy Streets should be zoned LDRZ in keeping with current zoning,*
- *Lot sizes along Gibson Street should be no less than 3,500sqm and 4,000sqm preferably,*

Rezoning the subject land LDRZ to make it consistent with the adjoining LDRZ land to the east is not supported. The topography and landform of the subject land make it ideally suited to GRZ1 residential subdivision (lots under 1,000m²) and its location closer to the town centre than most other greenfield development sites around Leongatha further supports application of the GRZ1 as an efficient use of the land.

It was submitted that only larger lots sizes (for example, 3,500/4000m² which are suited for LDRZ) be approved that could then be subdivided in the future

to allow a measured transition from farm land to a denser residential development. This is not supported because it is difficult to design a LDRZ type subdivision that allows for more intensive re-subdivision in to GRZ1. If this were to occur it would likely result in a disjointed subdivision pattern with a proliferation of 'battle-axe' lots and 'court bowl' streets with poor pedestrian connectivity.

Options

That Council request the Minister for Planning appoint an Independent Planning Panel to consider the submissions to Amendment C65. This will provide an assessment of the proposal's planning merits that can be considered by Council before making its final decision on the Amendment.

Or:

Council can choose to amend the Amendment provisions before referring to a Panel, or abandon the Amendment, which would result in the loss of an opportunity to expand the town and reduce competition in the housing supply market for Leongatha.

Proposal

That Council requests the Minister for Planning appoint an Independent Planning Panel to consider submissions to Planning Scheme Amendment C65.

FINANCIAL CONSIDERATIONS

The proponent will bear all costs related to the Panel.

RISKS

Referring submissions to a Panel proposes no foreseeable risk to Council. The Amendment proponent is a private development interest and carries the associated risks.

CONCLUSION

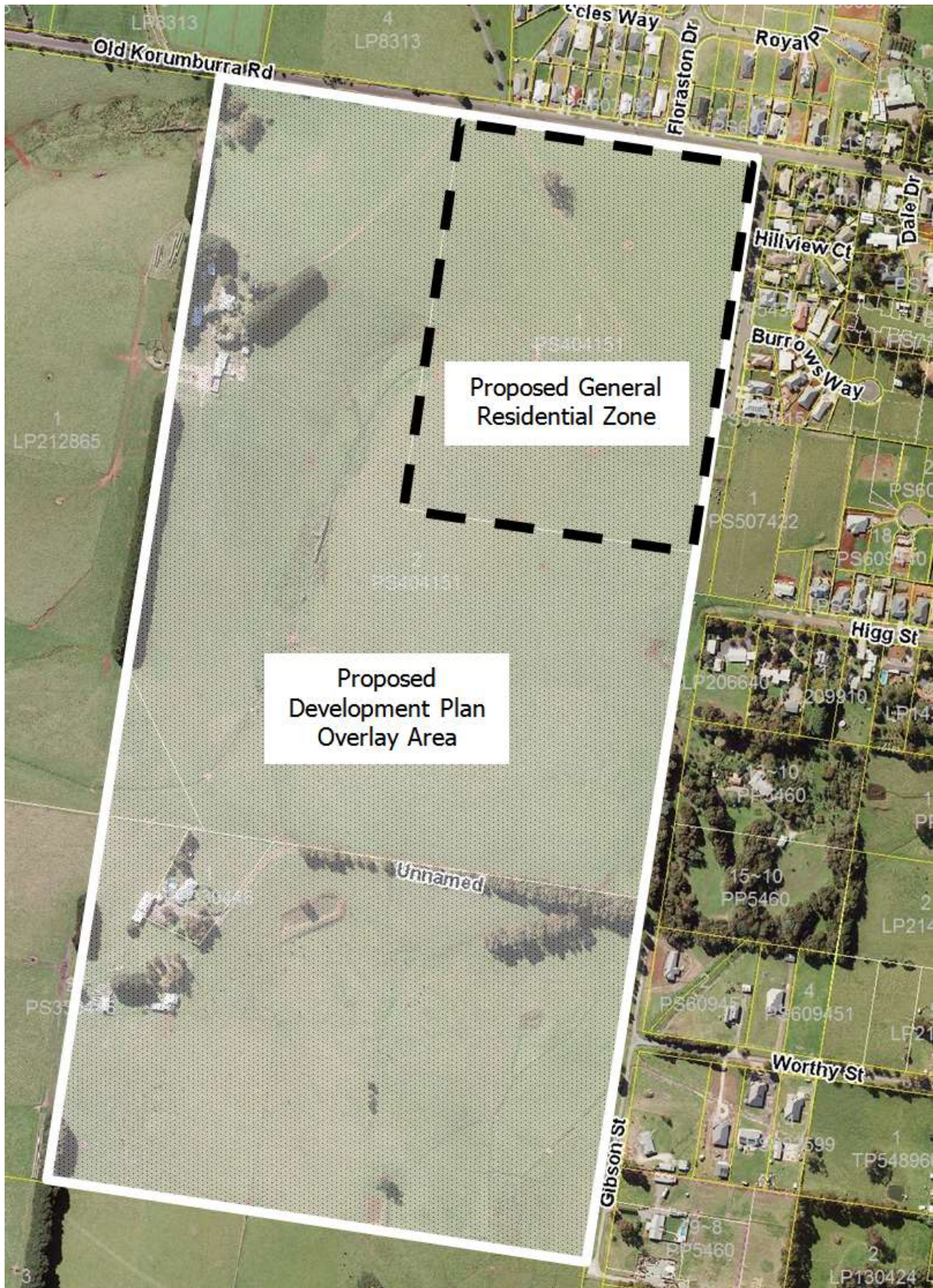
This proposal is an opportunity to increase the potential for residential development within Leongatha. Providing more space for expansion is in line with the stated strategic direction of Council.

The proposal should now be referred to a Panel for comment.

RECOMMENDATION

That Council request the Minister for Planning to appoint an Independent Planning Panel to consider submissions to South Gippsland Planning Scheme Amendment C65 which seeks to rezone land at 77 Gibson Street, Leongatha from Farming Zone to General Residential Zone and apply a Development Plan Overlay.

Attachment 1
Aerial Photo of Rezoning and Intended DPO Area



Attachment 2 Council Minutes and Resolution of 19 December 2012

When this Council Report was considered, the subject land was identified as '105 Old Korumburra Road' as the site under consideration extended further to the west at this time, which included this address.

South Gippsland Shire Council
Minutes

19 December 2012
Council Chambers, Leongatha

Councillor Hutchinson-Brooks left the room at 3.40pm with a declared conflict of interest by close association in Council Reports Item E.8 – LEONGATHA LAND SUPPLY AND DEVELOPMENT CONTRIBUTIONS as he has a commercial relationship with a relative of one of the proponents.

E.8 LEONGATHA LAND SUPPLY AND DEVELOPMENT CONTRIBUTIONS

Development Directorate

EXECUTIVE SUMMARY

This report is to seek authorisation to commence the preparation of Planning Scheme Amendments which propose:

- The rezoning of land in the Southern Leongatha Outline Development Plan (ODP) at 185 Simons Lane, and 168 South Gippsland Highway, Leongatha to a combination of Residential 1 Zone (R1Z) and bulky good uses with Development Plan Overlay (DPO).
- The rezoning of land at 105 Old Korumburra Road, Leongatha to Residential 1 Zone with Development Plan Overlay.
- Undertake negotiations with affected landowners to prepare a Section 173 Agreement or Development Contributions Plan (DCP) for development contributions to be agreed prior to approving any Planning Scheme Amendment (PSA).

Documents pertaining to this Council Report

Attachment 1: Southern Leongatha ODP Provisions

Attachment 2: Proposed rezoning areas

Attachment 3: Business 4 Zone provisions (Bass Coast Planning Scheme example)

Appendix 1: Standard Development Contributions Review

Appendix 2: Housing and Settlement Strategy - Draft Economic Report

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

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Planning and Environment Act 1987

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

South Gippsland Planning Scheme

COUNCIL PLAN

Strategic Goal:	3.0	A strong economy
Outcome:	3.3	Infrastructure
Strategy No:	3.3.2	Transport
	3.3.4	Land use planning

CONSULTATION

Council has engaged with landowners since 2008 to progress rezoning of properties in Leongatha South and West.

There has been consultation with the wider community associated with Planning Scheme Amendment C46 (Leongatha Structure Plan) which introduced an amended Structure Plan into the Planning Scheme and was gazetted on 29/7/2010.

Consultation with the wider community over these specific proposals will occur following a Council resolution to proceed with an amendment.

BACKGROUND

Each proposal will be discussed separately below. The map at Attachment 2 indicates the locations of the properties relative to Leongatha and each other.

Area A - 185 Simons Lane

The landowner seeks to rezone Farm Zone land to 4.5 ha of Business 4 (Bulky Good) Zone and the balance (39.5ha) to Residential 1 Zone with associated Development Plan Overlay. The landowner has sought to rezone this land for approximately 4 years.

Area B - 168 South Gippsland Highway

The landowner seeks to rezone Farm Zone land to 1.5 ha of Business 4 (Bulky Good) Zone and the balance (13.5ha) to Residential 1 Zone with associated Development Plan Overlay. The landowner has sought to rezone this land for approximately 4 years, however discussions with this landowner have been limited over the last year.

Area C - 105 Old Korumburra Road

The landowner seeks to rezone 39ha of FZ land to R1Z with associated Development Plan Overlay. The landowner has sought to rezone this land for approximately 4 years and the concept is supported for an area of R1Z land.

The length of time taken to prepare these amendments is due to the following:

- Time taken to identifying infrastructure requirements, particularly traffic and drainage;

- Negotiations over the amount of development contributions with developers;
- The requirement to finalise Planning Scheme Amendment C62 which rezoned approximately 7ha of Area A to Low Density Residential Zone prior to rezoning the balance of the land; and
- Proposed State Government amendments to the Business 4 zone provisions which could affect the viability of the existing Leongatha Central Business District

Council has also developed Amendment C76, Southern Leongatha Outline Development Plan, to assist in providing the strategic impetus for developing land to Leongatha's south, including an area for bulky goods retailing.

DISCUSSION

Since 2008, the landowners of Areas A, B and C have been eager to see their land rezoned and activity has been undertaken to progress these Planning Scheme Amendments as outlined above.

If the proposals proceed to amendment approval, the B4Z would be introduced into the South Gippsland Planning Scheme. Council can insert local provisions into the planning scheme to shape the type of B4Z developed, (The B4Z provisions contained in the neighbouring Bass Coast Planning Scheme are provided at Attachment 3 as an example.) It is possible that the State Government's Reformed Planning Zones Project may replace B4Z with Commercial 2 Zone (C2Z). If this occurs, the Southern Leongatha ODP suggests the creation of a Special Use Zone to achieve a 'bulky goods retail' development.

Many issues are yet to be fully resolved however progress has been made in particular with Area A and C. Additionally, Council has held the provision of bulky goods zoned land as a strategic need for Leongatha for some time. The majority of concerns are applicable to both proposals are discussed below.

Infrastructure Provision

Developers are required to pay for all on-site infrastructure that can be directly attributable to demand that will be generated by their developments. Where off-site infrastructure such as road upgrades, drainage or community assets associated with increasing demand are required, historically these have been negotiated or provided by Council.

Development contributions

Council has considered it appropriate that developers contribute to the provision of civil and community infrastructure including roads, drainage and community assets associated with rezoning.

As a result of a Council resolution in early 2005, Council has sought to recoup these costs by seeking \$5,000 per lot. However, this policy was not implemented into the Planning Scheme, has not been applied to any developments and was formally rescinded in 2011.

Developers have been advised that in the absence of a detailed Development Contributions Scheme, or formal agreement on contributions, Council will require consideration of these matters through a DPO or a section 173 Agreement before approving Development Plans. However when Council applied this approach to two recent Korumburra Planning Scheme Amendments (C52 and C66), the Panel was not supportive of this approach. Further, the Panel did not recommend approval of a DPO requirement or section 173 Agreement for Development Contributions.

It should be noted that recently work has been undertaken by the State Government for an 'off the shelf' Development Contribution Scheme. This work has identified an average Development Contribution Amount of approximately \$9,000 per lot (See Appendix 1). It is estimated that based on 700 to 1000 new dwellings in Leongatha, development contribution amounts ranging from \$3,500 to \$9,000 per lot would contribute \$2.5 million to \$9 million towards required infrastructure to service these new residents. It is estimated that infrastructure needs for Leongatha over the next twenty years will cost approximately \$20-25 million. If rezoning went ahead, failure to develop an appropriate mechanism for developers to contribute to infrastructure would mean that Council would be required to fund the entire infrastructure. The outcomes of the state government work will not be implemented in time to assist Council with processing the Southern Leongatha amendment requests.

Without the legal instruments to require development contributions, Council would need to rely on agreement by developers post-rezoning and Council could be challenged in Victorian Civil and Administrative Tribunal (VCAT); once again running a risk that no contributions will be collected.

The proponents of Areas A and C generally support contributions with their requirements being transparency and fairness between developments. No agreement has been reached between Council and the proponents suitable for signing as a Section 173 agreement.

Calculating Development Contributions

In order to calculate Development Contributions, Council needs to determine:

- The infrastructure required;
- The cost of the infrastructure;
- When the infrastructure would be required; and
- Who benefits (i.e. the nexus).

Determining Infrastructure required and costs

Council is currently undertaking the Leongatha Traffic and Drainage Study to determine what traffic and drainage infrastructure is required for the proposed development areas and what it will cost. This project will also determine when the infrastructure will be required. For instance the Simons Lane and South Gippsland intersection may not require a roundabout immediately, but will require traffic management when the area is fully developed. The outcome of this study will inform Development Contribution negotiations.

Determining Timing

Another critical issue associated with infrastructure and development contributions is the timing of when infrastructure is required and when Development Contributions will be made. Usually, Council would pay for infrastructure in the first instance and then recoup funds as development contributions are received. However, the longer that an area takes to develop, the longer it takes Council to recover costs which is compounded by the cost of financing the works up front. The larger the area rezoned, the longer it takes to recoup the costs of the infrastructure. Conversely, the larger the area that is identified as benefitting from the infrastructure the greater the number of the lots this amount is spread across.

Additionally, rezoning Areas A, B and C will mean that a greater 'liability' will be burdened to Council servicing the existing community and constructing new infrastructure before all development contributions are received.

Conversely, determining how much land to release for development can be problematic. Releasing too much land can have a negative effect on development by affecting return on investment ratios; and the laws of supply and demand also apply to releasing too little land; which may fail to attract targeted growth.

Who benefits from the infrastructure (nexus)

New developments often require upgrades to existing infrastructure; for example roads to cater for the increase in traffic. The method of calculating cost sharing often requires Council to contribute on the basis that the existing users will benefit from the additional infrastructure. This can be calculated as a portion of final costs; that is, 200 people use a road now and where a new development will add 800 more, Council's share may be 20%.

R1Z Land Supply and Demand (Appendix 2)

Between 2007 and 2011 Leongatha experienced an increase of 239 dwellings on R1Z land. This equates to an average of 48 dwellings per annum. It is estimated that approximately 5-10 of these new dwellings per year were infill or unit developments. This demand is anticipated to remain constant or to increase based on Council's growth projections. For the purposes of this report it will be assumed that new R1Z detached dwellings are 44 new dwellings per annum to allow for infill/townhouse developments.

The report "Indicative standard levies for local development contributions, May 2012" prepared by Urban Enterprise estimates there is approximately 391 vacant lots available as at October 2012. This equates to approximately 8.8yrs of R1Z land supply. State Planning Policy at Clause 11.02-1 requires Council to plan for at least a 15 year supply. It takes 12-18 months to rezone land from date of request. Given that it takes a further two years to prepare lots to point of sale after rezoning, it is apparent that Leongatha is experiencing a shortage of residential land.

The proposed rezoning will add an additional 700 to 1,000 new houses providing a further 16 to 23 years residential land supply.

The long timeframe to fully develop these areas has implications as planning policies and community expectations change. It is considered there is some scope to address this issue by having a review period within the Development Plan Overlays.

Area A - 185 Simons Lane - Rezone Farm Zone land to 4.5 ha of Business 4 (Bulky Goods) and the balance 39.5ha of Residential 1 Zone with associated Development Plan Overlay and Area B - 168 South Gippsland Highway - Rezone Farm Zone land to 1.5 ha of Business 4 (Bulky Goods) and the balance 13.5ha of Residential 1 Zone with associated Development Plan Overlay

Council has identified a need for a Bulky Goods precinct for a number of years particularly through the Leongatha Framework Plan and Amendment C76 Southern Leongatha Outline Development Plan. Council is working with the proponent to advance the B4Z.

Areas A and B will need to be rezoned concurrently to ensure that infrastructure is provided efficiently and development occurs in logical stages.

Area C - 105 Old Korumburra Road - Rezone 39ha of Farm Zone land to Residential 1 Zone with associated Development Plan Overlay

Council is working with the proponent to advance the R1Z, and a draft layout plan has already been developed. There are a number of technical issues to be resolved on the design of the development including pedestrian connections, drainage design and traffic issues associated with onsite and offsite works which are being worked through.

For all proponents a key outstanding issue is Development Contributions.

C76 Southern Leongatha Outline Development Plan - Panel Hearing

This amendment implements into new provisions at Clause 21.04-4 'Leongatha' titled 'Southern Leongatha Growth Area' into the Municipal Strategic Statement. The new provisions will guide the use and development of land for residential and commercial development over the next 20 years and beyond. The 'Leongatha Framework Plan' map is updated to improve its readability having regard to the issues identified in the new provisions. The

preferred future land uses in C76 support rezoning land at areas A, B and C. (See attachment 1), however C76 does not rezone any land or apply any new Planning Scheme overlays.

A Panel hearing was heard on 29 November 2012 to hear the issues associated with the amendment. These include Residential 1, Business 4 Zonings, highway frontage concerns, and the interrelationship between land parcels.

Other Issues

With the Leongatha Traffic and Drainage Study yet to be completed and the outcome of the Panel deliberations to be received and assessed by Council it may be considered premature to commence the rezoning of this land in the absence of these reports and direction. However, on balance Council will need to set policy in relation to land supply and developer contributions, so therefore it is recommended to commence these rezonings now.

PROPOSAL

It is proposed that Council commences the preparation and exhibition works associated with rezoning Areas A, B and C subject to entering into an 'in-principle' agreement with the Proponents on the provision of Development Contributions. This will be informed by Amendment C76 and the Leongatha Traffic and Drainage Study.

FINANCIAL CONSIDERATIONS

The proponents of the amendment will be required to meet the costs associated with the Amendments.

RISK FACTORS

There is a risk that by commencing rezoning Areas A, B and C prematurely, Council will be unable to obtain development contributions without a formal agreement or Development Contributions Overlay. This has the potential to leave Council facing funding pressures arising from the provision of traffic, drainage and community infrastructure.

The amendment proponents for the above areas are private development interests. The risk factors associated with the amendment are borne by the developer.

CONCLUSION

It is appropriate that Council authorises preparation and exhibition works associated with rezoning Areas A, B and C subject to entering into an 'in-principle' agreement with the Proponents on the provision of Development Contributions.

RECOMMENDATION

That Council:

1. Support the commencement of the rezoning process for 185 Simons Lane, 168 South Gippsland Highway and 105 Old Korumburra Road Leongatha in accordance with the Leongatha Framework Plan, the recommendations of the Panel Report for C76 Southern Leongatha Outline Development Plan and the Leongatha Traffic and Drainage study.
2. Note that when the required amendment documentation has been prepared, the Chief Executive Officer will exercise his delegation to request the Minister for Planning to authorise preparation of Planning Scheme Amendments to rezone 185 Simons Lane, 168 South Gippsland Highway and 105 Old Korumburra Road Leongatha.
3. Enter into negotiations with the rezoning proponents to obtain appropriate development contributions.

South Gippsland Shire Council
Minutes

19 December 2012
Council Chambers, Leongatha

MOVED: Cr Fawcett

SECONDED: Cr McEwen

THAT COUNCIL:

1. **SUPPORT THE COMMENCEMENT OF THE REZONING PROCESS FOR 185 SIMONS LANE AND 168 SOUTH GIPPSLAND HIGHWAY IN ACCORDANCE WITH THE LEONGATHA FRAMEWORK PLAN, THE RECOMMENDATIONS OF THE PANEL REPORT FOR C76 SOUTHERN LEONGATHA OUTLINE DEVELOPMENT PLAN AND THE LEONGATHA TRAFFIC AND DRAINAGE STUDY.**
2. **SUPPORT THE COMMENCEMENT OF THE REZONING PROCESS FOR 12HA OF LAND AT 105 OLD KORUMBURRA ROAD LEONGATHA (BEING LOT 1, PS404151C) FROM FARMING ZONE TO RESIDENTIAL 1 ZONE.**
3. **NOTE THAT WHEN THE REQUIRED AMENDMENT DOCUMENTATION HAS BEEN PREPARED, THE CHIEF EXECUTIVE OFFICER WILL EXERCISE HIS DELEGATION TO REQUEST THE MINISTER FOR PLANNING TO AUTHORISE PREPARATION OF PLANNING SCHEME AMENDMENTS TO REZONE 185 SIMONS LANE, 168 SOUTH GIPPSLAND HIGHWAY AND 105 OLD KORUMBURRA ROAD LEONGATHA.**
4. **ENTER INTO NEGOTIATIONS WITH THE REZONING PROPONENTS TO OBTAIN APPROPRIATE DEVELOPMENT CONTRIBUTIONS.**

CARRIED

For: Crs Fawcett, Newton, Davies, Kennedy, McEwen, Brunt and Hill.

Against: Cr Harding

• **Attachment 3**
Proposed Development Plan Overlay Schedule

SOUTH GIPPSLAND PLANNING SCHEME	
Proposed C65	<p>SCHEDULE 9 TO THE DEVELOPMENT PLAN OVERLAY</p> <p>Shown on the planning scheme map as DPO9</p> <p>WESTERN LEONGATHA RESIDENTIAL GROWTH AREA</p> <p>Situated along the western boundary of Leongatha's urban area, the DPO9 land represents a strategically significant residential development opportunity for the township. Its proximity to the town centre, size, landform and consolidated ownership suits urban residential growth over an extended period of time. The site offers expansive views that capture a 'rural sense of place' and an undulating landform with which a responsive subdivision design can use to achieve a development layout sympathetic to the landform.</p> <p>The DPO9 has been applied to the entire western 'Urban Expansion Area' identified in the Leongatha Framework Plan and will include (for an extended period of time) both urban and rural zoned land. The DPO9 will guide the integrated development of the entire area as land is rezoned in stages over time as demand requires.</p>
Proposed C65	<p>1.0 Requirement before a permit is granted</p> <p>A permit may be granted before a Development Plan has been prepared to the satisfaction of the Responsible Authority for:</p> <ul style="list-style-type: none">▪ The use and development of land for agriculture that does not prejudice the future residential use and development of land, or the residential amenity of surrounding areas.▪ A fence.▪ To remove, destroy or lop vegetation.▪ Minor drainage and/or earthworks.
Proposed C65	<p>2.0 Conditions and requirements for permits</p> <p>A planning permit application for the subdivision or development of the land in accordance with the approved Development Plan must include a town planning report prepared by a suitably qualified person demonstrating how the permit application addresses the requirement of the Planning Scheme and the approved Development Plan. The report must specifically demonstrate how the subdivision of land responds to and facilitates the integrated development of the entire DPO9 area.</p> <p>A planning permit for the residential subdivision of land must include the following permit conditions (unless specifically otherwise agreed to by the Responsible Authority):</p> <ul style="list-style-type: none">▪ Where subdivision creates lots adjoining <u>Shingler Street</u> (Old Korumburra Road) and Gibson Street, a condition requiring construction of a 2.5m wide shared pathway adjoining the land being subdivided.▪ Where the Development Plan identifies minimum lot size and boundary setback requirements on steep sloping land, a permit condition requiring the restrictions are registered on the lot titles to be created by the subdivision via covenant, Section 173 Agreement, restriction on a plan of subdivision or other mechanism as agreed to by the Responsible Authority.▪ An appropriate mechanism to identify and apportion development costs of land and services, payable by the developer/landowner commensurate with each stage of development, by way of Section 173 Agreement or alternative means agreed by the Responsible Authority.

SOUTH GIPPSLAND PLANNING SCHEME

- The provision of infrastructure, open space and landscaping maintenance periods in accordance with Council's Infrastructure Design Manual.

3.0 Requirements for development plan

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Development Plan Explanatory Note:

Proposed C65

The residential development of the land in DPO9 is anticipated to occur over an extended period of time. Accordingly, flexibility is beneficial for the timing of when highly specific Development Plan information is required to be provided. However to achieve integrated / coordinated development across the entire area it is important that a 'Whole of site Development Plan' be approved to establish key development principles before any smaller stage of the Development Plan is approved. This process will ensure that each stage has appropriate regard to the complete development of the DPO9 land.

'Whole of site Development Plan'

Before a Development Plan stage is approved, a 'Whole of site Development Plan' must be prepared by the developer and approved by the Responsible Authority. The Plan must consider all land in DPO9 and should be guided by Council's Infrastructure Design Manual 'Outline Development Plans' Objectives and Requirements. The Plan must be based on a site analysis and design response and provide / consider (at minimum):

- A Traffic Impact Assessment Report addressing the location of Connector Streets across the land, road intersections around the boundaries of the land, how the road network integrates and impacts the existing road network (details of road upgrading that may be required), the provision of road connectivity to the west and south of the DPO9 area, pedestrian / cycle connectivity, costings of off-site infrastructure upgrades.
- A Stormwater Management Plan (SMP) detailing the location / size of drainage reserves, drainage retardation and treatment systems with consideration to WSUD principles. The SMP must consider off site drainage impacts and/or infrastructure upgrades that may be required in a full development scenario and indicate at which stage the requirements are to be carried out.
- The location of active and passive open space addressing (at minimum) the Open Space provisions and requirements of the Planning Scheme and specifically identifying land the developer will provide as a flat 'active open space' area unencumbered by drainage requirements. The active open space reserve should be located on a connector street and have active frontage wherever possible. Details of the staging (timing) of all open space provision is required.
- Staging details of future land rezoning and / or subdivision stages within rezoned land.
- An assessment against the residential subdivision provisions of the Planning Scheme.
- The whole of the site Development Plan may be amended with the written consent of the Responsible Authority

The 'Whole of Site' Development Plan must be referred to the West Gippsland Catchment Management Authority, VicRoads, Department of Environment, Land, Water & Planning and any other relevant referral authority relating to the development as nominated by the responsible authority.

Development Plan

SOUTH GIPPSLAND PLANNING SCHEME

The Development Plan may, to the satisfaction of the responsible authority, be approved in stages. A Development Plan stage must not be approved until the 'Whole of site development plan' has been approved by the responsible authority.

The Development Plan for each stage must show/provide (unless set aside or varied by the Responsible Authority):

General Requirements

- A report demonstrating how the Development Plan stage addresses / responds to the provisions / requirements of the 'Whole of site development plan'.

Land use and subdivision layout

- Dwelling densities are to reflect the opportunities and constraints of the land. Lower densities should generally be provided on land with slopes greater than 10% and higher densities should generally be provided on flatter land and adjacent to open space.
- Where the pre development slope equals or exceeds 10%, larger lots should be created (increasing in size commensurate to the slope of the land). Within these lots building envelopes must be identified and sited to:
 - Minimise earthwork requirements for slab construction dwellings.
 - Avoid the requirement for earthwork retaining walls within 1.0m of a lot boundary.
 - Protect passive solar access to dwellings sited in cuts.
 - Provide additional front setbacks (not less than 7m) where the slope falls predominantly down the length of the lot.

Note: The lot size, building envelope and retaining wall restrictions will be made an ongoing restriction on the lot titles via the planning permit conditions for the subdivision of the land.

- Lots adjoining Shingler Street and Gibson Street must be oriented to front the road. Internally facing subdivisions will not be supported.
- Lots adjoining Gibson Street must be a minimum of 700m² to accord with the existing neighbourhood character.
- Street network designs must promote passive surveillance of the street network.

Drainage

- A Drainage Management Plan (DMP) addressing all internal and external catchments that may impact on the proposed development.
- The catchment area relevant to each stage is to be identified along with drainage outfall locations, new drainage works, detailed flow and flood levels for the 100-year 'Annual Recurrence Interval' (ARI) storm event as a result of development.
- How the subdivision of the land will cater for flooding and waterway enhancement works (including WSUD), including setbacks from waterways.
- How it is intended to deal with the existing waterways and flows that run through the land.

Geotechnical Report

SOUTH GIPPSLAND PLANNING SCHEME

- Where land exceeds a slope of 15% a geotechnical report must be prepared by an appropriately qualified person demonstrating the suitability of the land for development. The report must provide sufficient detail to ensure environmental, access and amenity issues are appropriately addressed. The report should determine whether building envelopes or other controls are likely to be required at the subdivision stage.

Infrastructure Services

- A comprehensive Traffic Impact Assessment Report identifying the pattern and location of the major arterial road network of the area including;
 - Existing roads
 - Effects to surrounding intersections that might be affected by the proposal
 - Proposed treatments to intersections affected by the development stage under consideration and how they integrate with future and existing road networks
 - The location and details of any required:
 - road widening
 - intersections
 - access points
 - pedestrian crossings or safe refuges
 - cycle lanes
- The main access road from Shingler Street should to the satisfaction of the responsible authority be constructed as Collector/Connector Street Level 1 along its entire length from Shingler Street to Worthy Street and the design agreed to in writing by the Responsible Authority.

All other subdivision roads must at a minimum be constructed to the specifications included in the Infrastructure Design Manual and agreed to in writing by the Responsible Authority.

- The pattern and location of the internal road system based on a safe and practical hierarchy of roads including safe pedestrian and bicycle connections and crossing points.
- An accessible and integrated network of walking and cycling routes allowing safe and convenient travel to future and existing developments, open spaces and integrated with the established residential area to the east.

Open Space and Landscaping

- The location of open space reserves and details of the provisions of infrastructure/buildings / works / equipment within open space reserves.
- Details of when open space reserves are to be provided within the staging of the development of the land. Timing of open space provision must accord with anticipated demand with key open space reserves provided by the early to mid-stages of the development of the ODP area and specifically not left to final stages.
- Public open spaces should, to the satisfaction of the Responsible Authority, be:
 - Designed to integrate with other reserves and public areas where possible
 - Designed to provide active frontages and opportunities for visual surveillance to promote safety of users.
 - Located on flatter land and capable of easy drainage.

SOUTH GIPPSLAND PLANNING SCHEME

- Located in areas not required for stormwater management nor should they contain a slope angle greater than 5%.
- A landscaping plan, prepared by a suitably qualified person, identifying all proposed native vegetation removal and new landscaping with particular regard to the interface with surrounding residential areas, open space and roads.
- The landscape plan must include canopy tree plantings within both the internal and external road network adjoining the development to soften the visual impact of new development when viewed from within and outside the development area.
- The landscape plan must provide a high level of detail where new development is adjoining Shingler Street and Gibson Street and new connector street.

Land Contamination

A limited desktop assessment must be undertaken by an appropriately qualified person of 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 as necessary. The investigation must consider, but not be limited to, agricultural chemical use and informal land dumping.

Development Contributions

It is the expectation of the Responsible Authority that a developer commitment to provide an appropriate level of developer contributions will be made in association with the residential rezoning and subdivision of land in the DPO9 area. The commitment to developer contributions should preferably occur as part of the rezoning process.

In recognition of the likely extended timelines of the development of the DPO9 land (and likely changes to the planning system across this timeframe in relation to how developer contributions are secured), each Development Plan stage must provide details of how each stage has addressed the provision of developer contributions commensurate to the additional demand on development and community infrastructure resulting from the subdivision of land.

Process and Outcomes

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

An implementation plan must be submitted as part of each Development Plan stage, indicating the proposed staging of subdivision land release within the Development Plan Stage and the development and timing of infrastructure provision.

Decision guidelines for development plan

Before deciding on a development plan, the Responsible Authority must be satisfied that the plan has regard to the following information:

- The National Heart Foundation of Australia (Victorian Division) 2012, Healthy by Design: a planners' guide to environments for active living®, National Heart Foundation of Australia (Victorian Division);
- South Gippsland Path and Trails Strategy 2010;
- South Gippsland Open Space Strategy 2007

E.3 PLANNING SCHEME AMENDMENT C108 - AGRICULTURAL SERVICES

Development Services Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

Council has received an application from the owners of 590 South Gippsland Highway, Leongatha South (on the boundary with Koonwarra), to rezone their 40ha property from Farming Zone to a Special Use Zone (SUZ - 'Agricultural Services '). The land is located immediately north of the Victorian Livestock Exchange Saleyards (saleyards) at Koonwarra. The rezoning is required to establish a new commercial precinct for agriculture service sector businesses which can benefit from co-location with similar uses, as well as the subject land's proximity to the saleyards, which is a regional hub for the livestock industry.

The SUZ provisions have been customised to assist in establishing uses with a direct relationship to commercial agriculture. This includes uses such as farm machinery sales and servicing, primary produce sales and agricultural trade supplies. All commercial uses will require a planning permit to establish in the zone. The SUZ does not allow uses that are more suitably located in a town commercial or industrial area. This will ensure that the SUZ does not weaken the retail primacy of the surrounding townships.

Document/s pertaining to this Council Report

- **Attachment 1** - Aerial Photo of Subject Land
- **Attachment 2** - Draft SUZ - 'Agricultural Services'
- **Attachment 3** - Draft Site Plan for Stage 1 & Whole of Site

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Planning and Environment Act 1987

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Leongatha Industrial Land Supply Study 2013

COUNCIL PLAN

Outcome:	1.0	A Prosperous Shire
Objective:	1.1	Work with the business community to support existing businesses, diversify employment opportunities and to attract new businesses.

Strategy: 1.1.3 We will actively encourage sustainable development and growth of agriculture, industry and commercial business.

CONSULTATION

The proponent has discussed the application with South Gippsland Water, VicRoads and the CFA.

The development opportunity is encouraged and supported by the 'Leongatha Industrial Land Supply Study 2013' (LILSS). This study was exhibited throughout the Shire focussing on Leongatha, Korumburra and Koonwarra. The study discussed the potential for development at this site for agriculturally related businesses.

REPORT

Background

The land is bordered by the South Gippsland Highway to the east, farming land to the north, Great Southern Rail Trail to the west and Hogans Road and an agricultural equipment enterprise ('Cervus Equipment' formerly 'Windmill Ag') to the south. The saleyards, established for over 25 years, is on the southern side of Hogans Road. There are no declared waterways on the subject land, although there is a dam located in the northern section of the lot. The land is gently undulating and slopes downwards towards the South Gippsland Highway (**Attachment 1**).

There are two Environmental Significance Overlays on the subject land; ESO5, 'Areas susceptible to Erosion' and ESO6, 'Areas susceptible to Flooding'. The recently exhibited Planning Scheme Amendment C81 (Land Subject to Inundation Overlay - LSIO) replaces the ESO6 with the LSIO. This overlay is outside of the proposed development area and does not affect the proposal.

Discussion

The establishment of the saleyards and agricultural equipment business provides an opportunity to more efficiently serve users by concentrating related businesses in one area. It is intended that the area will accommodate uses that service agricultural needs.

The LILSS found that while the site was unsuitable for industrial use, there was potential to support enterprises that do not rely on proximity to Leongatha, have low service demands and are related to activities at the saleyards.

The SUZ Intent

Putting similar businesses closely together can improve their overall performance. The proposed SUZ, 'Agricultural Services' (**Attachment 2**)

clearly defines what uses can be located on the subject land. An area with a specific focus creates an identity that can be used to easily distinguish this site from other commercial developments and help drive growth. The SUZ provides for supportive enterprises such as the supply, transport, maintenance and repairs to agricultural production machinery.

A specific agriculture service centre can relieve pressure within existing town industrial areas that offer a wider choice of products or services by creating redevelopment opportunities and allowing new enterprises to establish. .

Servicing Limitations

The Subject Land is not connected to reticulated sewer. Reticulated potable water is available however supply to the area is limited by pipe size and low water pressure. This implies that intensive uses could not be supported without significant investment. South Gippsland Water has advised that potable water supply pressure is low at Koonwarra, meaning that the CFA will likely require new developments to provide a minimum of 10,000 litres of water solely for firefighting purposes. Should further expansion be requested, the facilities controlling water supply will most likely need to be upgraded. The land is in the Tarwin River Potable Water Catchment, requiring wastewater to be contained on site unless connected to a reticulated system. A Land Capability Assessment has shown that there is sufficient land capacity to treat wastewater for limited first and second stages, including for a proposed service station. Initial development stages (**Attachment 3**) show the indicative lot layout with on-site treatment proposed. Later stages are to be connected to the Leongatha reticulated sewer system. Once constructed, this system will retrospectively connect the developments in Stages 1 and 2.

Proposed Uses

The first stage proposes creation of four lots, one is to accommodate a service station that can service multiple High Productivity Freight Vehicles (HPFV) and B-double trucks (**Attachment 3**). The facility includes 16 small vehicle filling points, convenience store and car, bus and overnight truck parking. It follows a standard design for modern service stations with the capacity for multiple large vehicles.

A truck orientated service station is a suitable use for the site as the closest purpose-designed truck refuelling facility is at Caldermeade, 60km to the west followed by Sale 130 km to the east. It would relieve the pressure in Leongatha, where outlets only provide facilities for one large vehicle at a time with no longer term parking capacity. This use relates the existing farming uses with freight vehicles that transport cattle and stock to the saleyards.

The agricultural industry continually seeks efficiencies by increasing milking herds and merging farms. This drives demand for supplies such as feed and fertiliser but also services like stock transport. Trucks servicing this market are getting bigger, larger HPFVs are becoming more common. This has driven a demand for larger and more accessible depots than can be economically provided in nearby towns.

Further development would assist in supporting growth for farm production and the saleyards. Proximity to related businesses, relatively flat land and sizeable lots will attract uses that can supply the professional agricultural market directly.

Options

Should Council choose to not to proceed with this amendment, the opportunity to provide land supply to an existing specialist market will not be realised. This site would provide a convenient retail and servicing offer to users of the adjacent saleyards.

If Council proceeds with the amendment, it will facilitate the development of the land for a specific commercial purpose, taking advantage of nearby existing activities.

Proposal

It is proposed that Council seek Authorisation from the Minister for Planning to exhibit the proposal to rezone this land to SUZ and appoint a planning panel to consider any objections that cannot be resolved.

FINANCIAL CONSIDERATIONS

The proponent will meet any costs associated with the rezoning of the land.

RISKS

There is a risk that the proposal could be considered as challenging the primacy of the town centres. The clear direction and restricted activities allowed by the SUZ will ensure that the uses do not compromise urban services.

CONCLUSION

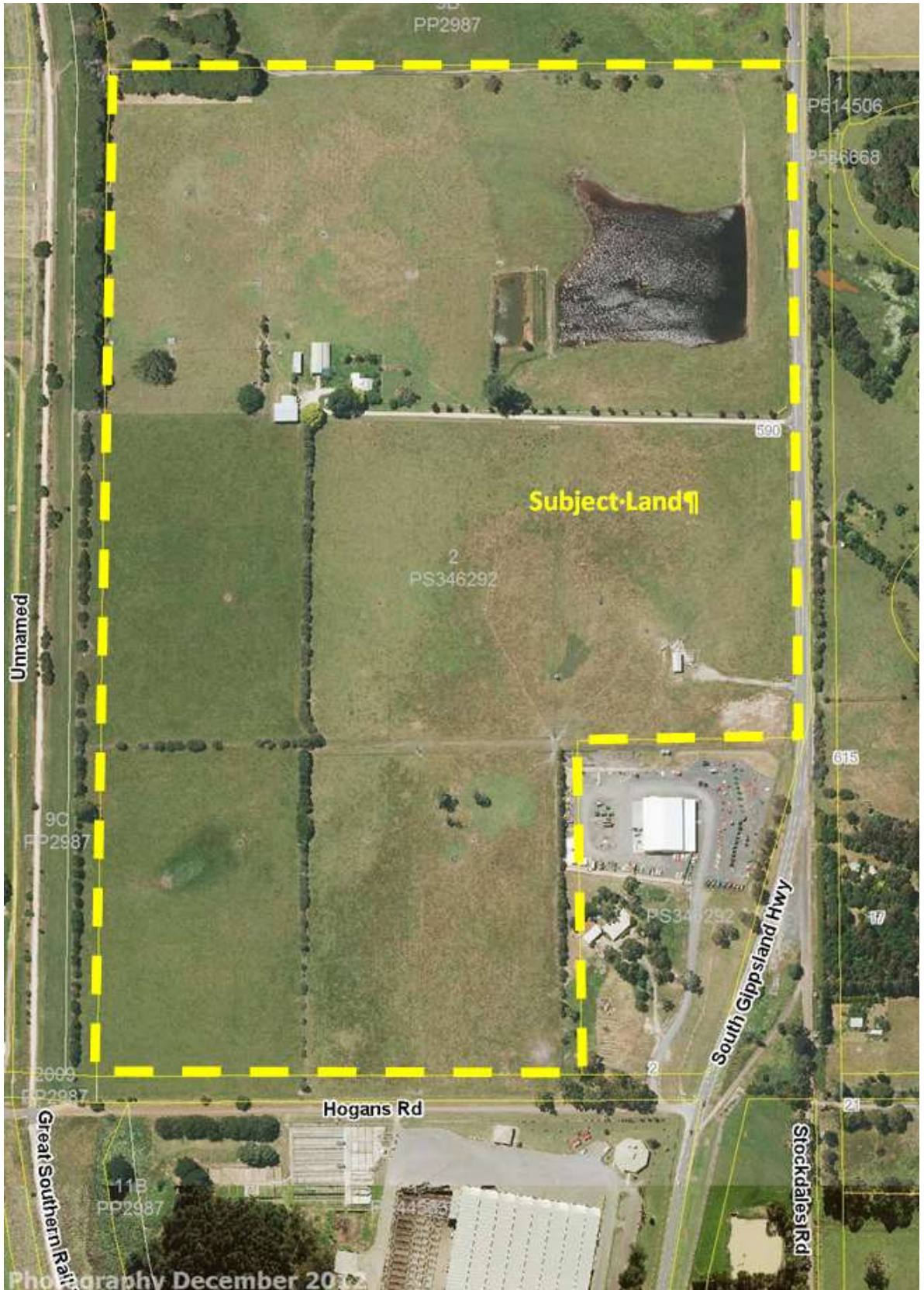
The opportunity to locate related enterprises close to each other can improve access for customers with farm related needs. The SUZ focusses uses that service farm production while restricting uses more suited to a town location. This proposal is an opportunity to build on activities which service an important market for South Gippsland.

RECOMMENDATION

That Council:

- 1. Seek Authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C108 to rezone 590 South Gippsland Highway (Lot 2, PS346292D) from Farming Zone to Special Use Zone "Agricultural Services".**
- 2. Request the Minister for Planning appoint an Independent Planning Panel to consider any objections that cannot be resolved.**

**Attachment 1
Aerial Photo of Subject Land**



**Attachment 2
 Draft SUZ - 'Agricultural Services'**

SOUTH GIPPSLAND PLANNING SCHEME

SCHEDULE 6 TO THE SPECIAL USE ZONE

Shown on the planning scheme map as **SUZ6**.

**DD/MM/201X
 C.JX
 Vers: 30/9/15**

AGRICULTURAL SERVICES

Situated adjoining the South Gippsland Highway and the regionally significant Koonwarra Saleyards, the Agricultural Services Zone provides an opportunity to establish a range of agriculture related land uses that are compatible with and can benefit from their location adjoining the Saleyards.

The subject land has characteristics which typically benefit the agricultural services sector including the ability to provide large lots with minimal slope, good highway exposure and the market benefits of colocation opportunities with similar uses. The Agricultural Services Zone provides the opportunity to establish Koonwarra as a key regional agricultural services centre providing long term growth potential not available in the surrounding townships. This potential was identified in the Leongatha Industrial Land Supply Study (2013).

The Agricultural Services Zone is to promote uses directly related to the agricultural services sector and strongly discourages the establishment of uses typically required to service urban communities which must continue to be located in established urban areas. The development of the land in relation to building design, site layout, storage areas, advertising signage and landscaping must appropriately respond to the high visual amenity of the locality and the land's prominent location on a highway tourist route.

Purpose

To only provide for agricultural services that complement and have a nexus with the region's saleyards facility including supply, transport, maintenance and repairs to enhance agricultural production.

To provide for activities within the zone that will not challenge the services and functions of nearby urban centres.

To facilitate development which is visually sympathetic to the rural landscape especially when viewed from the highway.

1.0

Table of uses

Section 1 - Permit not required

**DD/MM/201X
 C.JX**

Use	Condition
Agriculture (other than Animal keeping, Intensive animal husbandry, Rice growing and Timber production)	
Extensive animal husbandry	
Any use listed in clause 62.01	

SCHEDULE 6 TO THE SPECIAL USE ZONE Page 1 of 6

SOUTH GIPPSLAND PLANNING SCHEME

Section 2 - Permit required

Use	Condition
Cattle Feedlot	Must meet the requirements of Clause 52.26. The site must be located outside a catchment area listed in Appendix 2 of the Victorian Code for Cattle Feedlots – August 1995.
Convenience restaurant	Must be in conjunction with a Service station
Equestrian supplies	
Horse stables	
Primary produce sales	
Road freight terminal	
Rural Industry (other than sawmill, abattoir)	The use is to service or repair plant or equipment used in agriculture only.
Service station	
Store	Storage must be in conjunction with an agricultural production use
Take away food premises	Must be in conjunction with a Service station
Trade supplies	Must only be in conjunction with an agricultural production use
Utility installation	
Veterinary centre	

Section 3 – Prohibited

Use
Any use not in Section 1 or 2

2.0 Use of land

DD/MM/201X
CXX

Exemption from notice and review

An application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Application requirements

An application to use land must be accompanied by the following information, as appropriate:

- The purpose and/or processes to be used on the land and how they directly support agricultural production.
- How land that is not required for immediate use is to be maintained.
- Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
- Whether a notification under the Occupational Health and Safety (Major Hazard Facilities) Regulations 2000 is required, a licence under the Dangerous Goods Act 1985 is required, or a

SOUTH GIPPSLAND PLANNING SCHEME

fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2000 is exceeded.

- A comprehensive Traffic Impact Assessment prepared to the satisfaction of the Responsible Authority in consultation with the relevant road authority, that identifies the pattern and location of the major arterial road network of the area including existing roads and the location and details of any required:
 - road widening
 - access points
 - bus lanes and stops
- The details of any hours of operation.
- The likely effects, if any, on the neighbouring land uses, including:
 - Noise levels.
 - Air-borne emissions including odours.
 - Emissions to land or water.
 - Light spill or glare.

Decision guidelines

Before deciding on an application, the responsible authority must consider, as appropriate:

- The effect that a proposed use may have on nearby agricultural areas or uses which are sensitive to off-site effects having regard to any comments or directions of the referral authorities.
- The effect that nearby activities may have on the proposed use.
- Any effect to the service potential of nearby urbanised centres, including Koonwarra and Leongatha.
- The type and quantity of goods to be stored, processed or produced.
- The availability of and connection to services.
- The effect of traffic to be generated on roads and the opinion of the relevant road authority.
- The interim use of those parts of the land not required for the proposed use.

3.0 Subdivision

DD/MM/201X
CXX

Permit requirement

A permit is required to subdivide land.

Exemption from notice and review

An application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Application Requirements

The subdivision application must be prepared to the satisfaction of the Responsible Authority. An application to subdivide land must be accompanied by the following information, as appropriate;

SOUTH GIPPSLAND PLANNING SCHEME

- The efficient and orderly subdivision of land having regard to essential services (notably wastewater servicing), open space and roads.
- A Stormwater Management Plan addressing runoff collection and treatment within the lot boundary and incorporates the extent of retarding/detention infrastructure. Plans are to include;
 - Water sensitive urban design techniques which provides for the protection of natural systems,
 - Integration of stormwater treatment into the landscape,
 - Improved water quality; and,
 - Reduction and mitigation of run-off and peak flows, including consideration of downstream impacts.
- A Traffic Management Plan detailing vehicle, bicycle and pedestrian access points at the property boundaries, overall traffic flow, car parking, external traffic impacts, relevant treatments and any other pertinent information
- A street network that;
 - promotes connection with current and proposed networks,
 - supports building frontages which promote passive surveillance of the street network.
- A Site Plan drawn to scale showing:
 - The boundaries and dimensions of the site
 - The layout of existing and future buildings and works.
 - Proposed landscape areas, including screening and a description of the vegetation

Decision guidelines

Before deciding on an application, the responsible authority must consider, as appropriate:

- The potential uses of the proposed lots and their boundaries being of sufficient size and dimension to accommodate future users
- Any natural or cultural features on or near the land
- The logical and safe flow/movement of traffic
- Provision of pedestrian and bicycle access connecting to the existing network
- The ability of each lot created to manage wastewater.

4.0 Buildings and works

DD/MM/201X
CXX

Permit requirement

A permit is required to construct a building or construct or carry out works. This does not apply to:

- The installation of an automatic teller machine.
- A building or works which rearrange, alter or renew plant if the area or height of the plant is unaltered
- A rainwater tank with a capacity of more than 4500 litres if the following requirements are met:
 - The rainwater tank is not located within the building's setback from a street (other than a lane).
 - The rainwater tank is no higher than the existing building on the site.
 - The rainwater tank is not located in an area that is provided for car parking, loading, unloading or accessway.

SOUTH GIPPSLAND PLANNING SCHEME

Application requirements

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

A plan drawn to scale which shows:

- Building height no more than two storeys (ten metres), above natural ground level.
- The interface between proposed and existing adjacent land uses with the intent to reduce potential conflict between developments and improving connections with future infrastructure.
- The details of any outdoor storage or lighting
- Details of any proposed fencing in response to adjoining land uses.
- Driveways, parking areas, loading and unloading areas, external storage and screened waste storage areas.
- Vehicle manoeuvring and access ways within the site.
- Provision of pedestrian and bicycle access to the Rail Trail.
- A Construction Management Plan specifying how construction activity will be managed.
- Construction details of all drainage works, driveways and vehicle parking and loading areas.
- The location, type and design details of advertising signage.
- A detailed landscaping plan, identifying all proposed landscaping with particular regard to the interface with surrounding open spaces, roads and other neighbouring uses. The landscape plan must include canopy tree plantings (at maturity) to soften the visual impact of new development when viewed from within and outside the development area, especially adjoining and distant views to the site from the highway.

Decision guidelines

Before deciding on an application, the responsible authority must consider, as appropriate:

- Availability of and connection to reticulated services
- The impact of advertising signage (particularly illuminated signage) on the rural highway environment.
- The capability of the land to accommodate the proposed development where access to reticulated services is not available
- The movement of pedestrians, cyclists and vehicles
- Exterior design, active frontages, illumination of buildings and their immediate surrounds
- Landscaping of parking areas to provide amenity
- Landscaping to provide buffers between developments
- The interim management of land not immediately required for development
- Access for emergency services to access water supplies on site
- The responsibility for the maintenance of buildings, landscaping and paved areas
- Provision of pedestrian and bicycle access to the Rail Trail

Maintenance

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

SOUTH GIPPSLAND PLANNING SCHEME

5.0 Advertising signs

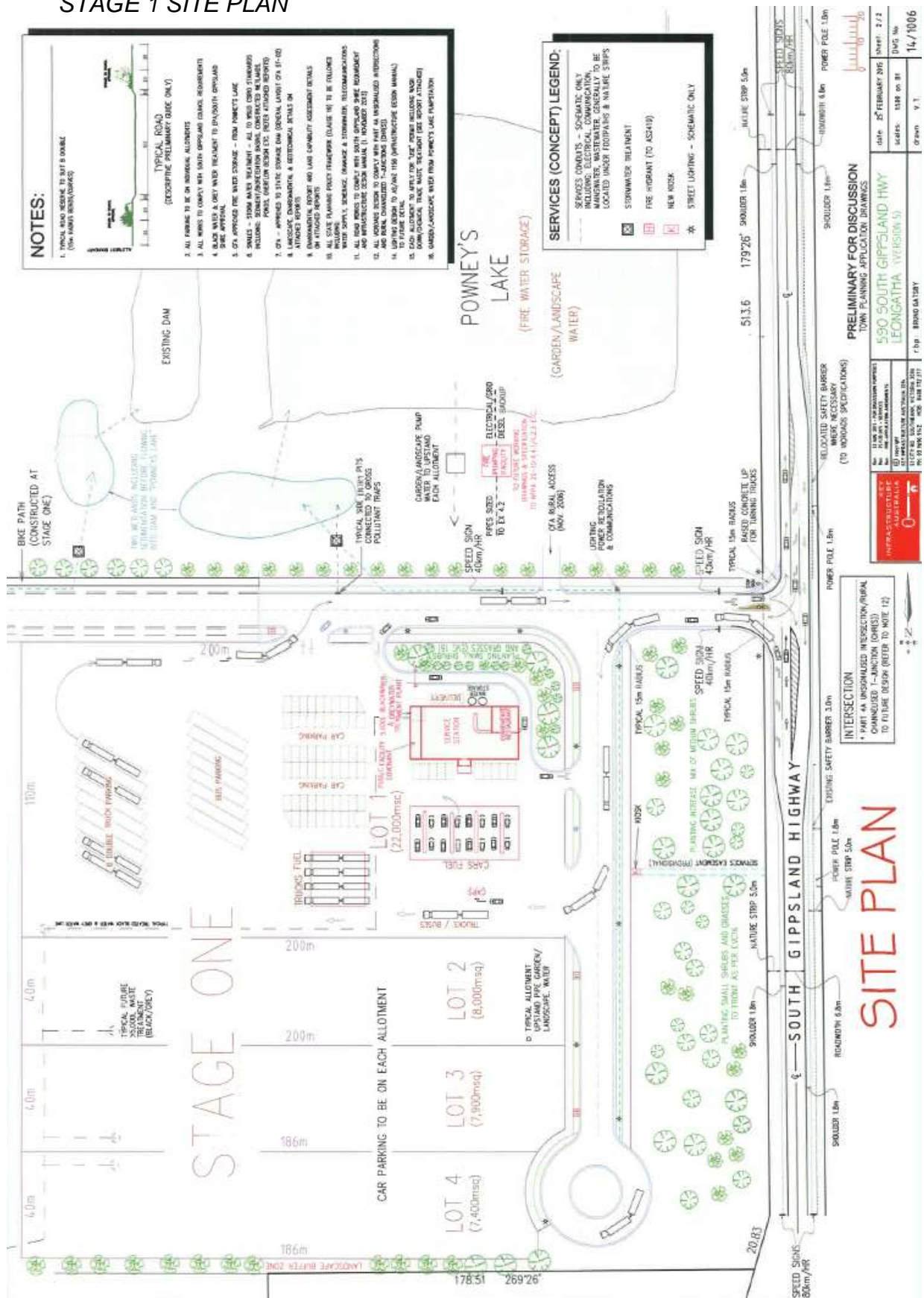
DD/MM/201X
CXX

Advertising sign requirements are at Clause 52.05. This zone is in Category 3.

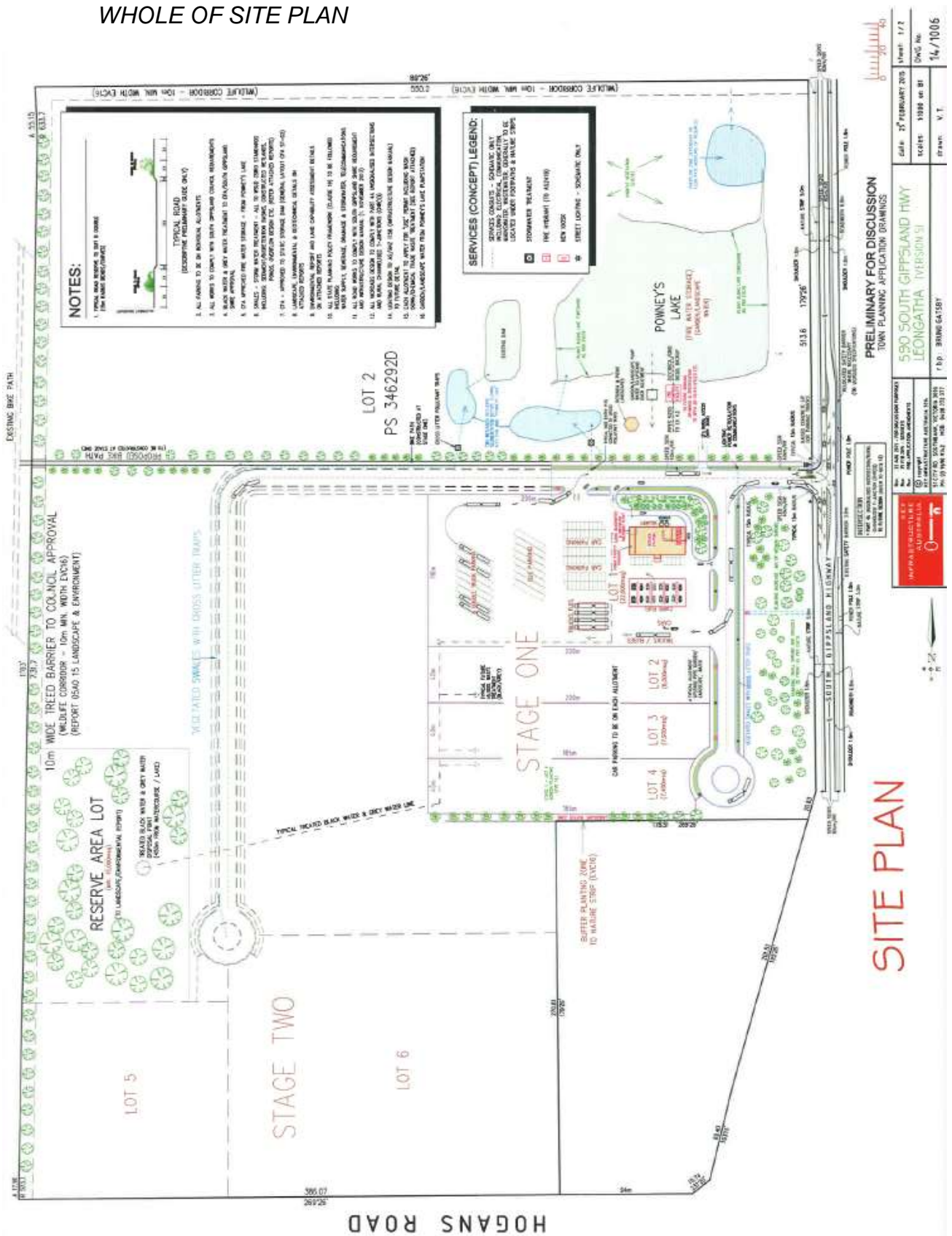
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**Attachment 3:
Draft Site Plan for Stage 1 & Whole of Site**

STAGE 1 SITE PLAN



WHOLE OF SITE PLAN



E.4 PLANNING SCHEME AMENDMENT C89 - WALKERVILLE VILLAGE

Development Services Directorate

STAFF DISCLOSURE OF INTEREST

Paul Stampton, Planning Manager declared a direct conflict of interest in Council Report - E.4 PLANNING SCHEME AMENDMENT C89 - WALKERVILLE VILLAGE. He has a conflicting duty in that he is a nearby landowner and member of the Walkerville Foreshore Committee who chose to comment to Council on the project.

Cavell Ferrier, Executive Assistant for the Director of Development Services declared a direct conflict of interest in Council Report - E.4 PLANNING SCHEME AMENDMENT C89 - WALKERVILLE VILLAGE, having a conflicting duty in that she is a landowner in Prom Views Estate.

EXECUTIVE SUMMARY

Council has received a request from the owners of 2075 Walkerville Road, Walkerville ('subject land') to rezone approximately 94ha from Farming Zone to Special Use Zone (SUZ). The rezoning would facilitate a low density style residential subdivision (88 lots) with a tourism-focused commercial development along the road frontage. The subject land adjoins the Promontory Views (Prom Views) residential subdivision, which falls outside the township boundary identified in a number of Council adopted planning policy documents.

Both State and local planning policy provisions discourage the expansion of established coastal settlement boundaries except where the expansion is supported by an adopted township planning document. There is no planning policy document supporting the expansion of Walkerville. Any proposal to expand the township boundary without policy support is contrary to the State Government's Victorian Coastal Strategy 2014, the State Planning Policy Framework, the coastal township policy provisions of the South Gippsland Planning Scheme and its township plans.

The amendment proponent (the owner) seeks to justify the expansion of the township boundary on the basis that the rezoning would provide a high quality integrated residential and tourism feature of regional significance. These expectations cannot be tested until the development is operational, however the potential benefits of such a proposal require balancing against the potential impacts on the social, environmental/landscape values and character of the area.

In addition to the absence of policy support, rezoning the land would provide a precedent that may encourage other ad hoc rezoning and development proposals along the coastline. A clear commitment to long established State and local planning policy provisions is made by not supporting the amendment request.

It is recommended that Council does not support the amendment request.

Document/s pertaining to this Council Report

- **Attachment 1** - Aerial photo identifying subject land
- **Attachment 2** - Council Report and Owner's Submission March 2007
- **Attachment 3** - Proposed Special Use Zone, "Walkerville Village Zone"
- **Appendix 1** - Walkerville Coastal Village Economic Benefits Assessment
- **Appendix 2** - Tourism Assessment, Walkerville Coastal Village Project Proposal - July 2014
- **Appendix 3** - Tourism Assessment Addendum, Walkerville Coastal Village - Sept 2014
- **Appendix 4** - Application August 2013
- **Appendix 5** - Application Addendum August 2014
- **Appendix 6** - Walkerville Village Working Notes June 2014
- **Appendix 7** - Proposed Walking and Cycling Paths May 2015
- **Appendix 8** - Traffic Engineering Assessment Report August 2015
- **Appendix 9** - Drainage management Plan March 2015
- **Appendix 10** - Concept Drainage Report Wastewater Services January 2015
- **Appendix 11** - Residential Lot Layout 88 Lots June 2013
- **Confidential Appendix 1** - Written Submissions Received

Copies of **Appendix 1-11** are available on Council's website:
www.southgippsland.vic.gov.au or by contacting 5662 9200.

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

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- The Victorian Coastal Strategy 2014
- The Gippsland Regional Growth Plan 2014
- South Gippsland Planning Scheme

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Economic Development and Tourism Strategy 2015-2020
- The Housing and Settlement Strategy 2013
- The South Gippsland Overall Settlement Plan 2007

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.
Strategy:	3.1.3	We will develop an integrated planning approach for our townships and villages, so that facilities are located in areas where they are most appropriate.

CONSULTATION

The amendment proponent has conducted several community meetings discussing the proposal. Council officers have attended two of these meetings as observers. Newspaper articles have been published in the Star and Sentinel Times discussing the proposal.

Should Council choose to proceed with the amendment request, public consultation will occur in accordance with the statutory requirements of the Planning and Environment Act 1987.

REPORT

Background

A request to rezone the subject land was submitted to Council in August 2013. Following discussions with officers, the proponent requested rezoning 94ha of Farming Zone land to a Special Use Zone (SUZ). The SUZ would allow development of separate residential and commercial precincts, however controlled through the SUZ provisions to ensure that one element of the proposal does not occur without the other. The precinct development areas are displayed in Figure 1 below. A labelled aerial photo of the subject land is displayed in **Attachment 1**.

The current proposal includes the provision of a reticulated wastewater treatment system servicing the new development with the capacity for Prom Views Estate to connect. At this stage it would be premature to seek formal comment from South Gippsland Water (SGW) regarding the viability of the proposal.

Council has previously considered a similar proposal as a submission to the 'Coastal Urban Design Frameworks' policy, adopted by Council on 7 March

2007. This policy provides a vision for the future form of coastal settlements and identified areas where growth may be encouraged within defined settlement boundaries. The owners submitted that the subject land was suitable for development subject to provision of reticulated sewerage (**Attachment 2**). The suggested change was not included in the adopted Coastal Urban Design Frameworks policy as the site lacks sufficient physical or social infrastructure that could foster long term growth and had no State or local planning policy support.

Discussion

The subject land is located immediately west of the Prom Views Estate and consists of 94.1ha from the total farm size of just over 400ha. The land is moderately undulating grazing land containing a small number of native vegetation windbreak plantings visible in **Attachment 1**. A declared waterway in the north-eastern corner extends from the northern to eastern boundary. The land adjoins a Council-owned stormwater collection point which is the large dam situated at the north east corner of the subject land - visible in **Attachment 1**. Walkerville is not serviced by either reticulated sewerage or water. The subject land has a 570 metre frontage to Walkerville Road which is a Council road.

In addition to the rezoning of the land, the proposal also changes the South Gippsland Planning Scheme policy wording in clause 21.14-14, "Small Towns", which would specifically identify Walkerville as a township suitable for expansion and commercial tourism development.

The land is affected by the Significant Landscape Overlay Schedule 2 (Cape Liptrap to Waratah Bay) (SLO2) and the Environmental Significance Overlay Schedule 3 (Coastal Areas) (ESO3). These overlays remain unchanged by the proposal.

The Proposed Walkerville Village Zone

The proposal removes the subject land from the Farming Zone and applies a SUZ, "Walkerville Village Zone" (**Attachment 3**). This zone will allow the subdivision and development of commercial uses on 8ha (maximum) of the southern area (Precinct A) and 88 dwelling lots on 87ha (maximum) on the northern section (Precinct B - see Figure 1).

The commercial area is to consist of a pizzeria/café, restaurant, cellar door sales, local produce/general store, cooking school, tourist information, accommodation booking centre and artist gallery. More commercial facilities are intended in later stages, as the residential precinct is developed. These include a Health and Recreation Centre with swimming pool, tennis courts and health spa.

The relationship of the commercial operations and residential uses are to be 'interdependent', in that they grow and support each other. The commercial centre is to grow with the residential precinct. Each stage of development must consist of a commercial use and no more than 20 residential lots. Only

when at least half of the 10 houses in the current stage are habitable, will further subdivision be permitted. The first stage is to include commercial tourism uses.

The SUZ has been prepared to recognise the proponent's desire to unite the elements of the proposal in an interdependent 'village'. If the houses are to be used for short term accommodation, then visitors can go for dinner, buy local produce, etc. The relationship between the uses needs to be reinforced as they develop, insuring against the possibility that if either the housing or commercial component fails, then the site does not become a single use development. Provisions in the SUZ seek to achieve this outcome by staging the development of the land with clearly defined trigger points at which time additional residential development stages can be released.

The SUZ requires a "Whole of Site Masterplan" be prepared by the proponent and approved by Council before the development can commence. In combination with the proponent's own design guidelines (proposed to form part of the contract of sale of residential lots) the Masterplan will guide the unified layout and design of the development. The owner has stated they will build a community centre/general store before any housing.

The 'Table of Uses' in the SUZ clearly sets out the uses that can establish in the 'Village Precinct A' Commercial Area. Most of the uses to be encouraged in the Precinct will require a planning permit. Uses that are considered unsuitable in the area are listed in Section 3, 'Prohibited uses' and cannot be applied for.

The proposed commercial activities will service tourists as well as residents. These include pizzeria/cafe, cellar door, local product store, 100 seat restaurant and accommodation booking facility.

The residential precinct is to provide 88 lots with a minimum lot size of 0.5ha. The houses are to be available at each owner's discretion, for short stay accommodation, managed by a central booking service.

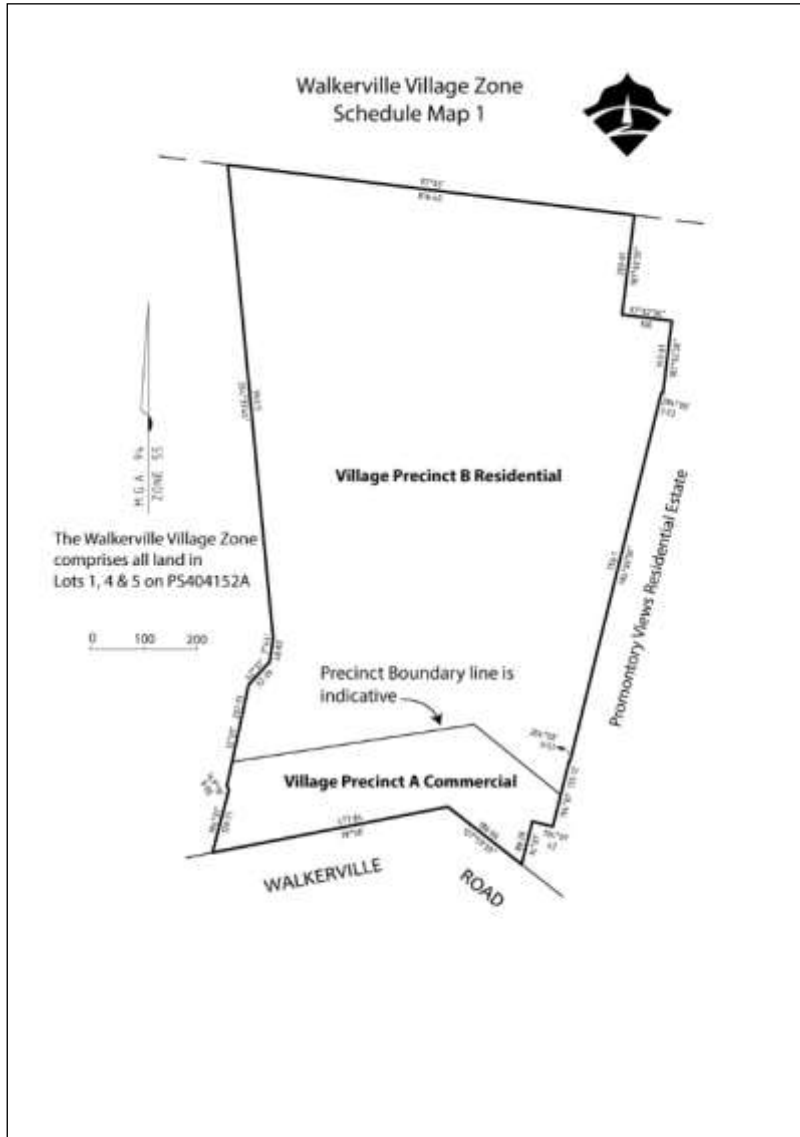


Figure 1: The proposed layout of the uses on the site comprising commercial use to the south and residential/tourism accommodation to the north

The Wastewater Treatment System

A reticulated Wastewater Treatment System (WTS) is proposed to service the subject land. The system will be constructed on the proponent's adjoining Farming Zone land and will be designed with settling lagoons, expansion capacity and other features of sufficient size allowing the potential for Prom Views Estate to connect to the system. While the potential for connection is proposed, it is too early for SGW to express a view on its long term options or preferences to connect the Prom Views Estate to a reticulated sewerage system.

Design and approval of the WTS will require EPA, SGW and Council approval and is not a straightforward process. Information submitted by the proponent demonstrates that development of the WTS is feasible however detailed negotiations will be required to clarify the management structure,

maintenance obligations, water use rights and various other requirements before the WTS can be constructed and developments on the land commence.

The requirement for the WTS is captured by the SUZ provisions which specifically require that any lot created on the subject land, or any new dwelling or commercial development, must be connected to a reticulated sewerage system. If the WTS is not developed no further development can occur on the land.

Policy

The subject land is outside the established Walkerville settlement boundary. The settlement boundary was put in place to protect local character, control unplanned township expansion and focus growth on areas where it can be supported. Walkerville and other small coastal towns do not have the social or physical infrastructure to support growth. The proposed development would alter the established and valued local character of Walkerville and intensify development in a manner not yet experienced in a coastal township in the Shire.

Protecting coastal townships from unplanned expansion is addressed in a number of State and local planning policy documents. The following is a brief summary of the key documents and how the subject proposal addresses policy requirements;

1. The Victorian Coastal Strategy 2014 (VCS)

The VCS establishes the overall framework for planning and management along the Victorian coast. All coastal planning related policy documents must respond to its directions. This includes Walkerville's growth strategy.

The VCS states that coastal population growth and township expansion is to be managed by maintaining defined settlement boundaries. Maintaining settlement boundaries protects the broader coastal character, focussing development in identified growth areas.

Walkerville's settlement boundaries have been investigated on two previous occasions and established in their current form after significant community and stakeholder consultation. The amendment proposal sits outside the defined settlement boundary as defined at a State policy level, therefore there is no strategic planning support for township growth as put forward in the amendment proposal. The absence of State policy support has the potential to present challenges for the amendment proposal should formal amendment authorisation be sought from the State Government, or if the proposal comes before an independent planning panel for consideration.

It is uncommon for site-specific urban land rezonings to be approved outside of township boundaries on the Victorian coastline and any approval of the proposed amendment would likely be considered a significant State precedent.

2. The South Gippsland Overall Settlement Plan 2007 (OSP)

The adopted OSP remains a relevant strategic planning document, providing direction for the Housing and Settlement Strategy (2013) (HSS). Chapter five of the OSP aligns Walkerville and Prom Views Estate with other coastal settlements, i.e. high building activity and fluctuating population cycles.

The relevant OSP recommendations for the region (including Walkerville) are:

- a. *Discourage further expansion in unsewered townships. If township expansion pressure exists, only allow expansion if it is in accordance with a Local Level Planning Document and the expansion will implement a township wide sewerage solution.*
- b. *Discourage expansion of smaller settlements located on the eastern side Waratah Bay, and adjoining Walkerville North and South and Promontory Views.*

The OSP does not support the proposed expansion of Walkerville. Although the amendment proposal includes a commitment to develop a wastewater treatment system (with a stated intention of providing the potential for Prom Views Estate connection) the challenges posed in developing and integrating the WTS with existing development does not set-aside concerns regarding non-policy supported township expansion.

3. The Housing and Settlement Strategy 2013 (HSS)

The HSS addresses specific towns, providing tailored growth objectives for each. Identified constraints in Walkerville include lack of reticulated water supply, sewer or gas and bushfire risk posed by coastal and Crown land vegetation.

The HSS is Council's most recently adopted township planning document and establishes the township boundary along the line of the established urban zoned land. This is the same boundary provided in the previously adopted township planning documents. Accordingly, the proposed amendment is contrary to the recommendations of the HSS.

4. Significant Landscape Overlay

Significant Landscape Overlay 2 (SLO2), 'Cape Liptrap to Waratah Bay' describes the character of the area including comments on town expansion. A stated landscape character objective to be achieved is;

To contain the expansion of the settlements of Walkerville and Walkerville South into the vegetated and undeveloped landscapes between and adjacent to the settlements.

This specifically opposes the development at the subject site, which is a significant space providing character to the region.

5. The Gippsland Regional Growth Plan 2014 (GRGP)

The GRGP provides guidance for township growth and development in Gippsland. Section 13.2 acknowledges that future development is to be influenced by the need to “protect highly valued environmental and cultural heritage assets”. The subject land is in the Significant Landscape Overlay. Protecting coastal land from ad hoc development is consistent with the GRGP. There is no policy support from the GRGP for this development.

6. South Gippsland Rural Land Use Strategy August 2011 (RLUS)

The RLUS (adopted 2012) involved considerable community consultation. It discourages the fragmentation and loss of productive rural land. As the proposal removes land from productive agriculture, the intent of the strategy is relevant.

The proponent has stated that the loss of agricultural land will be offset by the overall increase in production resulting from increased water supply from the wastewater treatment system. While some productivity benefit may be achieved by use of the WTS water, once land is lost to agriculture, it is typically never regained. The removal of land from agriculture should only occur where it is supported by a township planning document or the Rural Strategy. There is no planning policy support to remove the subject land from the Farming Zone.

7. State Planning Policy Framework

The State Planning Policy Framework (SPPF) responds to the VCS. The most relevant elements are the strategies in clause 11.05-5 'Coastal settlement';

Identify a clear settlement boundary around coastal settlements to ensure that growth in coastal areas is planned and coastal values protected. Where no settlement boundary is identified, the extent of a settlement is defined by the extent of existing urban zoned land and any land identified on a plan in the planning scheme for future urban settlement.

Direct residential and other urban development and infrastructure within defined settlement boundaries of existing settlements that are capable of accommodating growth.

Avoid linear urban sprawl along the coastal edge and ribbon development within rural landscapes and protect areas between settlements for non-urban use.

The existing township boundary and the limited capacity for further growth means that the subject proposal fails to accord with the most relevant coastal planning requirements in the SPPF. As noted above in relation the VCS, this is a significant impediment to the likelihood for success for the proposed amendment.

8. Local Planning Policy Framework

The Local Planning Policy Framework (LPPF Clause 21.15 'Small Towns') provides the policy direction to;

“Maintain Walkerville, Walkerville North and the Promontory Views Estate as principally unserviced holiday destinations.”

Further in the same clause, the economy provisions discourage;

“any further commercial development in the Walkerville, Walkerville North and Promontory Views Estate area apart from non-retail commercial facilities which are aimed at the tourist market and which could be readily confined to a house or residential property.”

As noted above, the proposed development represents a significant expansion and intensification of development in Walkerville and is contrary to the policy provisions of the LPPF.

9. Economic Development and Tourism Strategy 2015-2020 (EDTS)

The EDTS identifies the value of tourism to the South Gippsland Economy. It also notes the shortage of non-natural attractions and high quality accommodation venues.

The proposed development includes tourism opportunities and community facilities. If the development is successful it would provide a tourism boost to the Shire.

The proponent has considered the contribution this proposal can make to the tourism industry in the submitted tourism assessment, 'Walkerville Coastal Village Project Proposal', (**Appendix 2**).

The potential for success relies on the commercial viability of the proposal. Tourism based proposals with similar characteristics (e.g. Prom Gate Yanakie Special Use Zone) are yet to make the economic contributions anticipated at the time of rezoning. Market forces are difficult to judge when land is rezoned however recent proposals demonstrate the difficulty of establishing and sustaining commercial tourism ventures in markets distant from Melbourne. These challenges are increased when the tourism market is heavily 'season dependent', with coastal populations fluctuating between winter and summer.

The submitted Economics Benefits Assessment (1 May 2015 - **Appendix 1**) supporting the proposal does not state how demand is to be generated to justify opening commercial operations year-round.

The proponent has prepared figures addressing the estimated economic benefits of the completed project. These are not a market assessment or cost benefit analysis. Without the analysis of market generation, the question remains whether the numbers included can be delivered. The proposal is estimated to generate between 9,500 and 11,400 visitor nights per year, \$52

million of private investment in the short term accommodation sector, 25 construction jobs each year for ten years and ongoing 60 to 190 full time jobs. This is considered to represent a best case scenario.

Community Interest

The proponent has spent considerable time consulting with the local residents. Community interest in the proposal is high, with local opinions both for and against. Newspaper articles have helped to raise the profile of this application. Council officers have responded to regular phone enquiries, front-desk enquiries and have received written submissions.

Developer Contributions

Should this proposal proceed, there will be a requirement to upgrade or install supportive community infrastructure in Walkerville resulting from the increased residential population. The developer has agreed in principle to the agreement for contributions to be provided to Council on a 'per residential lot' basis in a manner similar to other agreements recently entered into by Council. The amounts will be set and allocated to relevant works by way of a Section 173 agreement. Prior to seeking Authorisation from the Minister for Planning this agreement should be registered on title.

If Council was to support the rezoning of approximately 94ha of land from Farming Zone to Special Use Zone (SUZ)

Should the request be supported by Council, authorisation from the Minister for Planning would be sought to exhibit the amendment. The Minister will assess the application for consistency with relevant planning policies before determining if authorisation is given to proceed.

If authorisation to proceed was granted, exhibition would commence which would include advertising the proposal publicly and seeking feedback from the community. Any objection which cannot be resolved would require Council to request the appointment of an Independent Planning Panel (the Panel) by the Minister for Planning to consider submissions.

The Panel would consider the submissions, the proposal's strategic planning merits and make a recommendation to Council. The decision for Council would then be to adopt or abandon the amendment. There are no appeal rights in case of abandonment. If Council decided to adopt the amendment, the Minister for Planning must then approve the amendment before the land is rezoned. The change in zone would allow the detailed Masterplan to be prepared, which must be approved by Council prior to any development occurring on the subject land.

Options

- a. That Council not support the amendment request. It is to be noted that there are no formal appeal rights to such a refusal.

- b. That Council support the amendment request, and;
 - i. Establishes a developer contributions agreement satisfactory to Council to assist in the provision of infrastructure upgrades required to support the proposed development. This is to be through a Section 173 agreement or similar.
 - ii. Following the registration of the developer contributions agreement on the land title, Council seek authorisation from the Minister for Planning to exhibit the amendment.

Proposal

That Council does not support the amendment request on the basis that it lacks planning policy support, challenges growth strategies for the Shire and could reduce resource allocation to supported long term development in identified growth areas.

FINANCIAL CONSIDERATIONS

By not supporting the amendment request Council is forgoing the potential increase in rateable properties as identified in the Economic Analysis.

The Economic Analysis submitted with the proposal does identify significant private investment in South Gippsland's short term accommodation sector and associated jobs within the construction and accommodation markets. The estimated returns are based on the construction period (10 years).

RISKS

Choosing to consider this amendment request will set a precedent for Council to consider other rezoning requests that lack sufficient strategic justification. Decision making in the absence of policy support can encourage more proposals of a similar nature to be received and, if approved, can weaken Council's ability to control its preferred strategic direction in terms of how land is used and developed.

CONCLUSION

Council welcomes tourism and has a stated priority to promote its growth in South Gippsland and along the coastline. However, growth should be established in areas which are supported by both State and local land use planning policies. The State's leading coastal township planning document, the Victorian Coastal Strategy strongly discourages the expansion of township boundaries in the absence of planning policy support.

The commercial elements of the proposed development have the potential to provide tourism and broader economic benefits to the Shire however, except where State significance is evident, it is difficult to justify setting aside State and local policy for a proposal which is primarily a residential development.

The policy obstacles presented by this proposal are significant and in the absence of an adopted Walkerville Township Plan supporting the proposal, which is adopted and in the Planning Scheme, it is difficult to see the proposed amendment being supported through the various stages of the amendment assessment process (including Panel review) and approved in the South Gippsland Planning Scheme.

RECOMMENDATION

That Council does not seek Authorisation from the Minister for Planning to prepare the Planning Scheme Amendment C89 request to rezone 2075 Walkerville Road, Walkerville to the Special Use Zone “Walkerville Village Zone”.

Attachment 1
Aerial photo identifying subject land



**Attachment 2
Council Report and Owners Submission March 2007**

**SOUTH GIPPSLAND SHIRE COUNCIL URBAN DESIGN FRAMEWORKS –
AREAS BETWEEN SETTLEMENTS PAPER**

Author: Chris Wightman

Manager: Johann Rajaratnam

This matter was previously considered at the Ordinary Meeting held on 21 February 2007 when it was resolved:

'That Council defer item C.7 to the next Ordinary Council Meeting to enable existing material to be considered by Council.'

The previous report is resubmitted for Councils consideration.

In addition, at the Meeting of 21 February 2007 a presentation was made by Andrew West of Beveridge Williams relating to land at Promontory Views Estate, Walkerville. A copy of the submission on this matter forms **Attachment 1**.

The material (as referenced in the attachment) was fully considered by the Project Control Group as part of the consultation process. In the context of State-wide policy relating to development in coastal areas and the specific circumstances of the Promontory Views Estate township (lack of physical and social infrastructure) it was not considered appropriate to amend the Between Settlements Paper to reflect potential expansion of the Estate.

Officers are of the view that the approach contained in the original recommendation should be adopted by Council.

PURPOSE/INTRODUCTION

The purpose of the report is to present to Council the South Gippsland Shire Council Urban Design Frameworks (UDF) Areas Between Settlements Paper for consideration and adoption. The UDF's will provide a vision for the future form and function of these areas and give greater certainty to the community and other key stakeholders about what development is possible and appropriate.

RECOMMENDATION

That Council adopts the South Gippsland Shire Council Urban Design Frameworks Areas Between Settlements Paper as a key policy document as part of the Planning Scheme.

DISCUSSION

In May 2005, the Victorian Government released the *Coastal Spaces Inception Report*, which identified a set of emerging issues to be addressed as part of the Coastal Spaces Initiative. Amongst the key issues was a requirement for individual settlement planning to determine the preferred and sustainable extent of a settlement to accommodate future growth and development opportunities.

In response to the need for individual settlement planning, the Department of Sustainability and Environment (DSE) and South Gippsland Shire Council appointed consultants Connell Wagner to undertake Urban Design Frameworks for the townships of Waratah Bay, Sandy Point, Venus Bay, Tarwin Lower and an 'Areas Between Settlements Paper'.

The Areas Between Settlements Paper has been developed through a combination of research, site inspections, community consultation and input from Government agencies and Council. The project has been undertaken by the project consultant Connell Wagner, with guidance from a Project Control Group made up of representatives from DSE, Council and the Gippsland Coastal Board.

The 'Areas In Between Settlements' Report addresses:

- The broad issues surrounding development in between coastal towns;
- A description of the 'areas in between settlements' in the study area;
- Policy and planning controls that apply to these areas;
- Broad planning principles recommended for application to these areas;
- A description of the hotspots in the region outside of towns where development is proposed; and
- Broad actions in areas in between coastal towns in South Gippsland that support and encourage passive enjoyment of the coast.

A copy of the Areas Between Settlements Paper has been circulated to Councillors, made available to the public for 2 weeks prior to the Council meeting and placed on Council's website (due to the document being too large to append to this report, a copy will also be tabled at the meeting). The Areas Between Settlements Paper provides a detailed commentary of the matters pertaining to policy background and recommended planning principles for development opportunities in areas between settlements. The Project Control Group are satisfied with the content and recommendations expressed in the report. The Planning Department therefore present the Areas Between Settlements Paper for adoption and utilisation as a key tool in the decision making process for strategic and statutory planning matters.

CONSULTATION

The consultation process with regard to the UDF documents commenced in January 2005 when 3 community workshops were held in relation to all townships forming part of the wider UDF project and the areas between settlements.

Following collation of information in relation to all project townships, the project consultant produced draft UDF documents that were subsequently released for formal exhibition between January and March 2006. A number of responses were received in relation to the draft Areas Between Settlements Paper. These submissions were given detailed consideration by the Project Control Group and, where appropriate, changes were made to the UDF document. A summary of submissions in relation to the draft Areas Between Settlements Paper and responses to the submissions are incorporated at Appendix D of the Areas Between Settlements Paper.

The project consultant made relevant changes with regard to the recommendations of the Project Control Group. The amended Areas Between Settlements Paper has been made available for inspection for 2 weeks prior to the Council meeting to allow interested parties opportunity to review the changes made. The interested parties are satisfied with the final document.

IMPLEMENTATION

The Areas Between Settlements Paper is now presented to Council for adoption. If adopted the document will form a key decision making tool in the assessment of issues relating to strategic and statutory planning matters.

CONCLUSION

It is acknowledged that Coastal municipalities within Victoria are experiencing rapid population growth, particularly those located within 150km of metropolitan Melbourne. As a result there is significant pressure on existing coastal townships to expand and for areas between coastal settlements to accommodate lifestyle properties in order to facilitate this population growth.

The Areas Between Settlements Paper will provide a policy framework to assist in the determination of where development opportunities may be appropriate.

ATTACHMENT 1

BEVERIDGE WILLIAMS

OUR REFERENCE P3189
RETURN OFFICE MELBOURNE

19 February 2006

The Mayor & Councillors
South Gippsland Shire Council
9 Smith St
Leongatha Vic 3953

Dear Mayor & Councillors,

**RE: SOUTH GIPPSLAND SHIRE COUNCIL URBAN DESIGN
FRAMEWORKS – AREAS BETWEEN SETTLEMENTS PAPER**

We refer to the above matter in which we act for Ansevata Nominees Pty Ltd. Our client owns a grazing property known as 'Marapana', which adjoins the Promontory View Estate. The Estate is bordered by the Walkerville / Fish Creek Road on its east, Loop Road on the south and "Marapana" on its west while the northern end adjoins a small block of land and a Retarding Basin.

The Promontory Views Estate was subdivided in the 1950's into conventional sized allotments without sewer. The Estate has only been partially developed and the lots have insufficient area to allow the disposal of waste water in accordance with current EPA guidelines.

We have prepared two submissions on behalf of our client in relation to the 'Areas Between Settlements Paper'. The basis of these submissions was that an extension of the Promontory Views Estate is appropriate as it has the potential to enable reticulated sewerage to be connected to the site and surrounding area. Any expansion of the Estate would involve the development of a master plan and has the potential to accommodate the treatment of sewer from the existing subdivision subject to a cost sharing arrangement with the responsible authority. It is our view that this would be an appropriate outcome for Promontory Views and would provide a sewered residential subdivision to accommodate future demand in the region.

Despite these submissions the 'Areas Between Settlements Paper' discourages the future expansion of Promontory Views on the basis that it is contrary to Councils 'Overall Settlement Plan'. It is understood that this document discourages the expansion of Promontory Views Estate because there is a lack of physical (e.g. reticulated sewerage) and social infrastructure. Our client proposes a solution to the issue of physical infrastructure to the existing and future subdivision of the area. In our view the exclusion of the expansion of Promontory Views Estate on this basis is unjustified as it overlooks our client's proposal to provide land which could accommodate the treatment of sewerage in the area.

The issue surrounding the rezoning/ development of land adjacent to Promontory Views Estate arose following our clients attendance at a Council

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meeting on the 7th of July 2004 at which the issue of septic systems and new guidelines for un-sewered blocks was discussed. A subsequent meeting was then held on site with the then CEO of South Gippsland – Joseph Cullen and council planners. Our client was advised that it may be an appropriate solution to incorporate a sewerage system into a master plan for the proposed rezoning/development of the land adjoining Promontory Views Estate. Whilst we acknowledge that there can be no guarantees from such meetings it is important to note that the idea of expanding Promontory Views arose out of discussions with Council regarding the need to provide sewer to the area.

The South Gippsland Shire has 28 un-sewered townships. The South Gippsland Domestic Waste Water Management Plan lists Promontory Views as number 9 on the list of priorities which should be provided with sewer.

With respect to social infrastructure, we note that any extension to Promontory Views would involve the development of a Master Plan which could incorporate parks and recreation facilities and other services as required by Council. Our client has been contacted by Council in the past to discuss the possible purchase of land for tennis courts and BBQ facilities. A master plan that would be done as part of the development submission would incorporate such aspects and try and provide solutions for the planning oversights of the past, such as walking tracks and better access and less visual impact than is currently the case.

Council would also be aware that a large portion of the population in the area is made up of holiday makers who's focus is primarily on the beach. Subsequently the demand for social infrastructure is likely to be lower than in other areas.

In summary it is our view that the reasons provided for discouraging the development of land adjacent to Promontory Views Estate in the 'Areas Between Settlements Paper' can be dealt with and should not prevent the inclusion of the land as an area for future development. The extension of Promontory Views Estate provides an opportunity to deal with the environmental issues affecting the land as well as providing additional land to accommodate the future growth of the Walkerville/ Promontory Views area. We are requesting that the Council consider amending the 'Areas Between Settlements Paper' to allow the future expansion of Promontory Views subject to the development of a reticulated sewerage system.

Should you have any queries regarding please don't hesitate to contact the undersigned.

Yours Sincerely



Andrew West
Senior Town Planner

Attachment 3 Proposed Special Use Zone, "Walkerville Village Zone"

SOUTH GIPPSLAND PLANNING SCHEME											
<p style="font-size: x-small;">--/20-- C--</p>	<p>SCHEDULE 7 TO THE SPECIAL USE ZONE</p> <p>Shown on the planning scheme map as SUZ7.</p> <p>WALKERVILLE VILLAGE ZONE</p> <p>Situated adjoining Walkerville Road and Promontory Views Estate, the Walkerville Village Zone comprises approximately 80 hectares of proposed residential land use with 10 hectares of proposed commercial land use. The Zone provides the opportunity for a coastal lifestyle supported by commercial activity. The site has coastal and rural views that a sensitive residential development can use to deliver a unique lifestyle opportunity. The commercial land can service the surrounding residential areas and the tourist market.</p> <p>The Walkerville Village Zone provides the opportunity to establish Walkerville as a key coastal tourism service centre. The provision of high quality services will foster the expansion of coastal tourism along the South Gippsland coastline. The development of the land in relation to building design, site layout, infrastructure placement and landscaping must appropriately respond to the high visual amenity of the locality and proximity to existing residential uses.</p> <p>The Walkerville Village Zone will be established as an integrated residential and commercial tourism enterprise, developed in stages in accordance with an approved Whole of Site Master Plan demonstrating the nexus between residential land release and the commercial development of the land. Balancing the establishment of land uses will be central to capturing the vision for the land as a unique, regionally significant tourism feature.</p> <p>Purpose</p> <p>To create an integrated residential and commercial tourism feature of regional significance catering to domestic and international tourists.</p> <p>To provide for the staged subdivision of residential lots in coordination with the establishment of commercial tourism related uses on the land.</p> <p>To ensure that the use and development of the land is sympathetic to the coastal landscape and neighbouring land uses.</p> <p>To provide improved community infrastructure for existing and new residents.</p> <p>1.0 Table of uses</p> <p style="font-size: x-small;">--/20-- C08</p> <p>Section 1 - Permit not required</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%; text-align: left;">Use</th> <th style="width: 50%; text-align: left;">Condition</th> </tr> </thead> <tbody> <tr> <td>Agriculture (other than Animal keeping, Intensive animal husbandry, Rice growing and Timber production)</td> <td></td> </tr> <tr> <td>Dwelling (other than Bed and breakfast)</td> <td>Must be within the Village Precinct B identified at Schedule Map 1.</td> </tr> <tr> <td>Minor Sports and Recreation Facility (other than Indoor recreation facility, Outdoor recreation facility, Restricted recreation facility)</td> <td>Must be within the Village Precinct A identified at Schedule Map 1.</td> </tr> <tr> <td>Minor utility installation</td> <td></td> </tr> </tbody> </table>	Use	Condition	Agriculture (other than Animal keeping, Intensive animal husbandry, Rice growing and Timber production)		Dwelling (other than Bed and breakfast)	Must be within the Village Precinct B identified at Schedule Map 1.	Minor Sports and Recreation Facility (other than Indoor recreation facility, Outdoor recreation facility, Restricted recreation facility)	Must be within the Village Precinct A identified at Schedule Map 1.	Minor utility installation	
Use	Condition										
Agriculture (other than Animal keeping, Intensive animal husbandry, Rice growing and Timber production)											
Dwelling (other than Bed and breakfast)	Must be within the Village Precinct B identified at Schedule Map 1.										
Minor Sports and Recreation Facility (other than Indoor recreation facility, Outdoor recreation facility, Restricted recreation facility)	Must be within the Village Precinct A identified at Schedule Map 1.										
Minor utility installation											
<p>SPECIAL USE ZONE - SCHEDULE 7 PAGE 1 OF 9</p>											

SOUTH GIPPSLAND PLANNING SCHEME

Use	Condition
Primary produce sales	Must not be within 100 metres of a dwelling in separate ownership. The area used for the display and sale of primary produce must not exceed 50 square metres.
Rural store	Must be used in conjunction with Agriculture. Must be in a building and occupy a gross floor area of less than 100 square metres. Must be the only Rural store on the lot.
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01

Section 2 - Permit required

Use	Condition
Accommodation (other than Bed and breakfast, Camping and caravan park, Dependant person's unit and dwelling)	Must be within the Village Precinct B identified at Schedule Map 1
Car park	Must be used in conjunction with a use in Section 1 or 2.
Emergency services facility	
Exhibition Centre	Must be within the Village Precinct A identified at Schedule Map 1.
Function centre	Must be within the Village Precinct A identified at Schedule Map 1.
Food and drink premises (other than Hotel and Tavern)	Must be within the Village Precinct A identified at Schedule Map 1.
Industry	Must be within the Village Precinct A identified at Schedule Map 1. Must be limited to small scale processing; operating between 9am and 5pm weekdays; must be contained within a building and have no amenity impact on surrounding sensitive land uses.
Leisure and recreation (other than Informal outdoor recreation, Open sports ground)	Must be within the Village Precinct A identified at Schedule Map 1.
Manufacturing sales	Must be used in conjunction with a winery or brewery.
Market	Must be within the Village Precinct A identified at Schedule Map 1.
Office	Must be within the Village Precinct A identified at Schedule Map 1.
Place of assembly (other than Amusement parlour, Carnival, Circus, Drive In theatre and Nightclub)	Must be within the Village Precinct A identified at Schedule Map 1.
Restaurant	Must be within the Village Precinct A identified at Schedule Map 1.

SOUTH GIPPSLAND PLANNING SCHEME

Use	Condition
Shop (other than Adult sex bookshop, Restricted Retail Premises and Supermarket)	Must be within the Village Precinct A identified at Schedule Map 1.
Winery	Must be within the Village Precinct A identified at Schedule Map 1.

Section 3 - Prohibited

Use
Any other use not in Section 1 or 2

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Use of land

A planning permit must not be granted for the use of the land until a Whole of Site Master Plan has been approved by the Responsible Authority. This does not apply to the use of land for Agriculture.

Where required by a Condition in the above 'Table of uses', the use of land must be located within the precinct areas identified in the Schedule Map 1.

Village Precinct A Commercial use

Village Precinct A must have an area not less than 8ha and not more than 10ha and be generally in accordance with the delineation of Precinct A in the attached Schedule Map 1.

Village Precinct B Residential use

Village Precinct B must not exceed 87 hectares and be generally in accordance with the delineation of Precinct B in the attached Schedule Map 1.

Application requirements

An application to use land must be accompanied by the following information as appropriate:

- A report demonstrating how the application addresses the requirements of the Whole of Site Development Plan.
- The purpose of the use and the types of activities that will be carried out.
- The likely effects on adjoining land, including noise levels, traffic, the hours of delivery and dispatch of goods and materials, hours of operation and light spill.
- How land not required for immediate use is to be maintained.

Decision guidelines are at Clause 6.0

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Subdivision

Permit requirement

A permit is required to subdivide land.

A subdivision planning permit must be generally in accordance with the Whole of Site Master Plan approved by the Responsible Authority.

A permit must not be granted for the subdivision of the land which creates an additional lot until the land can be serviced by a reticulated sewerage system to the satisfaction of the

SOUTH GIPPSLAND PLANNING SCHEME

responsible authority and South Gippsland Water. All lots created by the subdivision of the land must be connected to the reticulated sewer system except where:

- A lot is required for a public authority or utility service provider for a use that does not generate waste water.
- The lot is a balance of subdivision lot identified in the Whole of Site Master Plan as a lot to be further subdivided and is not to be used for a use that will generate waste water.

A planning permit for the subdivision of land in Village Precinct A Commercial must create no more than one vacant lot, except where an additional vacant lot is required for a public authority or utility service provider.

The land identified in Village Precinct B Residential must be subdivided in stages provided for by the granting of separate subdivision planning permits. Unless with the approval of the Responsible Authority all of the following requirements must be met:

- Each subdivision stage must create no more than 20 residential lots.
- A planning permit for the subdivision of the second and subsequent stages must not be granted until Occupancy Permits have been issued for dwellings on at least 50% of the lots created in the preceding stage.
- All residential lots created in a stage must be a minimum of 0.5 hectares. This does not apply to a balance of subdivision lot identified in the Whole of Site Master Plan as a lot to be further subdivided for residential development as part of a further stage of the development.

Exemption from notice and review

An application to subdivide land is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1)(2) and (3) and the review rights of Section 82(1) of the Act except where the subdivision creates a new lot (excluding a balance of subdivision lot) adjoining land in an urban zone.

Application requirements

An application to subdivide land must be accompanied by the following information as appropriate:

- A report demonstrating how the application addresses the requirements of the Whole of Site Development Plan.
- A site analysis, documenting the land form, vegetation coverage including its relationship with surrounding land and a report explaining how the proposed subdivision has responded to the site analysis.
- Details of how the proposed subdivision relates to the existing or likely use and development of adjoining and nearby land.
- A subdivision layout plan drawn to scale which shows for each lot:
 - The boundaries and dimensions of each lot to be created.
 - The footprint and dimensions of any existing buildings, proposed building envelopes, setbacks, car parking and driveway access.
 - The provision of an orderly interface of new and existing lot boundaries so that the corner intersection points of new lots (where the side boundary meets the rear boundary) intersect with the corner point of existing lots.
- A Street Network plan that promotes connections with the current and proposed networks.

SOUTH GIPPSLAND PLANNING SCHEME

- A landscape plan.
- If a staged subdivision (e.g. staging of a less than 20 lot subdivision), show how the balance of the land may be subdivided.
- Method of achieving ongoing implementation of required building envelopes and protection of buffer areas.
- Details of how the subdivision will be connected to a reticulated sewer system.

Decision Guidelines are at Clause 6.0

4.0 Buildings and works

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Permit requirement

A permit is required to construct a building or construct or carry out works. This does not apply to the following provided all of the 'Mandatory requirements' are also met:

- A building, which is ancillary to a dwelling, has a floor area of less than 100 square metres and is not used for accommodation, provided all external cladding materials are finished and maintained in muted, non-reflective tones.
- Extension to an existing dwelling provided the additional floor area is less than 100square metres, provided all external cladding materials are finished and maintained in muted, non-reflective tones.

Mandatory requirements

The following requirements apply to all buildings and works, whether or not a permit is required.

- A building in Village Precinct A Commercial must have a maximum building height of no more than 10 metres above natural ground level and contain no more than 2 storeys above natural ground level. This height restriction does not apply to telecommunications equipment, antenna, rooftop building servicing equipment including lift overruns.
- A building in Village Precinct B Residential must have a maximum building height of no more than 8 metres above natural ground level and contain no more than two storeys above natural ground level. This height restriction does not apply to telecommunications equipment and antenna.
- All dwellings and outbuildings normal to a dwelling must be setback a minimum of 15m from the front title boundary and 10 metres from a side boundary.
- No more than one dwelling may be constructed on a lot.
- No relocated dwelling or transportable residential unit may be on a lot.
- All dwellings and buildings for commercial use must be connected to a reticulated sewer system.

These mandatory requirements cannot be varied with a permit.

Exemption from notice and review

An application for a dwelling is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1)(2) and (3) and the review rights of Section 82(1) of the Act.

Application requirements

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An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

A site layout plan drawn to scale which shows:

- The boundaries and dimensions of the site.
- Adjoining roads.
- Relevant ground levels.
- The layout of existing and proposed buildings and works, including setbacks from boundaries of the site.
- Location and dimensions of all access, internal driveways, car parking and loading areas.
- Proposed landscaping areas.
- All wastewater treatment and disposal areas.
- The location of a water supply for both domestic and fire fighting purposes.
- Any vegetation proposed to be removed, destroyed or lopped.
- Floor plans and elevations drawn to scale to show the height, exterior finishes and colour of all buildings and works.
- Surface treatment and construction details of all drainage works, driveways, vehicle parking and loading areas.
- A landscape plan that includes:
 - A planting schedule incorporating only locally indigenous species which includes the description and number of species proposed to be planted, proposed extent of vegetation community "net gain" and shelterbelt requirements.
 - Surfaces to be constructed, site works specification and method of preparing, draining, watering and maintaining the vegetation.

Decision guidelines are at Clause 6.0.

5.0 Whole of Site Master Plan

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A Whole of Site Master Plan (Plan) must be prepared for all of the land. The Plan must display the use and subdivision design of the land in a full development scenario and detail to the satisfaction of the Responsible Authority:

- How all of the land is to be used, and in particular detailing in Village Precinct A the types of uses, their size / capacity / intensity / hours of operation and potential amenity impacts on surrounding lands. The Plan must detail the creation of not more than 88 residential lots in Village Precinct B with a minimum lot size of 0.5 hectare to be released in stages of not more than 20 lots at a time.
- The layout of roads, pedestrian / cycle and drainage infrastructure and other development servicing infrastructure necessary to facilitate development of the land. The plan must demonstrate compliance with Council's Infrastructure Development Manual including the provision of a Traffic Impact Assessment report and Drainage Management Plan. The layout plan must provide a pedestrian / cycle connectivity point to align with the western end of Roscrea Crescent.
- How reticulated sewer is to be provided to the land.
- The staging of the use, development and subdivision of the land. The Walkerville Village Zone is to be an integrated and interdependent commercial and residential development. The Plan must demonstrate the staged and interrelated establishment of

SOUTH GIPPSLAND PLANNING SCHEME

the Walkerville Village Zone with the establishment of a commercial tourism related use occurring in the first stage. The subdivision staging plan must clearly display balance of subdivision lot intended for subdivision at a following stage.

- Guidelines for buildings and works for commercial and residential land. The guidelines must respond to the sensitive rural coastal environment and interface with existing residential development, by providing clear guidance and requirements for:
 - Building height, which for residential developments must not exceed 8m above natural ground level and for commercial developments must not exceed 10m above natural ground level.
 - Building envelopes for dwellings (displayed on a lot plan) which provide sufficient boundary setbacks to allow the establishment of appropriate screen planting. Building envelopes must restrict buildings from being constructed within 10m of residential lots in the Township Zone.
 - External materials of construction appropriate to the sensitive visual and physical environment of the area, using muted non reflective colour tones. External materials must have regard to bushfire safety requirements.
 - A landscape plan displaying the location, species and quantity of native vegetation plantings to occur across the land. The landscape plan must balance visual screening of developments with appropriate bushfire buffer protection.

When prepared to the satisfaction of the Responsible Authority the Whole of Site Development Plan must be publically exhibited and referred to relevant agencies and authorities for consideration before it is considered for approval by the Responsible Authority. In considering the approval of the Whole of Site Master Plan the Responsible Authority must have regard, as appropriate, to the Decision guidelines at Clause 6.0. When approved the Whole of Site Development Plan will remain a public document.

The approved Whole of Site Development Plan can be amended to the satisfaction of the Responsible Authority.

6.0 Decision guidelines

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Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

All applications

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Consistency with the approved Whole of Site Master Plan.
- The impact of a proposed use on adjoining land and the effect that existing uses may have on the proposed use.
- For non-residential uses, the proposed hours of operation, noise and any other likely offsite amenity impacts.
- The effect of traffic to be generated by the use.
- The interim use of those parts of the land not required for the proposed use.
- A subdivision design that protects and enhances the natural environment and character of the area including the retention of vegetation and faunal habitat and the need to protect waterways.
- For subdivision and buildings and works, the availability and provision of utility services, including sewerage, water, drainage, electricity and telecommunications.

SOUTH GIPPSLAND PLANNING SCHEME

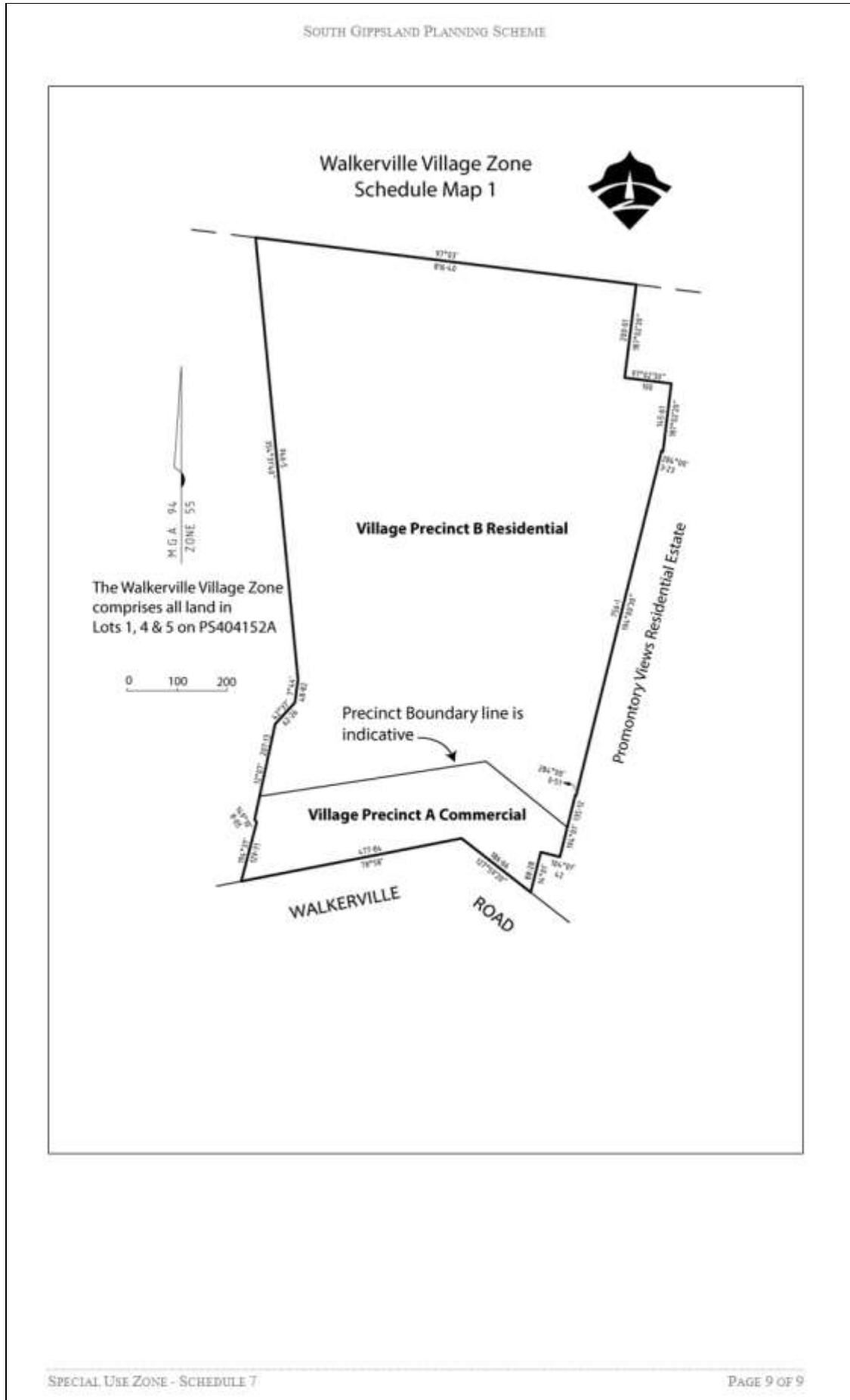
- A subdivision design that mitigates bushfire risk and appropriate measures necessary to mitigate bushfire risk.
- The creation of a sensitive subdivision design interface with existing developments.
- The provision of appropriate pedestrian / cycle connectivity to the existing road network.
- The relevant standards of Clauses 56.07-1 to 56.07-4 in relation to the subdivision of land.
- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads and vistas including the measures to be undertaken to minimise any adverse impacts.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including, roads, gas, water, drainage, telecommunications and sewerage facilities.
- The movement of vehicles providing for visitors, supplies, waste removal and emergency services.
- The location and dimensions of site access and car parking spaces.
- Whether the use or development will require traffic management measures.
- Outdoor lighting.
- Stormwater discharge.
- Measures to cope with fire.
- Landscape treatment.
- Any natural or cultural values on or near the land.
- The impact of the use or development on the flora, fauna and landscape features of the locality.

7.0 Advertising signs

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Land in Village Precinct A Commercial is Category 1.

Land in Village Precinct B Residential is Category 3.



E.5 CORNER INLET KINDERGARTEN INFRASTRUCTURE REVIEW

Corporate and Community Services

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

The current and future demands for Early Years services in Toora, Welshpool and Fish Creek have been investigated in order to plan for the long term Early Years infrastructure needs in Corner Inlet.

All kindergarten services in Corner Inlet are managed by Prom Coast Centres for Children (PCCC). PCCC is committed to continue to offer kindergarten services from the three satellite facilities with numbers not expected to increase significantly, according to population predictions. Fish Creek provides 15 hours of kindergarten per week. In contrast, Toora provides 9 hours of kindergarten per week and Welshpool provide 6 hours per week, with the same children alternating attendance between both centres. Community playgroups also operate from each centre.

The satellite kindergarten programs of Toora, Welshpool and Fish Creek operate from ageing infrastructure built in the 1960/70's. While the size of the buildings will continue to accommodate future demand, the dated floorplan and design of the building presents a challenge in all three buildings when implementing National Quality Framework (NQF) standards.

Council has made provision in its capital works program for upgrades of the Toora and Welshpool kindergarten buildings over the next 5-10 years. However, based on the current levels of service provided from both facilities and population projections, a significant capital works investment in the two facilities cannot be justified.

The PCCC along with the Toora and Welshpool communities challenge the proposal of one facility for two communities. Recently PCCC took over delivery of early year's services in Corner Inlet with a commitment to the community to retain kindergarten services at all three satellite sites (Fish Creek, Toora and Welshpool). The community believe closing the service will have a direct and adverse impact on the social cohesion of the region including a decline in school enrolment, community connection and a downturn in the local economy.

Document/s pertaining to this Council Report

- **Appendix 1 - Corner Inlet Kindergarten Infrastructure Review**

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

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- National Quality Framework for Early Childhood and Care (NQF)
- Department Education and Training Kindergarten Guide 2015
- Early Years Strategy Plan 2014 - 2020

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Early Years Infrastructure Policy Framework 2013.
- The Blueprint for Social Community Infrastructure 2014-2029
- Municipal Early Years Plan 2012-2016
- Building Asset Management Plan 2012

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:	3.1.3	We will develop an integrated planning approach for our townships and villages, so that facilities are located in areas where they are most appropriate.

CONSULTATION

Consultation included face-to face interviews, community meetings, distribution of surveys and phone contact with parents, schools, educators, service providers and committee members at Prom Coast Centres for Children.

The clear message from the consultation process was the community wanted to retain all three facilities. Community representatives believe that closing the service at Welshpool will have a direct and adverse impact on school attendance, community connection and a decline in the local economy.

Prom Coast Centres for Children supported the community's position stating they took on the role of managing early years' services in Corner Inlet with a commitment to continue to provide service from all three satellite kindergartens, and had structured their service delivery and business model on that basis.

Public meetings were held at the Welshpool and Toora. Both communities presented a unified view to retain both kindergarten services at the existing two sites. The community do not want to see the expansion or retention of one kindergarten at the expense of another. Welshpool families strongly

advocated for the continuation of a kindergarten program at the current location. They did not see the need for significant infrastructure improvements to the current facility and indicated a willingness as a community to contribute towards improvement costs.

Educators stated the potential of any future infrastructure upgrades needs the input of staff to ensure any money spent will enhance the programs delivered from the building. The benefits of a new building with an open layout and space for multi-use consulting including Maternal & Child Health and the potential for youth access clinic and intergenerational activities were acknowledged.

REPORT

Background

In 2011 a new integrated service was built in Foster for the families of Corner Inlet. Prom Coast Centres for Children (PCCC) was established, providing long day care, kindergarten and maternal and child health services at the Foster site and continued kindergarten programs at the satellite centres of Fish Creek, Toora and Welshpool.

In 2014, the sudden withdrawal of Uniting Care Gippsland, as operator, led to a local campaign to save the Corner Inlet service from closure. A community based committee of management was appointed to continue the provision of services, with a strong commitment by PCCC to retain services at all three satellite centres. PCCC continues to operate in 2015 as a financially viable integrated service.

Currently the satellite kindergarten programs of Toora, Welshpool and Fish Creek operate in ageing infrastructure that will require major upgrades in the next 10-15 years (Early Childhood Services Building Assets Policy Framework 2013). While the existing facilities meet the functional space requirements of program delivery, the design and/or layout of the buildings make programming a challenge in order to meet the Commonwealth Government's National Quality Framework for education and care services.

Fish Creek Kindergarten is licensed to provide 28 places. Current programs operating at Fish Creek include a 4 year old kindergarten program, an integrated 3 year old program and a community run playgroup. Enrolments at Fish Creek over the last 4 years have remained consistent with 22-27 children attending kindergarten each year.

The kindergarten program for Toora and Welshpool is combined as a result of low enrolments at both sites. Toora kindergarten is licensed to provide 22 places and Welshpool kindergarten is licensed for 23 places. The joint kindergarten program provides a 4 year old and an integrated 3 year old program on a fortnightly rotational basis. Children attend 3 days per fortnight at Toora and 2 days per fortnight at Welshpool. The same children attend both kindergartens, requiring families to travel. This has been an historical arrangement to meet the needs of the community and reduce barriers to

participation. Kindergarten enrolments at Toora/Welshpool over the last 4 years range between 12-17 children each year. A separate community playgroup is conducted at both Toora and Welshpool facilities one day per week. The Welshpool playgroup is well supported with 26 families attending. Toora playgroup has up to 5 families attending.

Both Toora and Welshpool kindergartens have been allocated funds for upgrades in Council's Long Term Financial Plan (LTFP). Toora Kindergarten has been allocated \$1,060,422 for a renewal/upgrade in 2020/2021. Welshpool kindergarten has been allocated \$168,195 for toilet/kitchen upgrade in 2019/2020.

Discussion

The dated floorplan and design presents a challenge in all three buildings when implementing National Quality Framework (NQF) standards. The NQF identifies the importance of learning opportunities that arise between a well-connected outdoor and indoor environment. This can mean children are free to choose their activity whether it's inside painting or outside in the digging patch. The NQF requires toilets and hand washing facilities to be accessible from indoor and outdoor areas and allow for adequate supervision, a design challenge for all three buildings. The challenge for service providers is providing adequate visibility when supervising children and flexible environments to implement the NQF in buildings built for kindergarten programs in the 1960's/70's. Currently additional staff are required to ensure adequate supervision at a cost to PCCC. Structural changes are required in all three buildings to bring them into the 21st century for service delivery.

Over the last 4 years Fish Creek kindergarten enrolments remain consistent ranging from 22-27 children attending each year. Toora/Welshpool presents a different scenario as there is only one program that is run out of two separate buildings. Over the last 4 years kindergarten enrolments at Toora/Welshpool range between 12-17 children attending each year. Population predictions do not indicate any significant increases in Fish Creek, Toora or Welshpool.

The 2015 Jesuit Social Services report, *Dropping off the Edge – Persistent Communal Disadvantage in Australia*, identifies the townships of Toora and Welshpool as disadvantaged. Access to quality early childhood programs, such as kindergarten, play an important role in addressing this disadvantage by giving children a positive start in life learning. Research indicates that providing extra support for families and appropriate early interventions are effective ways to break the cycle of disadvantage.

The challenge is whether there is a need for two buildings to provide one kindergarten service. The Early Childhood Building Assets Policy Framework identified only one facility was required to meet current and future population projections in Toora and Welshpool which is supported with current population data and licensed capacity of the kindergartens. In addition to the

Framework the Blueprint for Social and Community Infrastructure states any new or significantly upgraded early year's facility should be multi-purpose.

The ongoing cost to Council to maintain all three buildings cannot be based on numbers alone. Fish Creek is rated in good condition using Councils Asset Management Planning process and is well supported with consistent enrolments. There is an ongoing need to provide kindergarten in the Fish Creek area as the population continues to grow, particularly in the coastal villages of Waratah Bay, Sandy Point and Walkerville where the majority of families will access Fish Creek kindergarten.

Toora and Welshpool's buildings are rated as in fair condition using Council's Asset Management Planning process. There are structural issues with the building at Toora and Council's Property Department has determined renewal of the building is the most cost effective option for the long term. Welshpool Kindergarten is in need of an upgrade to continue to maintain kindergarten service levels. However, even with the upgrade at Welshpool, the issues around design and layout will still see an old building with limitations to implementing the NQF.

A new building to replace the ageing infrastructure of Toora and Welshpool will require a licensed capacity for 22 children to meet population projections and government regulations of staff to child ratio's. The community will benefit from a multi-purpose facility that not only meets the NQF, but will allow for ancillary services that will support vulnerable and disadvantaged children and families in the community.

The community are resolute in their desire for continued kindergarten facilities in Toora, Welshpool and Fish Creek. The closure of any community infrastructure would be seen to have a direct negative flow on effect to the local economy, schools, social cohesion and community connection. PCCC stated that the closure of one site would impact on their operating model with a reduction in their cluster management grant.

Community sentiment at the consultations was supportive of a new centre, however those in attendance did not want a new building at the expense of closing a kindergarten. The Welshpool community feel there has been a significant population change in recent years that would not be identified in Census and Maternal and Child Health data which they believe is demonstrated by the strong playgroup attendance currently operating out of the Welshpool building.

Proposal

- Continue to maintain and improve the existing facilities at Fish Creek, Toora and Welshpool in order to meet the National Quality Framework standards for a minimum of 5 years. This will enable Prom Coast Centres for Children to continue to deliver the current and predicted future levels of early year's services to the three communities.

- Collaborate with Prom Coast Centres for Children to identify functionality requirements across the three satellite kindergartens (Toora, Welshpool & Fish Creek) and invest the allocated \$168,195 based on agreed priorities that will best support the early years programming across all sites over the next 5 years.
- Investigate, in consultation with the community, the development of one integrated community hub to meet the service requirements of a 22 place kindergarten and ancillary services for Toora and Welshpool in the next 5-10 years. A community hub will have the capacity to provide after school and school holiday care, playgroup, maternal and child health, early years specialist consultants and the potential of incorporating youth services and intergenerational activities.
- Plan for the upgrade of the Fish Creek kindergarten in the next 15-20 years.

FINANCIAL CONSIDERATIONS

Budget provision has been made in the Long Term Financial Plan through the operational and capital works budget to maintain the three satellite kindergartens and to invest in capital improvements.

Government grant funding would be sought if a decision was made to develop one integrated community hub for Toora and Welshpool.

RISKS

Based on population predictions the existing kindergarten programs in the Corner Inlet will meet future service demand. However, the National Quality Framework standards for buildings and programs are currently not being met and a considerable investment in building upgrades would be required to fully comply.

Given the current patterns of usage for Toora and Welshpool it is difficult to justify a significant investment in both buildings. While reducing the number of kindergarten locations from two to one is recommended, any reduction in the number of kindergarten locations in the Corner Inlet will result in high levels of community dissatisfaction

CONCLUSION

Council faces a challenge in determining the future of early year's infrastructure in Corner Inlet. The size of the current buildings will continue to accommodate future demand of kindergarten enrolments at all 3 kindergartens. However the dated floorplan and design presents a challenge to implement the National Quality Framework.

Council needs to determine how its capital works investment can best meet the long term Early Years' Service needs of the Corner Inlet community and should take into account the impact of any decision on the respective

communities sense of social connection, school enrolments and the local economy

This review has highlighted the opportunity to work with Prom Coast Centres for Children to identify the functional requirements of the three facilities, to prioritise and plan for improvements at all three centres in the short term and to investigate and plan for the capital upgrade of two kindergarten facilities in Corner Inlet in the longer term.

RECOMMENDATION

That Council:

- 1. Continue to maintain and improve the existing facilities at Fish Creek, Toora and Welshpool for a minimum of 5 years;**
- 2. Collaborate with Prom Coast Centres for Children to identify functionality requirements across the three satellite kindergartens (Toora, Welshpool & Fish Creek) and invest the allocated \$168,195 based on agreed priorities over the next 5 years;**
- 3. Investigate, in consultation with the community, the development of one integrated community hub to meet the service requirements of a 22 place kindergarten and ancillary services for Toora and Welshpool in the next 5-10 years; and**
- 4. Plan for the upgrade of the Fish Creek kindergarten in the next 15-20 years.**

E.6 ANNUAL REPORT 2014-2015

Corporate & Community Services

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

The Annual Report 2014-2015 (Annual Report) incorporating the Annual Report of Operations, the Financial Statements and the Performance Statement for the financial year ended 30 June 2014-2015 (**Appendix 1**), is presented to Council for adoption.

In accordance with the requirements of the Local Government Act 1989 a copy of the Annual Report was forwarded to the Minister for Local Government by 30 September 2015. The Annual Report has been on public display for a two week period before being presented to Council for adoption.

The Annual Report will be made available on Council's website and a limited print run will be provided at Council distribution points with advice on locations included via Noticeboard in the local newspapers.

Document/s pertaining to this Council Report

- **Appendix 1** - Annual Report 2014-2015

A copy of **Appendix 1 - Annual Report 2014-2015** is available on Council's website: www.southgippsland.vic.gov.au or by contacting 5662 9200.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- The Local Government Act 1989, Sections 131 to 134 - Annual Report
- Local Government (Planning and Reporting) Regulations 2014

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- South Gippsland Shire Council - Annual Budget 2014-2015
- South Gippsland Shire Council - Council Plan 2013-2017

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

Council considered and endorsed the Annual Report of Operations, the Financial Statements and the Performance Report at the Ordinary meeting on 23 September 2015. The reports provided a summary of Council's activities, achievements and financial performance throughout the 2014-2015 financial year.

The required sections of the Annual Report have been reviewed by external auditors and were considered by Council's Audit Committee on 7 September 2015. Council has received certification from the Victorian Auditor General's Office (VAGO) in regard to the Financial Statements and Performance Statement.

Council Departments have contributed to the development of information contained in the Annual Report.

The Annual Report has been made available for a two week public display period.

REPORT

Background

The Local Government Act 1989, section 131(6) requires Council to prepare an Annual Report that provides a succinct end of year summary of Council's performance. This year, the Local Government Act requires the document to contain three parts; Part 1 is the Report of Operations; Part 2 the Financial Statements and Part 3 is the Performance Statement.

The Report of Operations and the Performance Statement include the legislated Local Government Performance Framework indicators (LGPRF indicators) for the first time.

The Annual Report must contain a series of segments required by the Local Government Act 1989, including independently audited financial year end results in the form of Financial Statements and the Performance Statement by the Victorian Auditor General's Office.

The Local Government Act 1989 requires Council's Annual Report to be presented to the Minister for Local Government by close of business on 30 September annually. A copy of the Annual Report was provided to the Minister by 30 September 2015.

Annual Report Summary

The Annual Report contained in **Appendix 1**, has been prepared to meet Council's statutory requirements and provide a detailed account of various factors that summarise Council's performance for the financial year.

The Annual Report includes:

- A message from the Mayor and a snapshot of the year in review by the Chief Executive Officer;
- The organisational structure, senior personnel, staffing numbers and related human resource matters;
- An outline of the Wards and representative Councillors;
- A succinct overview of Council Directorate responsibilities and highlights achieved;
- The end of year status report of each Council Initiative and Major Initiative;
- Good governance requirements including a list of the registers maintained, Freedom of Information requests processed, Protected Disclosure notifications and other compliance reporting requirements;
- A Financial Overview;
- The Local Government Performance Reporting Framework indicators;
- Councillor discretionary funds allocations;
- The Financial Statements outlining Council's financial performance for the financial year; and
- The Performance Statement outlining a summary of legislated indicators that set out Council's financial and statutory requirements for the financial year.

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

THE 2014-2015 YEAR IN REVIEW

The Annual Report provides highlights of the achievement of Council in the 2014-2015 financial year. These have been more thoroughly documented in Council's Quarterly Performance Reports during the year.

Below are a number of the key achievements and levels of service delivered. They showcase the breadth of involvement Council has within the community and the range of services provided.

In pursuit of Council's objective to develop 'A Prosperous Shire' Council has achieved the following:

- Funding announced by the Federal Government under the Blackspots Program for 11 new mobile phone base stations across the Shire.
- 306km (49 roads) were treated for regionally controlled weeds as part of the Roadside Weed Control Program.
- The Toora to Welshpool section of the Great Southern Rail Trail was opened in February.

In pursuit of Council's objective to develop 'Closely Connected Communities' Council has achieved the following:

- Community Engagement Conference held with 30 participants attending workshops on Mental Health, Governance, Grants, Volunteer Fatigue and the development of a Community Skills Bank.
- Council was briefed on the impact of the National Aged Care Reforms on Home and Community Care Services provided by Local Government in Victoria. Council's continuing involvement in HACC service delivery will be considered at future briefings prior to the proposed changes in funding in July 2018.
- A Council Meeting Day was held at South Gippsland Secondary College, Foster in May 2015 – Students participated in a range of activities on the day that built their understanding of local issues and local democracy.

In pursuit of Council's objective to develop 'Integrated Services and Infrastructure' Council has achieved the following:

- Funding for the Priority Project, Karmai Community Children's Centre was announced (\$1.6m from both State and Federal Government), with works anticipated to commence in October 2015.
- The draft Strategic Direction for Aquatic Facilities in South Gippsland 2015 – 2020 was endorsed by Council for Public Exhibition on 25 March. Community feedback received was incorporated into the final document tabled for adoption in July.

In pursuit of Council's objective to develop 'A Leading Organisation' Council has achieved the following

- The 2015-2016 Annual Budget, containing the Annual Plan initiatives and the Long Term Financial Plan, was adopted by Council on 24 June 2015 following a community engagement program involving around 800 community members.

- Council's website redevelopment commenced with the draft website structure completed and content migration and creation continuing. The website was launched in August 2015.

For access to further highlights and performance results, the community is encouraged to review the four Council Quarterly Performance Reports for 2014-2015. The end of year status report on all of Council's Annual Initiatives and Major Initiatives are contained in the Report of Operations (Part 1) in **Appendix 1**.

The financial result is stronger than was projected when Council set the Annual Budget 2014-2015 and Long Term Financial Plan in June 2014.

The surplus/deficit outcome for 2014/15 was \$9.98 million surplus. This surplus compares favourably to the prior year deficit of \$1.94 million. The favourable variance is mainly due to the Australian Accounting Standard requirement to recognise \$4.27 million Victoria Grants Commission allocation for 2015-16 as income in 2014/15 because it was received in advance.

The strengthening of the capacity was brought about by a combination of:

- Unexpected \$1.6m grant for Karmai Community Children's Centre for 2016/17
- Final net budget projection saving of \$650,000 (for the previous 2014/15 year)
- Updated advice that Victorian Grants Commission allocations will be \$230,000 greater than previously advised; and
- Additional \$170,000 favourable outcome for 2014/15 when comparing actual financial outcomes relative to final budget projections.

Council's performance against the Local Government Reporting Framework indicators, introduced for this financial year, has generally been within the normal range established as a guide by the State Government. There are five indicators where Council has performed outside of the normal range. Three of these indicators relate to results from the Community Satisfaction Survey. The remaining two relate to orders set aside by VCAT.

Material Variation comments are provided against indicators that are outside of the normal range, or where VAGO has requested further comment be provided to assist the reader understand the results.

Proposal

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

FINANCIAL CONSIDERATIONS

Costs associated with the publication of the Annual Report are covered within approved budget allocations. The Annual Report is developed and published in-house, with limited printing to keep the costs of publishing and printing as low as possible.

RISKS

Adoption of the Annual Report is a legislated requirement. Failure to adopt the Annual Report would be a breach of the Local Government Act 1989. The Annual Report has been prepared in accordance with the required State Government 'Model Report' and legislative requirements.

CONCLUSION

The Annual Report provides a summary of Council's activities, achievements and financial performance throughout the 2014-2015 financial year. It includes the Local Government Performance Reporting Framework Indicators introduced and required as mandatory reporting within this end of financial year report.

The Annual Report (**Appendix 1**) is presented to Council for adoption. It includes the Report of Operations along with the Financial Statements and the Performance Statement certified by VAGO.

A copy of the Annual Report 2014-2015 was sent to the Minister for Local Government by 30 September 2015 in accordance with legislative requirements.

RECOMMENDATION

That Council:

- 1. Adopt the Annual Report 2014-2015 contained in Appendix 1;**
- 2. Publish the Annual Report on Council's website; and**
- 3. Make the Annual Report available at various distribution points which will be advertised via Noticeboard in the local newspapers.**

E.7 COMMUNITY BUDGETING

Chief Executive Office

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

This report has been prepared in response to the Notice of Motion adopted 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.

Document/s pertaining to this Council Report

- **Attachment 1** - Community Budgeting Panels - Terms of Reference

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

IAP2 Framework

Core Values for the Practice of Public Participation:

1. Public participation is based on the belief that those who are affected by a decision have a right to be involved in the decision-making process.
2. Public participation includes the promise that the public's contribution will influence the decision.
3. Public participation promotes sustainable decisions by recognizing and communicating the needs and interests of all participants, including decision makers.
4. Public participation seeks out and facilitates the involvement of those potentially affected by or interested in a decision.
5. Public participation seeks input from participants in designing how they participate.
6. Public participation provides participants with the information they need to participate in a meaningful way.
7. Public participation communicates to participants how their input affected the decision.

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.

REPORT

Background

Participatory budgeting has been employed by more than 1,500 municipalities around the world since its first documented use in Brazil in 1989. The process is designed to give citizens an opportunity to allocate resources in their communities, to promote engagement with government, and to foster a sense of ownership of the results. While there is no single model for participatory budgeting the process generally takes more time than is available in the proposed timeframes indicated in Council's Notice of Motion.

Discussion

The Notice of Motion adopted on 26 August 2015 signalled Council's intention to allocate funds from the 2016-17 Budget to the value of \$400,000 (\$1,600,000 in total) towards capital works projects in each of the following four areas: Korumburra, Foster, Venus Bay and Mirboo North.

Options

1. Council could adopt the recommendation suggested and proceed with a condensed community budgeting process in order to give residents an opportunity to participate in the allocation of the 2016-17 budget as per the Notice of Motion.
2. Council could proceed with a fuller participatory budgeting process and incorporate the recommendations of the panels into the 2017-18 budget. However, this would not be in keeping with the Notice of Motion and other public statements of intent from Councillors.

Proposal

That Council establish four panels of citizens to consider how best to allocate \$400,000 to capital works in each of the following areas: Korumburra, Foster, Venus Bay and Mirboo North.

Each panel would consist of six community members, making up a total group of 24.

The panels would be convened via the following process:

A call for self-nomination would be advertised in Council Noticeboard, on Facebook, Council's website via posters and flyers in each affected town and (budget permitting) via Star FM and 3GG.

Terms of reference (detailing what would be expected of panel members) would be available online, at Council offices and could be sent in hard copy to interested residents, refer **Attachment 1**.

Nominations would be divided into township groups, then further divided into age and gender to ensure demographic spread.

- 1 x 15-35 female
- 1 x 15-35 male
- 1 x 35-55 female
- 1 x 35-55 male
- 1 x 55+ female
- 1 x 55+ male

A mix of permanent/non-permanent residents may also be considered if numbers permit.

Names would be randomly selected from each group. Where there are no nominations in a particular demographic group, any vacancies are filled by consolidating all remaining nominations and making random selections until all six places are filled.

Meetings:

- Half-day establishment meeting with the whole group
- Four half-day panel meetings – one for each town
- Half-day wrap-up meeting with the whole group

Timeframe

- Notice of Motion – August 2015
- Report prepared – September 2015
- Report to Council – October 2015
- Advertising: call for nominations – November 2015
- Members selected (as per process articulated above) – December 2015
- Panels convened and inducted – December 2015
- Call for suggestions (via process determined by panel members) – January 2016
- Engineering to cost suggestions – February 2016

- Planning and Building to assess any potential permit implications – February 2016
- Panel members sent info packs with costings, etc – February 2016
- Panels reconvened to hear submissions – end-February 2016
- Panel recommendations brought to Council for formal consideration – April 2016
- If adopted, recommendations incorporated into the 2016-17 Budget

FINANCIAL CONSIDERATIONS

The committees will need to consider, where relevant, Council's Long Term Financial Strategy number 11 as follows:

Any new, upgrade and expansion capital works proposals in the first four years of the long-term financial plan must include a life cycle cost evaluation that identifies the asset construction, maintenance and operating cash flow requirements as well as the depreciation impact.

Further to the above, expenditure can only be associated with Council owned or controlled infrastructure and assets.

In addition to the \$1.6M mentioned in the Notice of Motion, funds will be required to facilitate this process as detailed below:

Meeting Rooms 1 and 2	2 half days @ \$291/half day (including set-up and kitchen)	\$582
Meeting Room 2	4 half days @ \$196/half day (including set-up and kitchen)	\$784
Catering	30 people x three sessions @ \$16.50/p (including crockery)	\$1,485
Promotion	Posters, flyers, radio advertisements	\$3,500
Facilitator	\$300 per hour x 32 hours (six half-days plus one day planning)	\$9,600
TOTAL		\$15,951
In-kind Organisation support	Officer time @ \$50/hr:	
	Finance	\$3,200
	Council Business	\$2,000
	Engineering	\$5,000
	Communications	\$4,000
	Planning	\$2,000
	Building	\$2,000
TOTAL		\$18,200

This money would need to be expended in the 2015/16 financial year and is not included in the adopted budget.

RISKS

Reputational: If Council commits to undertake this process but does not adopt the recommendations of the panels.

CONCLUSION

Community budgeting is the community's opportunity to have influence over substantial decisions and to assist its Councillors. This has the potential to shift the focus of decision making in South Gippsland: away from Council and towards the community. The Community Budgeting process has the potential to promote better engagement between Council and its community members and consequently contribute to greater levels of trust. There are, however, a number of financial and time considerations.

RECOMMENDATION

That Council:

- 1. Proceed with the Community Budgeting process proposed in this report and adopt the terms of reference as detailed in Attachment 1.**
- 2. Commit to formally considering the recommendations of the community panels with regard to the allocation of \$400,000 (total \$1.6M) to capital works in each of the following areas: Korumburra, Foster, Venus Bay and Mirboo North.**
- 3. Note that expenditure of capital funds can only be associated with Council owned or controlled infrastructure and assets.**
- 4. Allocate \$16,000 in the 2015-2016 Budget to facilitate the Community Budgeting process and receive advice of how this is to be accommodated.**

Attachment 1 - Terms of Reference

COMMUNITY BUDGETING PANELS - TERMS OF REFERENCE

SCHEDULE

1. Definitions

In this Schedule, unless contrary intention appears:

Community Budgeting Panels (Community Panels) will advise the Council with regards to how best to spend \$400,000 in each of the following four town areas:

- Foster
- Korumburra
- Mirboo North
- Venus Bay.

Community Panels means the persons who are appointed to the Community Budgeting Panels in the manner hereafter provided.

2. Objectives of the Community Panels

The **Community Panels** will be convened with the objective of providing community members with an opportunity to assist Councillors in determining how best to allocate capital works expenditure in the towns listed above, and in particular to:

- 2.1** Receive submissions from the community suggesting potential capital works projects.
- 2.2** Receive advice from Council officers regarding the cost, viability and potential permit implications of the various submissions.
- 2.3** Evaluate submissions based on information from community members and officers.
- 2.4** Prepare four reports (one per panel) outlining the recommendations on how best to expend \$400,000 in each of the four towns, and provide those reports to Council at its April 2016 meeting.

3. Composition and proceedings of the Community Panels

3.1 A call for self-nomination would be advertised. Nominations would be divided into township groups, then further divided into age and gender to ensure demographic spread.

- 1 x 15-35 female
- 1 x 15-35 male
- 1 x 35-55 female
- 1 x 35-55 male
- 1 x 55+ female
- 1 x 55+ male

A mix of permanent/hon-permanent residents may also be considered if numbers permit.

Names would be randomly selected from each group. Where there are no nominations in a particular demographic group, any vacancies are filled by consolidating all remaining nominations and making random selections until all six places are filled.

3.2 All persons selected to serve on the Community Panel shall be subject to the initial and continued approval of the Council for the term set out in clause 3.3.

3.3 Subject to clause 3.4, all Community Panel members remain in office until the report is submitted to Council, or 30 June 2016, whichever is the earlier.

3.4 On the resignation of, or in the case of a representative being incapable of acting as a representative body, the Council may, on the advice of the Community Panel, select a replacement Community Panel member. The term of office of persons appointed to fill such a vacancy shall expire on the date at which the previous member would have gone out of office. Council may also consider leaving such position vacant if it deems the remaining tenure of the Community Panel insufficient to warrant a replacement being appointed.

3.5 The Council is empowered to declare a Community Panel member's office vacant if he/she fails to attend the establishment meeting without leave of the Community Panel by resolution duly passed or on the recommendation of the Community Panel.

3.6 If a member of the Community Panel has a conflict of interest in any matter in which the Community Panel is concerned, the member must disclose the nature of that interest at the meeting at which the matter is discussed.

3.7 Upon declaration of a conflict of interest the remaining Community Panel members must vote to determine whether that conflict is common to all residents of that town area, or particular to that individual. If it is deemed to be a particular interest then the Panel member with the conflict must abstain from the proceedings, including removing themselves from the meeting while the item is under discussion.

4. Meetings of the Community Panel

4.1 The Community Panels will meet formally on three occasions:

- Half-day establishment meeting with all four Community Panels – December 2015
- Four half-day meetings (one for each Panel) – February 2016
- Half-day wrap-up meeting with all four Community Panels – March 2016

4.2 A motion before a meeting of the Community Panel is to be determined by consensus on the following basis:

- a) Each member of the Community Panel who is entitled to vote is entitled to one vote;
- b) Unless the procedures of the Community Panel otherwise provide, voting must be by a show of hands;
- c) If there are an equal number of votes, the motion is lost.

4.3 The Community Panel shall keep a record of each of its meetings and the Chairperson must sign the minutes and certify that they have been confirmed at the conclusion of each meeting.

4.4 The quorum at any meeting of the Community Panel shall be a majority of members appointed to the Community Panel. Motions cannot be adopted if a quorum does not exist.

5. Indemnity

5.1 The Council will indemnify members of the Community Panels against any action liability claim or demand on account of any matter or thing done by them on behalf of the Community Panel when they are acting in accordance with this Terms of Reference by that member of the Community Panel in the honest and reasonable belief or under a mistake of law that the member was properly exercising any function or power of the Community Panel.

5.2 All materials, information and references provided in the course of Community Panel meetings will be deemed confidential unless approved by the Council as not being confidential.

6. Term of Appointment

6.1 These Community Panels shall cease upon Council's receipt of their recommendations or 30 June 2016 (whichever is the earlier), unless otherwise extended in writing by the Council.

7. Revocation

7.1 These terms of reference may be revoked at any time by the Council, if in the view of the Council, the Community Panel is not functioning in the best interest of the community and the Council. The Council shall not exercise this power of revocation unless all reasonable attempts at negotiation have been exhausted between the Council and the Community Panel.

8. Community Panel Representation

8.1 It will be the responsibility of the Community Panel to notify the Council of the resignation and/or appointment of members from the Community Panel.

SECTION F - URGENT OR OTHER BUSINESS

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

1. Urgent Business

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

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

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

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

2. Other Business

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

SECTION G – GENERAL QUESTION TIME

G.1 QUESTION TIME

G.2 ANSWERS TO PREVIOUS QUESTIONS ON NOTICE

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 14 SEPTEMBER 2015

ITEM 2 PROPOSED DEVELOPMENTS

ITEM 3 PERSONNEL MATTERS

RECOMMENDATION

That Council close the meeting to the public to allow for consideration of:

1. AUDIT COMMITTEE REPORT 14 SEPTEMBER 2015 pursuant to section 89(2)(a) and 89(2)(h); and
2. PROPOSED DEVELOPMENTS pursuant to section 89(2)(e) as provided for by the Local Government Act 1989; and
3. PERSONNEL MATTERS pursuant to section 89(2)(a) as provided for by the Local Government Act 1989.

SECTION H - MEETING CLOSED

NEXT MEETING

The next Special Statutory Meeting of Council Meeting open to the public will be held on Wednesday, 4 November 2015 commencing at 2pm in the Council Chambers, Leongatha.

The next Ordinary Meeting of Council Meeting open to the public will be held on Wednesday, 28 November 2015 commencing at 2pm in the Council Chambers, Leongatha.