



# COUNCIL MINUTES

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**ORDINARY MEETING NO. 390  
WEDNESDAY 22 APRIL 2015  
COUNCIL CHAMBERS, LEONGATHA  
COMMENCED AT 2PM**

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**PRESENT:**

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

**APOLOGY:** The Mayor, Councillor Jeanette Harding

**OFFICERS:**

<b>Mr Tim Tamlin</b>	<b>Chief Executive Officer</b>
<b>Anthony Seabrook</b>	<b>Director Engineering Services</b>
<b>Bryan Sword</b>	<b>Director Development Services</b>
<b>Jan Martin</b>	<b>Director Community Services</b>
<b>Luke Anthony</b>	<b>Manager Governance Services</b>
<b>Natasha Berry</b>	<b>Governance Officer</b>
<b>Heather Williams</b>	<b>Council Support Officer</b>

**MISSION**

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

# **SOUTH GIPPSLAND SHIRE COUNCIL**

## **ORDINARY MEETING NO. 390 WEDNESDAY 22 APRIL 2015 COUNCIL CHAMBERS, LEONGATHA COMMENCED AT 2PM**

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**Tim Tamlin**  
**Chief Executive Officer**

## **SECTION A - PRELIMINARY MATTERS**

**In the absence of the Mayor, the Deputy Mayor Councillor Nigel Hutchinson-Brooks presided over the Meeting as Chair according to Local Law No.3 2010, Clause 30.**

### **A.1 WELCOME**

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

### **A.2 OPENING PRAYER**

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

Amen

### **A.3 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS**

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

### **A.4 APOLOGIES**

**The Mayor, Councillor Jeanette Harding**

## **A.5 CONFIRMATION OF MINUTES**

### **RECOMMENDATION**

That Council:

1. Note that confirmation of the Minutes of the South Gippsland Shire Council Ordinary Meeting No. 388, held on 25 February 2015 in the Council Chambers, Leongatha was deferred from Council Meeting 25 March 2015 to consider a query which has since been investigated with no change to the minutes being recommended;
2. Confirm the Minutes of the South Gippsland Shire Council Ordinary Meeting No. 388, held on 25 February 2015 in the Council Chambers, Leongatha; and
3. Confirm the Minutes of the South Gippsland Shire Council Ordinary Meeting No. 389, held on 25 March 2015 in the Council Chambers, Leongatha.

**MOVED: Cr Fawcett**

**SECONDED: Cr Hill**

**THAT COUNCIL:**

1. **NOTE THAT CONFIRMATION OF THE MINUTES OF THE SOUTH GIPPSLAND SHIRE COUNCIL ORDINARY MEETING NO. 388, HELD ON 25 FEBRUARY 2015 IN THE COUNCIL CHAMBERS, LEONGATHA WAS DEFERRED FROM COUNCIL MEETING 25 MARCH 2015 TO CONSIDER A QUERY WHICH HAS SINCE BEEN INVESTIGATED WITH NO CHANGE TO THE MINUTES BEING RECOMMENDED;**
2. **CONFIRM THE MINUTES OF THE SOUTH GIPPSLAND SHIRE COUNCIL ORDINARY MEETING NO. 388, HELD ON 25 FEBRUARY 2015 IN THE COUNCIL CHAMBERS, LEONGATHA; AND**
3. **CONFIRM THE MINUTES OF THE SOUTH GIPPSLAND SHIRE COUNCIL ORDINARY MEETING NO. 389, HELD ON 25 MARCH 2015 IN THE COUNCIL CHAMBERS, LEONGATHA WITH THE FOLLOWING AMENDMENTS:**

**THAT COUNCIL:**

1. **MOVE THE ORDER OF WORDING AS REFLECTED BELOW INTO THE 25 MARCH 2015 MINUTE FOR COUNCIL REPORT ITEM E.5 REVISED AQUATIC STRATEGY FOR PUBLIC EXHIBITION; AND**
2. **INCLUDE ADDITIONAL WORDING HIGHLIGHTED IN RED TEXT INTO THE 25 MARCH 2015 MINUTE FOR COUNCIL REPORT ITEM E.5 REVISED AQUATIC STRATEGY FOR PUBLIC EXHIBITION:**

**MOVED: Cr Fawcett**

**SECONDED: Cr Davies**

**THAT COUNCIL:**

- 1. ENDORSE THE DRAFT STRATEGIC DIRECTION FOR AQUATIC FACILITIES IN SOUTH GIPPSLAND 2015-2020 FOR PUBLIC EXHIBITION FOR A PERIOD OF 28 DAYS;**
- 2. INVITE WRITTEN SUBMISSIONS FROM THE COMMUNITY UNTIL THE CLOSING DATE OF 17 APRIL 2015;**
- 3. CONSIDER WRITTEN SUBMISSIONS AND WHERE APPROPRIATE AMEND THE FINAL STRATEGIC DIRECTION FOR AQUATIC FACILITIES IN SOUTH GIPPSLAND 2015-2020; AND**
- 4. PRESENT THE REVISED STRATEGY TO COUNCIL FOR CONSIDERATION OF ADOPTION AS SOON AS PRACTICABLE AFTER THE CLOSING OF SUBMISSIONS.**

**AMENDMENT**

**MOVED: Cr McEwen**

**THAT COUNCIL:**

- 1. AMENDS THE RECOMMENDATIONS LISTED ON PAGE 13 AND 14 OF THE DRAFT RETENTION DIRECTIONS FOR AQUATIC FACILITIES IN SOUTH GIPPSLAND 2015 TO 2020 BY AMENDING THE FOLLOWING CLAUSE AND RENUMBERING EXISTING CLAUSES 6 TO 14, CLAUSE 7 TO 15; AND**
- 2. CONSIDER TRANSFERRING MANAGEMENT OF OUTDOOR POOLS TO LOCAL COMMUNITIES THAT ARE PROPOSED BY THE COMMUNITY AND WHERE THE COMMUNITY CAN DEMONSTRATE TO COUNCIL'S SATISFACTION THEIR CAPACITY TO TAKE ON THIS FUNCTION FOR THE LONG TERM.**

**The AMENDMENT lapsed for want of a seconder.**

**AMENDMENT**

**MOVED: Cr McEwen**

**SECONDED: Cr Hill**

**THAT COUNCIL:**

- 1. AMEND RECOMMENDATION 5 PART 5 ON PAGE 13 BY ALTERING THE FOLLOWING CLAUSE: "DROP IN ATTENDANCES BY 20%**

**OVER TWO CONSECUTIVE SEASONS BASED ON AVERAGE ATTENDANCES FROM 2009/10 THROUGH TO 2014/15”.**

**TO THE FOLLOWING:**

**“DROP IN ATTENDANCES BY 20% OVER TWO CONSECUTIVE SEASONS BASED ON AVERAGE ATTENDANCES FROM 2005/06 THROUGH TO 2010/11”;**

- 2. ENDORSE THE DRAFT STRATEGIC DIRECTION FOR AQUATIC FACILITIES IN SOUTH GIPPSLAND 2015-2020 FOR PUBLIC EXHIBITION FOR A PERIOD OF 28 DAYS;**
- 3. INVITE WRITTEN SUBMISSIONS FROM THE COMMUNITY UNTIL THE CLOSING DATE OF 17 APRIL 2015;**
- 4. CONSIDER WRITTEN SUBMISSIONS AND WHERE APPROPRIATE AMEND THE FINAL STRATEGIC DIRECTION FOR AQUATIC FACILITIES IN SOUTH GIPPSLAND 2015-2020; AND**
- 5. PRESENT THE REVISED STRATEGY TO COUNCIL FOR CONSIDERATION OF ADOPTION AS SOON AS PRACTICABLE AFTER THE CLOSING OF SUBMISSIONS.**

**The AMENDMENT was LOST and the original Motion is before the Chair.**

**For: Crs Hill and McEwen.**

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

**MOVED: Cr Davies**

**THAT THE ORIGINAL MOTION BE NOW PUT.**

**THAT COUNCIL:**

- 1. ENDORSE THE DRAFT STRATEGIC DIRECTION FOR AQUATIC FACILITIES IN SOUTH GIPPSLAND 2015-2020 FOR PUBLIC EXHIBITION FOR A PERIOD OF 28 DAYS;**
- 2. INVITE WRITTEN SUBMISSIONS FROM THE COMMUNITY UNTIL THE CLOSING DATE OF 17 APRIL 2015;**
- 3. CONSIDER WRITTEN SUBMISSIONS AND WHERE APPROPRIATE AMEND THE FINAL STRATEGIC DIRECTION FOR AQUATIC FACILITIES IN SOUTH GIPPSLAND 2015-2020; AND**

**4. PRESENT THE REVISED STRATEGY TO COUNCIL FOR  
CONSIDERATION OF ADOPTION AS SOON AS PRACTICABLE  
AFTER THE CLOSING OF SUBMISSIONS.**

**The original Motion was CARRIED UNANIMOUSLY.**

**CARRIED UNANIMOUSLY**



## **A.6 REQUESTS FOR LEAVE OF ABSENCE**

**Nil**

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## **A.7 DECLARATION OF CONFLICT OF INTEREST FOR COUNCILLORS**

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

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

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

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

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

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

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

**Nil**

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

## Privacy

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

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

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## A.8 DECLARATION OF CONFLICT OF INTEREST FOR STAFF

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

**Nil**

## A.9 PETITIONS

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

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

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

**Nil**

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## A.10 COUNCILLOR REPORTS

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**Cr Kennedy addressed Council regarding attendance at:**

- **Smart Urban Conference regarding making pedestrians and cyclists a priority when road engineers plan roads. Cr Kennedy further relayed how Bair Street, Leongatha could use a model that could make parking bays into cycling bays. Cr Kennedy further noted that it is a cost effective project and that as insurance claims and hospital visits are increasing Council must take every precaution to alleviate these issues.**
- **Australian Coastal Councils Conference and commented on some of the features of the conference including Understanding Sea Level Rise, Natural Disasters and Coastal Issues and challenges including visitor inundation and the importance of future planning around coastal towns due to coastal deterioration.**

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**Cr McEwen addressed Council regarding attendance at:**

- **Gas Centres Advisory Committee meeting and commented that the Committee can provide up to \$50,000 in community grants through the Origin Foundation.**
- **Korumburra Round Table and noted that it is progressing well, in that extra working groups are proposed as volunteer numbers increase.**
- **Australia at War Exhibition in Foster and commented on the brilliant presentation by former Premier Ted Baillieu and the wonderful displays by local school children.**
- **Rural Summit and commented on some of the topics including that councils are not yet aware of what strategies they will be putting into place in respect of rate capping. Cr McEwen also noted that the Victorian Local Government Association (VLGA) made a presentation on participatory community budgeting and cited examples from Darebin City Council and Melbourne City Council and spoke how the community and councils worked together to achieve community infrastructure.**

**Cr McEwen addressed Council by making comments about the free Wi-Fi in Meeniyan reaching approximately 2,000 uses per month and that this has contributed a significant economic benefit to the town. Cr McEwen indicated that advice was being provided to other local townships about this project.**

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**Cr Davies addressed Council by thanking Council's Parks and Gardens team with regard to the work they were undertaking around the Foster Cenotaph in preparation for ANZAC day this Saturday.**

**Cr Davies addressed Council regarding attendance at:**

- **Opening of Australia at War Exhibition in Foster and commented on the number of impressive presentations about the ANZAC tradition. Cr Davies commented that there is an ANZAC Cabaret on Friday night with tickets still available.**
- **Opening of the Sea Days Festival and commented on how the festival has grown over the previous 10 years, it currently has 60 exhibits. Cr Davies noted some of these exhibits including; 'Waratah the Musical' produced by local theatrical group FAMDA, shop front window displays by local artists and a sustainable architecture tour.**
- **Annual General Meeting (AGM) Prom Coast Children's Centre for Children and noted the success of the first year including strong leadership, making a small surplus and thanked Council for support.**
- **U3A Foster meeting regarding the Council Budget.**
- **Rail Trail Committee meetings and reiterated that working bees are to be conducted on the 2<sup>nd</sup> Sunday of each month along the trail and that membership to the 'Friends of the Rail Trail' is welcome. Next month's working bee will take place in Foster (10 May).**

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**Cr Hutchinson-Brooks addressed Council regarding attendance at Friends of Turton's Creek meeting on the flora and fauna of the area and commented that the area has recently been cleared to reveal little Turton's Creek Falls which is a real gem. Cr Hutchinson-Brooks commented that the recent clearing means that there is now a highly recommended walk and access to the area.**

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## **SECTION B - NOTICES OF MOTION AND/OR RESCISSION**

**Nil**

## **SECTION C - COMMITTEE REPORTS**

**Nil**



## SECTION D – PROCEDURAL REPORTS

### D.1 REPORT ON ASSEMBLY OF COUNCILLORS - MARCH 2015

Corporate Services Directorate

#### **EXECUTIVE SUMMARY**

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

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

- **Attachment 1** – Public Presentation Day 18 March 2015 - response to questions taken on notice.

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

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

#### **COUNCIL PLAN**

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

## REPORT

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
<b>Wednesday 4 March 2015</b>		
<b>Planning Committee</b>	<p><b>Councillors Attending:</b></p> <p>Crs Hill, Harding, Brunt, Davies, Kennedy, Fawcett, McEwen, Newton and Hutchinson - Brooks.</p> <p><b>Conflict of Interest:</b></p> <p>Cr Hutchinson-Brooks declared conflict of interest for Koonwarra Agricultural Commercial Precinct.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• January 2015 decisions</li> <li>• VCAT decisions February 2015</li> <li>• Statutory Planning Applications of Significance</li> <li>• Strategic Planning and Development Projects</li> <li>• Building activity by towns</li> <li>• Nyora Residential Rezoning</li> <li>• Planning Scheme review</li> </ul>
<b>Executive Update</b>	<p><b>Councillors Attending:</b></p> <p>Crs Fawcett, Kennedy, Newton, Harding, Hutchinson-Brooks, McEwen and Davies.</p> <p><b>Conflict of Interest:</b></p> <p>Nil disclosed</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• MAV Rural Councils Victoria Summit</li> <li>• MAV Future of Local Government Conference</li> <li>• Australian Local Government Association – National General Assembly – Canberra</li> <li>• South Gippsland Matter</li> <li>• Planning item update</li> <li>• Ice forum</li> <li>• Amenity issue</li> </ul>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
<b>Wednesday 4 March 2015</b>		
<b>Recreation Reserves Maintenance Grants Distribution</b>	<b>Councillors Attending:</b>  Crs Fawcett, Kennedy, Newton, Harding, Hutchinson – Brooks, McEwen and Davies.  <b>Conflict of Interest:</b>  Nil disclosed	<b>Topics Discussed:</b>  <ul style="list-style-type: none"> <li>• Recreation reserve maintenance grant allocation</li> <li>• Formula development</li> </ul>
<b>Public Toilet Review</b>	<b>Councillors Attending:</b>  Crs Fawcett, Kennedy, Newton, Harding, Hutchinson-Brooks, Hill, McEwen and Davies.  <b>Conflict of Interest:</b>  Nil disclosed	<b>Topics Discussed:</b>  Guiding Principles for the provision of additional public toilet facilities and associated services in the Shire.
<b>Caravan Parks</b>	<b>Councillors Attending:</b>  Crs Fawcett, Kennedy, Newton, Harding, Hutchinson-Brooks, McEwen, Hill and Davies.  <b>Conflict of Interest:</b>  Nil disclosed	<b>Topics Discussed:</b>  <ul style="list-style-type: none"> <li>• Transition Plan that will assist Council in confirming and implementing a 'Direct Management' model for the Waratah Bay Caravan Park</li> <li>• Status update of activities and current action at the Long Jetty Foreshore and Yanakie Caravan Parks</li> </ul>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
<b>Wednesday 4 March 2015</b>		
<b>Council Timetable for March/ April 2015</b>	<p><b>Councillors Attending:</b></p> <p>Crs Fawcett, Harding, Hutchinson-Brooks, McEwen and Davies.</p> <p><b>Conflict of Interest:</b></p> <p>Nil disclosed</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Council Timetable March / April 2015</li> </ul>
<b>Councillor/ CEO Session</b>	<p><b>Councillors Attending:</b></p> <p>Crs Kennedy, Brunt, Newton, Harding, Hutchinson-Brooks, McEwen and Davies.</p> <p><b>Conflict of Interest:</b></p> <p>Nil disclosed</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Coastal Resource Management</li> </ul>
<b>Financial Sustainability Steering Committee</b>	<p><b>Councillors Attending:</b></p> <p>Crs Hill, Harding, Davies, Kennedy, McEwen, Hutchinson-Brooks and Fawcett.</p> <p><b>Conflict of Interest:</b></p> <p>Nil disclosed</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Draft Proposed budget snapshot</li> <li>• Community Engagement 'OurSay'</li> <li>• Draft 2015-2016 Budget</li> </ul>
<b>Social Community Infrastructure Committee</b>	<p><b>Councillors Attending:</b></p> <p>Crs, Harding, Fawcett, Davies, McEwen, Hill and Kennedy.</p> <p><b>Conflict of Interest:</b></p> <p>Nil disclosed</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Draft Tarwin Lower/ Venus Bay and Meeniyah Social Community Infrastructure Cluster</li> <li>• Community consultation and public exhibition</li> <li>• Confirmed April Council Meeting for endorsement</li> </ul>

<b>Meeting Title</b>	<b>Councillors Attending and Disclosures of Conflict of Interest</b>	<b>Topics Discussed</b>
<b>Wednesday 4 March 2015</b>		
<b>Economic Development and Tourism Steering Committee</b>	<p><b>Councillors Attending:</b></p> <p>Crs Hutchinson – Brooks, Harding, Kennedy, Davies, Hill and McEwen.</p> <p><b>Conflict of Interest:</b></p> <p>Nil disclosed</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Terms of Reference review</li> <li>• RV Strategy Review</li> <li>• General Business</li> </ul>
<b>Wednesday 18 March 2015</b>		
<b>Executive Update</b>	<p><b>Councillors Attending:</b></p> <p>Crs Kennedy, Brunt, Newton, Harding, Hutchinson-Brooks and Davies.</p> <p><b>Conflict of Interest:</b></p> <p>Nil disclosed</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• MAV Kindergarten Campaign for ongoing funding</li> <li>• Planning Application Mirboo North</li> <li>• Advocacy trip to Canberra</li> </ul>
<b>Leongatha and Korumburra Streetscape Master Plans And Main Street Program</b>	<p><b>Councillors Attending:</b></p> <p>Crs Kennedy, Brunt, Newton, Harding, Hutchinson-Brooks and Davies.</p> <p><b>Conflict of Interest:</b></p> <p>Nil disclosed</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Information on upcoming streetscape improvement projects and a main street business support program proposed for Korumburra, Leongatha and Toora</li> </ul>
<b>Korumburra Development Proposal</b>	<p><b>Councillors Attending:</b></p> <p>Crs Kennedy, Brunt, Newton, Harding, Hutchinson-Brooks and Davies.</p> <p><b>Conflict of Interest:</b></p> <p>Nil disclosed</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Development proposal</li> </ul>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
<b>Wednesday 18 March 2015</b>		
<b>Financial Sustainability Steering Committee</b>	<p><b>Councillors Attending:</b></p> <p>Crs Hill, Harding, Davies, Kennedy, Hutchinson – Brooks, Brunt and Newton.</p> <p><b>Conflict of Interest:</b></p> <p>Nil disclosed</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Proposed 2015 – 2016 Budget</li> <li>• Community engagement and public submission process</li> </ul>
<b>Council Agenda Topic Discussion 25 March 2015</b>	<p><b>Councillors Attending:</b></p> <p>Crs Kennedy, Brunt, Newton, Harding, Hutchinson-Brooks, Hill and Davies.</p> <p><b>Conflict of Interest:</b></p> <p>Nil disclosed</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Council Agenda Topic Discussion 25 March 2015</li> </ul>
<b>Stage 2 of Social Community Infrastructure Project</b>	<p><b>Councillors Attending:</b></p> <p>Crs Kennedy, Brunt, Newton, Harding, Hutchinson-Brooks, Hill and Davies.</p> <p><b>Conflict of Interest:</b></p> <p>Nil disclosed</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Draft Cluster Review for Social Community Infrastructure – Tarwin Lower/Venus Bay</li> </ul>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
<b>Wednesday 18 March 2015</b>		
<b>Public Presentations</b>	<b>Councillors Attending:</b>	
<b>OPEN DAY SESSION</b>	Crs Kennedy, Brunt, Newton, Harding, Hutchinson-Brooks, Hill and Davies. <b>Conflict of Interest:</b>  Nil disclosed	
<p><b>Presentations were made to Council by the following community members:</b></p> <p><b>Andrea Verboon</b>, regarding Council Strategy and community engagement.</p> <p><b>Paul Norton</b>, regarding Governance matters.</p> <p><b>Ursula Camburn</b>, regarding bringing Farming Rates and Farming overlays and submitted written questions, the answers are contained in <b>Attachment 1</b>.</p> <p><b>Kerrie Pensini</b>, regarding the Mirboo North Swimming Pool.</p>		
<b>Wednesday 25 March 2015</b>		
<b>Ordinary Council Agenda Topics Discussion</b>	<b>Councillors Attending:</b>  Crs Brunt, Harding, Hutchinson-Brooks and Davies. <b>Conflict of Interest:</b>  Nil disclosed	<b>Topics Discussed:</b>  <ul style="list-style-type: none"> <li>Council Agenda Topic Discussion 25 March 2015</li> </ul>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
<b>Wednesday 25 March 2015</b>		
<b>Public Presentation Session</b>	<b>Councillors Attending:</b>	
	Crs Fawcett, Brunt, Newton, Harding, Hutchinson-Brooks, McEwen and Davies.	
<b>OPEN DAY SESSION</b>	<b>Conflict of Interest:</b>	
	Nil disclosed	
<p><b>Presentations were made to Council by the following community members:</b></p> <p><b>Gary and Julie Clarke, Vicki and William Kelly, Belinda Cetnar, Robyn Mills</b> regarding objections to Council Agenda Item E7 PLANNING PERMIT APPLICATION 2014/243 - USE AND DEVELOPMENT OF AN OUTDOOR RECREATION FACILITY (SKATE RAMP AND STOREROOM/CHANGE ROOM) AND BUILDINGS.</p> <p><b>Peter Wilson, Cr Serge Thomann, Councillor City of Port Phillip</b> regarding support of Council Agenda Item E7 PLANNING PERMIT APPLICATION 2014/243 - USE AND DEVELOPMENT OF AN OUTDOOR RECREATION FACILITY (SKATE RAMP AND STOREROOM/CHANGE ROOM) AND BUILDINGS.</p> <p><b>Andrea Verboon</b> regarding Council Agenda Item E9 PLANNING SCHEME REVIEW 2011-2014 - ADOPTION AND SUBMISSION TO MINISTER FOR PLANNING.</p>		
<b>Leongatha Heavy Vehicle Alternate Route Project Update</b>	<b>Councillors Attending:</b>	<b>Topics Discussed:</b>
	Crs Fawcett, Brunt, Newton, Harding, Hutchinson-Brooks, McEwen, Hill and Davies.	Council provided with Detailed Designs for the Leongatha Heavy Vehicle Route prepared by VicRoads.
	<b>Conflict of Interest:</b>	
	Nil disclosed	



Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Friday 27 March 2015		
Access & Inclusion Advisory Committee	<p><b>Councillors Attending:</b></p> <p>Cr Brunt</p> <p><b>Conflict of Interest:</b></p> <p>Nil disclosed</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"><li>• Pedestrian access Leongatha and accessible Parking Korumburra</li><li>• Council website redevelopment</li><li>• Disability action plan status report</li><li>• Gipps Sports Report</li><li>• Deaf Access Gippsland Project Officer to attend meeting</li></ul>

**RECOMMENDATION**

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

**STAFF DISCLOSURE OF INTEREST**

Nil

**MOVED: Cr Hill**

**SECONDED: Cr Kennedy**

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

**CARRIED UNANIMOUSLY**

## **Attachment 1**

**Ursula Camburn posed the following written questions to Council at the Public Presentation Day 18 March 2015. A response is now provided.**

### **Preamble**

**My rates have gone up from \$835 (2003) to \$1,985 (2014).**

### **Question 1**

**Why such a large increase in Farm Rates?**

#### **Response:**

*Rates and charges have increased over time from 2003 to 2014 as Council has budgeted to meet its financial obligations. Council undertook a rating strategy review which came into place for the 2014 – 2015 rating year. The review included a change in the definition of properties eligible for the Farm Rate classification for rating.*

*Council considered that the 70% differential Farm rate should only be applicable to genuine farming operations as distinct from hobby or rural lifestyle properties. It determined that the definition of Farm Land for differential rating purposes be modified so that rural lifestyle properties are no longer defined as Farm land for differential rating purposes.*

*Properties where primary production and associated improvements are secondary to the value of the residential home site and associated residential improvements (properties coded 117) should not be classified as Farm land for differential rating purposes.*

*The property at 475 Telegraph Rd Port Welshpool was previously on Farm Rate but now fits the guidelines for the higher General Rate. This has also had an impact on the increase of rates and charges on the property.*

### **Question 2**

**How are Farms rated when they have multiple titles?**

#### **Response:**

*Rating is based on occupancy. Farms with multiple titles are rated on the one assessment based on occupancy.*

### **Question 3**

**If no capital improvements are taken on why the increase in rates when farm land has not risen by 100% as rates have?**

#### **Response:**

*Rate revenue increases every year in response to the increasing costs of providing the services requested by the ratepayers of the South Gippsland Shire. Council has a 15 year plan for its budgets which includes an allowance for increase in costs over the time to meet its costs and obligations.*

### **Question 4**

**Are planning overlays effecting the value of farming properties?**

#### **Response:**

*Planning overlays are taken into consideration as part of the valuation. The valuation is based on sales of similar properties in the market place as at the relevant date.*

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

Corporate Services Directorate

### **EXECUTIVE SUMMARY**

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

This report details Councillors allocations for the period between 26 February 2015 and 2 April 2015.

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

Councillor Discretionary Fund Policy 2014

### **COUNCIL PLAN**

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

### **REPORT**

The following applications have been allocated funding from the Councillor's 2014/2015 Discretionary Fund for the period between 26 February 2015 and 02 April 2015.

- Fish Creek Kindergarten PCCC: To assist with costs of replacing and purchasing equipment required for special needs children, in particular children with sensory issues such as Autism.  
  
Cr Mohya Davies - \$295  
  
Cr James Fawcett - \$133  
  
Cr Don Hill - \$300  
  
Cr Hutchinson-Brooks - \$200
- Foster Arts Music and Drama Association (FAMDA): Sponsorship for the South Gippsland One Act Play Festival youth section prize with the aim of encouraging South Gippsland schools to participate.  
  
Cr Mohya Davies - \$250  
  
Mayoral Fund (Cr Jeanette Harding) - \$250

- Sandy Point Community Group: Contribution towards the slashing of the former fire access track between Ned's Neale Lookout, Sandy Point and the GAP, Waratah Bay.

Cr Mohya Davies - \$250

Mayoral Fund (Cr Jeanette Harding) - \$250

- Leongatha Croquet Club Inc.: To assist with the costs of purchasing a new line making machine.

Cr James Fawcett - \$400

- Lions Club of Mirboo North Inc.: Sponsorship towards the 10 year celebrations which will be held in conjunction with new office bearers' induction.

Cr Don Hill - \$200

Cr Hutchinson-Brooks - \$200

An application was also received from the Rotary Club of Leongatha to assist with costs of hosting a Garden Party which will raise funds for the Leongatha Youth Clinic however funding was either not approved from the nominated Councillor's or fully expended.

## **FINANCIAL CONSIDERATIONS**

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

## **CONCLUSION**

The unexpended Councillor Discretionary Funds for the 2014/2015 Financial Year as at 02 April 2015 is as follows:

- Cr Mohya Davies - \$400
- Cr Jeanette Harding - \$600
- Cr Kieran Kennedy – Nil
- Cr Lorraine Brunt - \$205
- Cr Robert Newton - \$300
- Cr Andrew McEwen - \$250
- Cr James Fawcett - Nil
- Cr Don Hill - \$305

- Cr Nigel Hutchinson-Brooks - \$799
- Mayoral Fund - \$166

**RECOMMENDATION**

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

**STAFF DISCLOSURE OF INTEREST**

Nil

**NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 22.**

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### **D.3 DOCUMENTS SEALED AND CONTRACTS AWARDED OR VARIED BY THE CHIEF EXECUTIVE OFFICER - MARCH 2015**

Corporate Services Directorate

#### **EXECUTIVE SUMMARY**

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

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

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

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

#### **COUNCIL PLAN**

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

#### **REPORT**

##### **Documents Sealed**

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

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

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

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

1. Section 173 Agreement between South Gippsland Shire Council and the Owners of 285 Olsens Road, Poowong East in relation to a 2 Lot Subdivision – Seal Applied 13 March 2015.
2. Section 173 Agreement between South Gippsland Shire Council and the Owners of 5 Stewart Street, Port Welshpool in relation to the development of a dwelling and outbuilding – Seal Applied 13 March 2015.
3. Section 173 Agreement between South Gippsland Shire Council and the Owners of 22 Margaret Avenue, Venus Bay in relation to the development of a dwelling – Seal Applied 18 March 2015.
4. Section 173 Agreement between South Gippsland Shire Council and the Owners of 7 Todds Road, Stony Creek in relation to a 2 lot subdivision – Seal Applied 18 March 2015.
5. Section 173 Agreement between South Gippsland Shire Council and the Owners of 43 Giles Street, Mirboo North in relation to the use and development of storage units and advertising signage – Seal Applied 31 March 2015.

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

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

Council’s Procurement Policy requires recording in the Council Minutes all contracts over the statutory threshold set out in the Act (\$150,000 inclusive of GST for goods and services and \$200,000 inclusive of GST for works) for a public tender which shows the contracts purpose (a brief description of the

goods, services and works that is being procured), the successful tenderer (and ABN), contract length and the total contract price.

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

There were no contracts awarded under the CEO's delegation during March 2015 following a public tender.

#### **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 March 2015.

#### **RECOMMENDATION**

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

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

Nil

**NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 22.**



## SECTION E - COUNCIL REPORTS

### **E.1 SOCIAL COMMUNITY INFRASTRUCTURE TARWIN/LOWER AND MEENIYAN CLUSTER REVIEW – PUBLIC EXHIBITION**

Community Services Directorate

#### **EXECUTIVE SUMMARY**

Following the adoption of the South Gippsland Shire Council's Blueprint for Social Community Infrastructure (the Blueprint) in September 2014 a comprehensive review of community facilities has been completed for the Venus Bay/Tarwin Lower cluster and the Meeniyon cluster (as defined in the Blueprint).

The review incorporated utilisation of existing community facilities in the two clusters. It considered opportunities for increased utilisation, potential expansion of facilities and consolidation of assets. It identified a range of funding options for consideration by the two cluster communities as a means to achieve greater financial sustainability.

The Review identifies that the level of infrastructure in both cluster areas is, in the main, adequate. It confirms the significant contribution volunteers make in supporting and improving community facilities and the importance of building volunteer capacity.

This report presents the draft document - Cluster Review of Social Community Infrastructure - Tarwin Lower/Venus Bay and Meeniyon (Cluster Review) for Council endorsement to be placed on public exhibition in the two cluster areas. Community feedback will be considered prior to the final document being presented to Council for adoption.

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

- **Appendix 1** - Draft Cluster Review for Social Community Infrastructure – Tarwin Lower/Venus Bay and Meeniyon

A copy of **Appendix 1** is available on Council's website or by contacting 5662 9200.

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

- Local Government Act 1989

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

- South Gippsland Shire Council Social Community Infrastructure Blueprint 2014-2029
- South Gippsland Housing and Settlement Strategy

- South Gippsland Shire Council 2007, Recreation Plan: Volume 4: Implementation Plan
- South Gippsland Shire Council 2007 Open Space Strategy Vol. 1: Open Space Strategy
- South Gippsland Shire Council Asset Management Strategy 2013
- Town Centre Framework Plans
- South Gippsland Shire Council, 2011, Municipal Early Years Plan 2012 to 2016
- South Gippsland Shire Council (2013) Early Childhood Services Building Assets Policy Framework
- South Gippsland Shire Council, 2012, Economic Development and Tourism Strategy 2012 - 2017

### **COUNCIL PLAN**

Outcome:	3	Integrated Services and Infrastructure
Objective:	3.1	Deliver affordable modern community services and facilities through an integrated approach to planning and infrastructure development.
Strategy:	3.1.3	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:

- Meetings with key community stakeholders managing infrastructure in the Tarwin Lower/Venus Bay and Meeniyan clusters;
- A survey aimed to gain data for community owned and managed infrastructure in the two cluster areas;
- Discussion with representatives from the Engineering Directorate, Social Planning and Community Strengthening departments;
- Meetings with the internal Project Working Group, comprising Director of Engineering, Director of Community Services, Social Planner, Manager Community Strengthening ; and
- Input and guidance from the Social Community Infrastructure Steering Committee consisting of Mayor Harding, Councillors Fawcett, Brunt, Davies, Hill, Kennedy and McEwen and key Council staff.

## **REPORT**

### **Background**

A Blueprint for Social Community Infrastructure was developed to assist Council and the community to plan for and manage social community infrastructure, optimising utilisation of facilities and reflecting future growth of the Shire. The Blueprint which was adopted by Council in September 2014 formed Stage One of the Social Community Infrastructure project.

The Blueprint will guide Council and the community in making infrastructure decisions over the next fifteen years.

Stage Two of the Social Community Infrastructure project incorporated a review of utilisation of community facilities of two clusters – Venus Bay/Tarwin Lower and Meeniyan and opportunities for increased utilisation and potential expansion of facilities. In addition a range of funding options for the two clusters, including the potential of establishing a community foundation, were investigated.

Originally the Foster township was included in the consultant's brief. However, it was later agreed that Council's Social Planner would incorporate the same terms of reference into the Foster Community Infrastructure Plan which will be completed by June 2015.

Andrew Nixon Land Use Management, the consultant for Stage One, was appointed as the consultant to undertake the work for the Venus Bay/Tarwin Lower and the Meeniyan Cluster.

### **Discussion**

The Cluster Review document comprises an audit and analysis of current infrastructure and identified issues in the two designated cluster areas. It represents views expressed through considerable community consultation with key stakeholders in the two clusters. It proposes a number of solutions for the community and Council's consideration, including increased advocacy to State Government authorities to meet their obligations for appropriate levels of community infrastructure. In addition the review discusses a number of options for increasing community fundraising capacity, including the establishment of a community foundation and opportunities for Council to raise revenue for investment in infrastructure improvements.

In summary, the review states that "there is more than an adequate quantity and type of community infrastructure (with a few exceptions)". Communities are not looking for new infrastructure but they want to see what they have well maintained and in some cases improved. It confirms the significant contribution volunteers have made, and continue to make, in supporting and improving community infrastructure and challenges Council to recognise the importance of supporting and building volunteer capacity.

There are 8 key recommendations made in the Cluster Review document:

- Provide an advisory function and Initiate community forums on funding models which will assist communities to achieve financial sustainability.
- Continue to promote volunteering and support volunteers through existing and innovative programs.
- Enable community facility committees to achieve savings through infrastructure networks by grouping similar infrastructure initiatives, such as solar panel installation, into a single contract.
- Provide strong advocacy to State and Federal Government Departments to take responsibility for investing in appropriate infrastructure on land owned and managed by them.
- Initiate and build on existing infrastructure programs to alleviate seasonal pressures in coastal towns, in partnership with the community.
- Continue to monitor population changes in respect to future social community infrastructure needs, particularly in Venus Bay and Tarwin Lower.
- Assess the community project list against Council's Long Term Financial Plan and Capital Works budget, confirm the resulting project priorities with each town/cluster and implement where appropriate.
- Continue Councils' 'Strategic Land Review', in consultation with the community, thereby identifying further opportunities for income generation which could be reinvested in more suitable community infrastructure programs.

The Social Community Infrastructure Steering Committee has had a number of opportunities for input through the development of the document and recommends that the community be provided with an opportunity to provide feedback on the draft Cluster Review.

Following the consultation process proposed projects will be categorised under short, medium and long term timeframes and incorporated into the long term financial plan where appropriate.

### **Proposal**

It is proposed that the draft Cluster Review for Social Community Infrastructure – Tarwin Lower/Venus Bay and Meeniyan, be placed on public exhibition in the two cluster areas to seek community feedback prior to adoption of the final document.

### **FINANCIAL CONSIDERATIONS**

The cost of the project work came well within the 2014/15 budget allocation.

Any improvements to current infrastructure or new community infrastructure in either cluster would be considered in the framework of the Blueprint with an expectation of community contributions of a negotiated pre-set percentage. Where appropriate, projects may be included in Council's 15 year Capital Works budget.

## **RISKS**

There is a risk of raising community expectation that Council will fund new infrastructure projects or upgrades. However, the document clearly articulates the financial constraints that Council is experiencing and the importance of projects being either fully community funded or a shared funding arrangement in line with the criteria set out in the Blueprint.

## **CONCLUSION**

The draft Cluster Review analyses issues around utilisation of existing community facilities in the two cluster areas - Venus Bay/Tarwin Lower and Meeniyan and articulates opportunities for increased utilisation and potential expansion of facilities. It identifies a range of funding options for the two cluster communities to consider.

Feedback is now sought from the cluster communities on the draft Cluster Review.

## **RECOMMENDATION**

That Council:

1. Exhibit the draft Cluster Review for Social Community Infrastructure – Tarwin Lower/Venus Bay and Meeniyan for a period of 28 days;
2. Invite written submissions from the community until the closing date of 15 May 2015;
3. Consider written submissions and where appropriate amend the final Cluster Review for Social Community Infrastructure – Tarwin Lower/Venus Bay and Meeniyan; and
4. Present the revised plan to Council for consideration of adoption as soon as practicable after the closing of submissions.

## **STAFF DISCLOSURE OF INTEREST**

Nil

**MOVED: Cr Davies**

**SECONDED: Cr McEwen**

**THAT COUNCIL:**

- 1. EXHIBIT THE DRAFT CLUSTER REVIEW FOR SOCIAL COMMUNITY INFRASTRUCTURE – TARWIN LOWER/VENUS BAY AND MEENIYAN FOR A PERIOD OF 28 DAYS;**
- 2. INVITE WRITTEN SUBMISSIONS FROM THE COMMUNITY UNTIL THE CLOSING DATE OF FRIDAY 22 MAY 2015;**
- 3. CONSIDER WRITTEN SUBMISSIONS AND WHERE APPROPRIATE AMEND THE FINAL CLUSTER REVIEW FOR SOCIAL COMMUNITY INFRASTRUCTURE – TARWIN LOWER/VENUS BAY AND MEENIYAN; AND**
- 4. PRESENT THE REVISED PLAN TO COUNCIL FOR CONSIDERATION OF ADOPTION AS SOON AS PRACTICABLE AFTER THE CLOSING OF SUBMISSIONS.**

**CARRIED**

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

**Against: Cr Kennedy**

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**E.2 PLANNING APPLICATION 2011/243 - 28A NYORA ROAD, POOWONG - STAGED SUBDIVISION OF THE LAND, NATIVE VEGETATION REMOVAL AND CREATION OF AN ACCESS TO A ROAD ZONE CATEGORY 1**

Development Services Directorate

**EXECUTIVE SUMMARY**

This report considers a planning permit application for the staged subdivision of the land into 103 lots, native vegetation removal (four trees) and to create an access to a Road Zone - Category 1.

The subject land is 28A Nyora Road, Poowong and vehicular access is gained via an unconstructed and unnamed road (sometimes referred to as Burchett Court). The land has an area of approximately 14.45 hectares and is split zoned between the General Residential Zone (GRZ) and Low Density Residential Zone (LDRZ). The land is not affected by any overlays.

This application has been referred to Council for a decision as nine (9) objections and three (3) submissions were received. Objections primarily relate to effects on people's amenity (noise and views), pedestrian and vehicle access, public open space, density, removal of vegetation, stormwater and fencing. It is considered that each of the issues raised have been addressed by the applicant or can be dealt with via conditions on a permit.

Consideration of the application was delayed due to uncertainty regarding the provision of reticulated sewer to the Poowong Township and by outstanding further information requested by Council. These issues have now been resolved and the application has been assessed against the relevant considerations of the Planning and Environment Act 1987 (the Act) and the Planning Scheme. The application is considered to be generally acceptable and is recommended for approval subject to appropriate conditions.

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

- **Attachment 1** - Detailed Planning Assessment
- **Attachment 2** - Aerial Photography
- **Attachment 3** - Planning Property Report
- **Attachment 4** - Proposed Site Plan
- **Confidential Appendix 1** - Copy of Submissions (12)

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

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

- Planning and Environment Act 1987 (the Act)

- Subdivision Act 1988 (Subdivision Act)
- South Gippsland Planning Scheme (the Scheme)

### **COUNCIL PLAN**

Outcome:	1	A Prosperous Shire
Strategy:	1.1.1	We will actively plan for growth and economic development.
Strategy:	1.1.2	We will protect and retain the unique identity of towns, villages and farming districts.
Outcome:	3	Integrated Services and Infrastructure
Strategy:	3.1.5	We will encourage sustainable development that promotes the health, well-being and unique character of the community.
Outcome:	4	A Leading Organisation
Strategy:	4.2.3	We will make informed decisions and provide opportunities for the community to participate in the decision making process.

### **CONSULTATION**

#### **External**

The application was notified by postal notice to all adjoining property owners/occupiers in accordance with Section 52 of the Act and to others that Council considered may be affected by the application. A sign was placed in Nyora Road and it was also advertised in two local newspapers. Council received nine (9) objections and three (3) submissions.

The application was referred to South Gippsland Water Corporation (SGW), VicRoads, Ausnet Services, Country Fire Authority (CFA) and Public Transport Victoria (PTV) pursuant to Section 55 of the Planning and Environment Act 1987. It was also referred to Melbourne Water and the Department of Environment, Land, Water and Planning (DELWP) as non-statutory referrals. All referral authorities have provided conditional or unconditional consent to the application.

#### **Internal**

The application was referred internally to Environmental Health and Engineering. Conditional support was provided by Environmental Health and Engineering.



## **REPORT**

### **Background**

The land is commonly known as 28A Nyora Road, Poowong. Legal access is gained via an unconstructed and unnamed road which is sometimes referred to as Burchett Court. The land has an area of approximately 14.45 ha and is split zoned. Approximately 10.5 ha is in the General Residential Zone (GRZ) which applies to the southern and central portion of the site. Approximately 3.94 ha is in the Low Density Residential Zone (LDRZ) and this applies to the northern portion of the site.

There are in excess of 30 scattered trees on the land. However, only four of these are natives that require a planning permit to be removed. The non-native vegetation has been planted some time ago in what is likely to have been part of a domestic garden when there was a dwelling on the land. The rest of the land is maintained pasture used for low intensity farming. There is a row of planted non-native vegetation within the unnamed road reserve that will be required to be removed although this does not require planning permission.

There is one declared waterway on the land which runs from the south of the site, along the eastern boundary and through to the north west. A majority of the site drains to this waterway, although a small portion drains to the adjoining Farming Zone (FZ) land to the west. There is a dam located on the eastern portion of the land and a small portion of it is located on the adjoining Poowong Recreation Reserve to the east. The Poowong Recreation Reserve currently enjoy use of the dam to irrigate the football/cricket pitch.

The site is adjoined to the south by a strip of 11 dwellings in the GRZ and one commercial premises in the Commercial 1 Zone (C1Z). They all front onto Nyora Road. The northern boundary adjoins a previous 40 lot LDRZ subdivision completed by the same applicant.

Poowong and the general locality is characterised by low scale and low density residential development, primarily located along the three main entry points into the town (Nyora Road, Rancby Road and Drouin Road). Poowong is located on a ridgeline and any development has been restricted due to the lack of reticulated sewerage until recently and general topography of the surrounding area.

This application was originally lodged in August 2011, however, due to the previous uncertainty regarding lack of sewer Council was not prepared to progress with further development of the GRZ land until the sewerage scheme was confirmed. There were also a number of matters that were outstanding from a request for further information by Council. It is considered that the matters have now been resolved and the application is able to progress.

(Refer **Attachment 1** - Detailed Planning Assessment).

(Refer **Attachment 2** - Aerial photograph).

(Refer **Attachment 3** - Planning property report).

### **Proposal**

The application seeks a planning permit for the staged subdivision of the land into 103 lots, native vegetation removal (four trees) and creation of an access to a Road Zone Category 1. This includes 95 lots in the GRZ, in eight stages and eight lots in the LDRZ in one stage. The GRZ lots vary in size between 500 sq m and 1500 sq m with an average size of approximately 800 sq m. The LDRZ lots vary in size between 2700 sq m and 5000 sq m with an average size of approximately 4100 sq m.

The applicant proposes to create an area of Public Open Space (POS) adjoining the Poowong Recreation Reserve to the east and retain the dam which provides the Reserve with water for irrigation. This area equates to approximately 4% of the area of the land and is generally considered acceptable by Council as a POS contribution. The remainder of POS will be required to be provided by a cash in-lieu contribution. A Geotechnical Report has assessed the dam as being structurally sound and Council will endeavour to retain the dam in order to provide the Reserve with a reliable source of water.

The applicant has also allowed for the POS area to provide pedestrian connectivity to the adjoining LDRZ subdivision to the north. The road layout provides for future connectivity to the west (if that land is rezoned in future as per the Poowong Framework Plan).

A bio-retention and sediment basin will also be required in the area between the GRZ and LDRZ to treat and retain water prior to controlled discharge to the waterway in the northern portion of the site.

(Refer **Attachment 4** - Proposed site plan).

### **Discussion**

Section 60 of the Act requires the responsible authority to consider the following;

- The relevant planning scheme;
- The objectives of planning in Victoria;
- All objections and other submissions which it has received;
- Any decision and comments of a referral authority which it has received;

- Any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development;
- Any significant social effects and economic effects which the responsible authority considers the use or development may have; and
- Any other strategic plan, policy statement, code or guideline which has been adopted by a Minister.

Council has considered all of the above matters and a detailed assessment against all relevant provisions is provided at **Attachment 1**.

## **RISKS**

The dam located in the proposed POS area is considered to be a potential liability. However, the applicant has provided a geotechnical report to Council confirming its structural integrity/adequacy. It is recommended Council consider its retention for the benefit of providing a sustainable water supply for the Poowong Recreation Reserve. Any modifications required to make the dam suitable can be addressed under Council's conditions requiring engineering plans and computations. It is not considered necessary to fence the dam from a public liability perspective as water features are common in many contemporary subdivisions. It is also not desirable from a planning perspective. However, due to the nature of the dam's construction Council may find it appropriate to include a requirement for fencing to restrict easy access to the dam or signage advising of the potential danger.

## **CONCLUSION**

Council considers that the subdivision of the land can be supported with respect to the objectives of the relevant SPPF and LPPF Clauses, Decision Guidelines of the Zones, Clause 56 Clause 52.17 and Clause 52.29.

On balance of the relevant considerations it is recommended that Council issue a notice of decision to grant a permit, subject to appropriate conditions.

## **RECOMMENDATION**

That Council issue a Notice of Decision to Grant a Permit for Staged subdivision of the land, native vegetation removal and creation of an access to a Road Zone Category 1, all in accordance with the endorsed plans and subject to the following conditions:

1. Prior to the commencement of any works amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the permit. The plans must be generally in accordance with the plans submitted with the application/other specified plans but modified to:

- a.** Detailed landscape plan including;
  - i.** Use of plants from the appropriate bioregion within the "Indigenous Plants of South Gippsland Shire" publication. This includes the use of drought tolerant and low maintenance plants and avoiding species that are likely to spread into the surrounding environment.
  - ii.** Use of species that supports surveillance and provides shade in streets, parks and public open space.
  - iii.** Provide for an appropriate walking/cycling track between Proposed Road 2 and White Birch Close.
  - iv.** Provide appropriate pathways, signage, fencing, public lighting and street furniture, including the re-siting of the existing Cairn commemorating the early settlers to a prominent location within the Public Open Space.
  - v.** The landscape design must include a maintenance plan that sets out maintenance responsibilities, requirements and costs.
- b.** A Construction Management Plan detailing how each of the following matters will be managed:
  - i.** Erosion and sediment control in accordance with EPA Publication No. 275, "Construction Techniques for Sediment Pollution Control"
  - ii.** Dust.
  - iii.** Run-off.
  - iv.** Litter, concrete and other construction wastes.
  - v.** Chemical contamination.
  - vi.** Vegetation and natural features planned for retention.

#### STANDARD CONDITIONS

- 2.** The layout of the subdivision, as shown on the approved plan/s, must not be altered or modified without the consent in writing of the Responsible Authority.
- 3.** All existing and proposed easements and sites for existing and required utility services and roads must be set aside in favour of the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for certification under the Subdivision Act 1988.

4. The subdivision must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the responsible authority. All works required for each stage of the subdivision must be completed prior to the issue of Statement of Compliance for that stage.
5. All road names proposed for the subdivision must be in accordance with the Guidelines of for Geographic Place Names and approved by the Responsible Authority.

#### PUBLIC OPEN SPACE CONDITION

6. Prior to the issue of Statement of Compliance for Stage 2, the full 5% public open space contribution shall be provided to Council in accordance with Clause 52.01 of the South Gippsland Planning Scheme by way of land and cash contribution.

#### FENCING CONDITION

7. A solid 1.8m high boundary fence must be erected along the boundaries with:
  - a. All lots fronting Nyora Road, prior to the issue of Statement of Compliance for that respective stage if such fencing does not already exist.
  - b. The adjoining Farm Zone land to the west, prior to the issue of Statement of Compliance for that respective stage. This does not apply to the LDRZ lots within Stage 9.

#### RESTRICTION CONDITIONS

8. Prior to the issue of Statement of Compliance for Lots 101 and 102 in Stage 1 and Lots 301-305 of Stage 3, an Agreement under Section 173 of the Planning and Environment Act must be entered into for each respective lot (stage) which ensures that:
  - a. Each lot does not have a solid boundary fence greater than 1.65m high adjoining the areas of public open space or reserve. Any fencing above 1.65m high must be semi-transparent to allow for surveillance of the adjoining reserves.

The Agreement must be registered on title pursuant to Section 181 of the Planning and Environment Act. All costs relating to the preparation and registration of the Agreement must be borne by the applicant.

9. Prior to the issue of Statement of Compliance for each respective stage, the plan of subdivision will show a restriction on the extent of earthworks (cut/fill) allowed on Lots 503-507, 509-511 and 807-811 (inclusive). The restriction must state that no more than 1 metre of cut or fill (earthworks) can occur on the lot, without the written consent of the Responsible Authority.

## SERVICING CONDITION

- 10.** All lots must be connected to reticulated sewerage prior to issue of Statement of Compliance for each respective stage.

## NATIVE VEGETATION OFFSET

- 11.** Prior to the issue of Statement of Compliance for Stages 4 and 9 respectively, the applicant is to offset the vegetation to be removed in accordance with the Permitted clearing of native vegetation – Biodiversity assessment guidelines (Department of Environment and Primary Industries, September 2013).

## ENGINEERING CONDITIONS

- 12.** Unless stated otherwise, the following conditions must be complied with to council's satisfaction prior to the issue of a Statement of Compliance;
  - a.** The proposed subdivision construction shall generally accord with Councils Infrastructure Design Manual (I.D.M.). Construction work includes, but is not limited to; road construction, stormwater drainage, street trees, street lighting, street signs and footpaths.
  - b.** Prior to certification the plan of subdivision for Stage 1, a Stormwater Management Plan is to be submitted to and approved by the South Gippsland Shire Council outlining how the stormwater will be disposed of legally for each stage whilst still complying with the relevant conditions of this permit. Stormwater design is to include;
    - i.** As a minimum, stormwater detention to restrict the stormwater discharge to the equivalent discharge existing prior to the proposed development.
    - ii.** Water Sensitive Urban Design elements to satisfy Melbourne Water requirements.
    - iii.** Stormwater from adjoining properties.
    - iv.** Flow path for 1 in 100 year Design Storm.
    - v.** Appropriate litter control measures.
  - c.** Prior to certification, engineering plans and computations (based on the I.D.M.) for the civil engineering and drainage works are to be submitted to and approved by the South Gippsland Shire Council.
  - d.** The relevant requirements of the Stormwater Management Plan for each stage must be implemented prior to Statement of Compliance, or as determined by the responsible authority.

- e. Engineering design to consider appropriate Traffic Management issues which include, but are not limited to;
  - i. Intersection Sight Distance at the intersection of Road 4 and Road 5,
  - ii. Location of driveways and Sight Distance for corner lots, including Lot 114.
- f. Upon approval of construction plans by Council, pay to Council an amount equivalent to 0.75 % of the estimated cost of construction for checking of engineering plans and computations. A certified cost estimate is to be provided by the applicant.
- g. Number of and timing of inspections of construction work to be as agreed with Council's Engineering and Assets Department. A minimum of twenty four hours' notice is required for inspections.
- h. Scaled "As Constructed" plans are to be forwarded to Council in paper, "pdf" and AutoCAD compatible format, to the satisfaction of the Responsible Authority.
- i. "As Constructed" measurements/survey enhanced details of the drainage component of the development shall be provided in accordance with the current version of D Spec.
- j. Upon agreed practical completion of civil works, pay to Council an amount equivalent to 2.5 % of the actual cost of construction of infrastructure to be handed to Council, being for supervision of works. A certified final cost is to be supplied by the applicant.
- k. A twelve months Defects Liability Period shall apply to all civil engineering and landscaping works requested by the South Gippsland Shire Council.
- l. Upon agreed practical completion of civil works, pay to Council an amount equivalent to 5 % of the actual cost of construction of infrastructure to be handed to Council (including landscaping), being for Guarantee of Works during Defects Liability Period. The amount to be refunded upon release from Defects Liability Period by Council.
- m. The appropriate conditions must be complied with for each stage before we will consent to Certification or a Statement of Compliance for that stage.
- n. All work must be carried out to the satisfaction of the South Gippsland Shire Council.

#### MANDATORY TELECOMMUNICATIONS CONDITION

- 13.** The owner of the land must enter into an agreement with:
- a.** a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
  - b.** a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
- 14.** Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
- a.** a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
  - b.** a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

#### **SOUTH GIPPSLAND WATER CORPORATION CONDITIONS**

- 15.** The owner / applicant shall enter into a formal agreement with the South Gippsland Water Corporation for the provision of a reticulated water and sewer supply to service each and every allotment to the design and satisfaction of the Corporation.
- 16.** The owner shall pay to the South Gippsland Water Corporation "New Customer Contributions" for each new lot created, in accordance with the Essential Services Commission Determination.
- 17.** The plan of subdivision shall create 3 metre wide easements in favour of the South Gippsland Water Corporation over all proposed sewer reticulation assets located within the subdivisional lots.
- 18.** The plan of subdivision submitted for certification must be referred to the Corporation in accordance with Section 8 of the Subdivision Act.

#### **CFA CONDITIONS**



**19. Hydrants**

- a.** Operable hydrants, above or below ground must be provided to the satisfaction of CFA.
- b.** The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of the building envelope, the rear of all lots) must be 120m and hydrants must be no more than 120m apart.
- c.** Hydrants must be identified as specified in 'Identification of Street Hydrants for Firefighting purposes' available under publications on the Country Fire Authority website ([www.cfa.vic.gov.au](http://www.cfa.vic.gov.au))

**20. Roads**

- a.** Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
- b.** The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
- c.** Internal Roads must have a minimum trafficable width of 5.5m if parking is prohibited on one or both sides of the road.
- d.** The Access Road to the subdivision from the existing main road must be of a width to the satisfaction of the responsible authority, and as a single estate access road, to cater for the passing of large trucks that may access the area including emergency vehicles.

**AUSNET SERVICES CONDITIONS**

- 21.** The plan of subdivision submitted for certification must be referred to AusNet Electricity Services Pty Ltd in accordance with Section 8 of the subdivision Act 1988.
- 22.** The applicant must:
  - a.** Enter in an agreement with AusNet Electricity Services Pty Ltd for supply of electricity to each lot on the endorsed plan.
  - b.** Enter into an agreement with AusNet Electricity Services Pty Ltd for the rearrangement of the existing electricity supply system.
  - c.** Enter into an agreement with AusNet Electricity Services Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would

cross a boundary created by the subdivision, or by such means as may be agreed by AusNet Electricity Services Pty Ltd.

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

#### MELBOURNE WATER CONDITIONS

- 23. Prior to the issue of a Statement of Compliance, the Owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water's drainage systems and

waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.

- 24.** Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
- 25.** Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.

#### VICROADS CONDITIONS

- 26.** Only one point of access to the Lang Lang - Poowong Road will be permitted. This must be located as indicated on the Beveridge Williams drawing (Staging Plan reference:0900936-IDP01 dated 11/8/2014) attached to the application.
- 27.** The intersection onto Lang Lang - Poowong Road, the intersection must include a sealed 3.5m wide left and right turn lanes generally designed in accordance with the Austroads "Guide to Road Design " and to the satisfaction of VicRoads.
- 28.** At the new intersection a splitter island must be provided on the subdivisional road. The 2.5m wide splitter island must be designed in accordance with Guide to Road Design part 4A section 6.2.2 fig 6.1.
- 29.** Prior to certification, a set of Functional Layout drawings in accordance with VicRoads Eastern Region "Check List for Developer Funded Works" to access on to Lang Lang - Poowong Road must be approved by VicRoads in writing.
- 30.** The intersection at Lang Lang - Poowong Road must be provided with V3 lighting in accordance with AS/NZS 1158.
- 31.** Prior to any roadworks commencing within the road reserve, detail design drawings in accordance with VicRoads Eastern Region Check List for "Developer Funded Works" must be approved by VicRoads in writing.
- 32.** Prior to any roadworks commencing within the road reserve, a detail landscaping plan of the median or nature strips along Lang Lang - Poowong Road must be prepared to the satisfaction of VicRoads and approved in writing.
- 33.** The discharge of any concentrated drainage on to the Lang Lang - Poowong Road reserve will not be permitted unless approved in writing by VicRoads.
- 34.** Prior to removal of vegetation the applicant must seek the required approvals from the responsible authority.

- 35.** Provide Road Safety Audits as requested by VicRoads for approval. These must be completed by Pre Qualified Road Safety Auditors.

**PERMIT EXPIRY**

- 36.** This permit will expire if either of the following applies:
- a.** The first stage of the subdivision is not certified within two (2) years of the date of this permit; or
  - b.** The second or subsequent stage is not certified within two (2) years of the previous stage being certified; or
  - c.** The registration of the subdivision is not completed within five (5) years of the date of certification for that stage.

**NOTES**

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

The Responsible Authority is not able to extend the time to register the plan under part (c) of the expiry condition from the original date of certification for that stage, irrespective of whether the plan is re-certified or a new plan is certified under the provisions of the Subdivision Act 1988.

- 38.** This permit allows the above land to be used or developed for the purpose specified. It is the permit holder's responsibility to ensure that any other relevant approvals are obtained prior to the commencement of the use or development.
- 39.** The owner/applicant is encouraged to check with the relevant service authorities before any excavation work is undertaken (e.g. Telstra, Ausnet Services and South Gippsland Water).
- 40.** A Consent to Work Within the Road Reserve Permit must be obtained from Council's Engineering Department prior to any works occurring within a road reserve.
- 41.** In relation to the Telecommunications Condition please refer to "Telecommunications Services and Facilities" on our Website at [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)
- 42.** If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on telephone 9679 7517, quoting Melbourne Water's reference 197389.

**STAFF DISCLOSURE OF INTEREST**

Nil

**MOVED: Cr Brunt**

**SECONDED: Cr Newton**

**THAT COUNCIL ISSUE A NOTICE OF DECISION TO GRANT A PERMIT FOR STAGED SUBDIVISION OF THE LAND, NATIVE VEGETATION REMOVAL AND CREATION OF AN ACCESS TO A ROAD ZONE CATEGORY 1, ALL IN ACCORDANCE WITH THE ENDORSED PLANS AND SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1. PRIOR TO THE COMMENCEMENT OF ANY WORKS AMENDED PLANS TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY MUST BE SUBMITTED TO AND APPROVED BY THE RESPONSIBLE AUTHORITY. WHEN APPROVED, THE PLANS WILL BE ENDORSED AND THEN FORM PART OF THE PERMIT. THE PLANS MUST BE GENERALLY IN ACCORDANCE WITH THE PLANS SUBMITTED WITH THE APPLICATION/OTHER SPECIFIED PLANS BUT MODIFIED TO:**
  - a. DETAILED LANDSCAPE PLAN INCLUDING;**
    - i. USE OF PLANTS FROM COUNCIL'S "URBAN TREE MANAGEMENT GUIDELINES". THIS INCLUDES THE USE OF DROUGHT TOLERANT AND LOW MAINTENANCE PLANTS AND AVOIDING SPECIES THAT ARE LIKELY TO SPREAD INTO THE SURROUNDING ENVIRONMENT.**
    - ii. USE OF SPECIES THAT SUPPORTS SURVEILLANCE AND PROVIDES SHADE IN STREETS, PARKS AND PUBLIC OPEN SPACE.**
    - iii. PROVIDE FOR AN APPROPRIATE WALKING/CYCLING TRACK BETWEEN PROPOSED ROAD 2 AND WHITE BIRCH CLOSE.**
    - iv. PROVIDE APPROPRIATE PATHWAYS, SIGNAGE, FENCING, PUBLIC LIGHTING AND STREET FURNITURE, INCLUDING THE RE-SITING OF THE EXISTING CAIRN COMMEMORATING THE EARLY SETTLERS TO A PROMINENT LOCATION WITHIN THE PUBLIC OPEN SPACE.**
    - v. THE LANDSCAPE DESIGN MUST INCLUDE A MAINTENANCE PLAN THAT SETS OUT MAINTENANCE RESPONSIBILITIES, REQUIREMENTS AND COSTS.**
  - b. A PLAN DETAILING THE PROPOSED FENCING OF THE EXISTING DAM TO BE RETAINED WITHIN THE PROPOSED PUBLIC OPEN SPACE. THE PLAN IS TO INDICATE HOW THE FENCING WILL EXCLUDE PUBLIC ACCESS AND MINIMISE RISK OF ENTRY INTO THE DAM.**

- c. A CONSTRUCTION MANAGEMENT PLAN DETAILING HOW EACH OF THE FOLLOWING MATTERS WILL BE MANAGED:**
  - i. EROSION AND SEDIMENT CONTROL IN ACCORDANCE WITH EPA PUBLICATION NO. 275, "CONSTRUCTION TECHNIQUES FOR SEDIMENT POLLUTION CONTROL"**
  - ii. DUST.**
  - iii. RUN-OFF.**
  - iv. LITTER, CONCRETE AND OTHER CONSTRUCTION WASTES.**
  - v. CHEMICAL CONTAMINATION.**
  - vi. VEGETATION AND NATURAL FEATURES PLANNED FOR RETENTION.**

#### **STANDARD CONDITIONS**

- 2. THE LAYOUT OF THE SUBDIVISION, AS SHOWN ON THE APPROVED PLAN/S, MUST NOT BE ALTERED OR MODIFIED WITHOUT THE CONSENT IN WRITING OF THE RESPONSIBLE AUTHORITY.**
- 3. ALL EXISTING AND PROPOSED EASEMENTS AND SITES FOR EXISTING AND REQUIRED UTILITY SERVICES AND ROADS MUST BE SET ASIDE IN FAVOUR OF THE RELEVANT AUTHORITY FOR WHICH THE EASEMENT OR SITE IS TO BE CREATED ON THE PLAN OF SUBDIVISION SUBMITTED FOR CERTIFICATION UNDER THE SUBDIVISION ACT 1988.**
- 4. THE SUBDIVISION MUST PROCEED IN THE ORDER OF STAGES AS SHOWN ON THE ENDORSED PLAN UNLESS OTHERWISE AGREED IN WRITING BY THE RESPONSIBLE AUTHORITY. ALL WORKS REQUIRED FOR EACH STAGE OF THE SUBDIVISION MUST BE COMPLETED PRIOR TO THE ISSUE OF STATEMENT OF COMPLIANCE FOR THAT STAGE.**
- 5. ALL ROAD NAMES PROPOSED FOR THE SUBDIVISION MUST BE IN ACCORDANCE WITH THE GUIDELINES OF FOR GEOGRAPHIC PLACE NAMES AND APPROVED BY THE RESPONSIBLE AUTHORITY.**

#### **PUBLIC OPEN SPACE CONDITION**

- 6. PRIOR TO THE ISSUE OF STATEMENT OF COMPLIANCE FOR STAGE 2, THE FULL 5% PUBLIC OPEN SPACE CONTRIBUTION SHALL BE PROVIDED TO COUNCIL IN ACCORDANCE WITH**

**CLAUSE 52.01 OF THE SOUTH GIPPSLAND PLANNING SCHEME  
BY WAY OF LAND AND CASH CONTRIBUTION.**

**FENCING CONDITION**

- 7. A SOLID 1.8M HIGH BOUNDARY FENCE MUST BE ERECTED  
ALONG THE BOUNDARIES WITH:**
  - a. ALL LOTS FRONTING NYORA ROAD, PRIOR TO THE ISSUE  
OF STATEMENT OF COMPLIANCE FOR THAT RESPECTIVE  
STAGE IF SUCH FENCING DOES NOT ALREADY EXIST.**
  - b. THE ADJOINING FARM ZONE LAND TO THE WEST, PRIOR TO  
THE ISSUE OF STATEMENT OF COMPLIANCE FOR THAT  
RESPECTIVE STAGE. THIS DOES NOT APPLY TO THE LDRZ  
LOTS WITHIN STAGE 9.**
- 8. FENCING OF THE DAM IS TO BE PROVIDED IN ACCORDANCE  
WITH THE DETAILED FENCING PLAN PRIOR TO ISSUE OF  
STATEMENT OF COMPLIANCE FOR STAGE 2.**

**RESTRICTION CONDITIONS**

- 9. PRIOR TO THE ISSUE OF STATEMENT OF COMPLIANCE FOR  
LOTS 101 AND 102 IN STAGE 1 AND LOTS 301-305 OF STAGE 3,  
AN AGREEMENT UNDER SECTION 173 OF THE PLANNING AND  
ENVIRONMENT ACT MUST BE ENTERED INTO FOR EACH  
RESPECTIVE LOT (STAGE) WHICH ENSURES THAT:**
  - a. EACH LOT DOES NOT HAVE A SOLID BOUNDARY FENCE  
GREATER THAN 1.65M HIGH ADJOINING THE AREAS OF  
PUBLIC OPEN SPACE OR RESERVE. ANY FENCING ABOVE  
1.65M HIGH MUST BE SEMI-TRANSPARENT TO ALLOW FOR  
SURVEILLANCE OF THE ADJOINING RESERVES.**

**THE AGREEMENT MUST BE REGISTERED ON TITLE PURSUANT  
TO SECTION 181 OF THE PLANNING AND ENVIRONMENT ACT.  
ALL COSTS RELATING TO THE PREPARATION AND  
REGISTRATION OF THE AGREEMENT MUST BE BORNE BY THE  
APPLICANT.**
- 10. PRIOR TO THE ISSUE OF STATEMENT OF COMPLIANCE FOR  
EACH RESPECTIVE STAGE, THE PLAN OF SUBDIVISION WILL  
SHOW A RESTRICTION ON THE EXTENT OF EARTHWORKS  
(CUT/FILL) ALLOWED ON LOTS 503-507, 509-511 AND 807-811  
(INCLUSIVE). THE RESTRICTION MUST STATE THAT NO MORE  
THAN 1 METRE OF CUT OR FILL (EARTHWORKS) CAN OCCUR ON  
THE LOT, WITHOUT THE WRITTEN CONSENT OF THE  
RESPONSIBLE AUTHORITY.**

## **SERVICING CONDITION**

- 11. ALL LOTS MUST BE CONNECTED TO RETICULATED SEWERAGE PRIOR TO ISSUE OF STATEMENT OF COMPLIANCE FOR EACH RESPECTIVE STAGE.**

## **NATIVE VEGETATION OFFSET**

- 12. PRIOR TO THE ISSUE OF STATEMENT OF COMPLIANCE FOR STAGES 4 AND 9 RESPECTIVELY, THE APPLICANT IS TO OFFSET THE VEGETATION TO BE REMOVED IN ACCORDANCE WITH THE PERMITTED CLEARING OF NATIVE VEGETATION – BIODIVERSITY ASSESSMENT GUIDELINES (DEPARTMENT OF ENVIRONMENT AND PRIMARY INDUSTRIES, SEPTEMBER 2013).**

## **ENGINEERING CONDITIONS**

- 13. UNLESS STATED OTHERWISE, THE FOLLOWING CONDITIONS MUST BE COMPLIED WITH TO COUNCIL'S SATISFACTION PRIOR TO THE ISSUE OF A STATEMENT OF COMPLIANCE;**
  - a. THE PROPOSED SUBDIVISION CONSTRUCTION SHALL GENERALLY ACCORD WITH COUNCIL'S INFRASTRUCTURE DESIGN MANUAL (I.D.M.). CONSTRUCTION WORK INCLUDES, BUT IS NOT LIMITED TO; ROAD CONSTRUCTION, STORMWATER DRAINAGE, STREET TREES, STREET LIGHTING, STREET SIGNS AND FOOTPATHS.**
  - b. PRIOR TO CERTIFICATION THE PLAN OF SUBDIVISION FOR STAGE 1, A STORMWATER MANAGEMENT PLAN IS TO BE SUBMITTED TO AND APPROVED BY THE SOUTH GIPPSLAND SHIRE COUNCIL OUTLINING HOW THE STORMWATER WILL BE DISPOSED OF LEGALLY FOR EACH STAGE WHILST STILL COMPLYING WITH THE RELEVANT CONDITIONS OF THIS PERMIT. STORMWATER DESIGN IS TO INCLUDE;**
    - i. AS A MINIMUM, STORMWATER DETENTION TO RESTRICT THE STORMWATER DISCHARGE TO THE EQUIVALENT DISCHARGE EXISTING PRIOR TO THE PROPOSED DEVELOPMENT.**
    - ii. WATER SENSITIVE URBAN DESIGN ELEMENTS TO SATISFY MELBOURNE WATER REQUIREMENTS.**
    - iii. STORMWATER FROM ADJOINING PROPERTIES.**
    - iv. FLOW PATH FOR 1 IN 100 YEAR DESIGN STORM.**
    - v. APPROPRIATE LITTER CONTROL MEASURES.**



- c. PRIOR TO CERTIFICATION, ENGINEERING PLANS AND COMPUTATIONS (BASED ON THE I.D.M.) FOR THE CIVIL ENGINEERING AND DRAINAGE WORKS ARE TO BE SUBMITTED TO AND APPROVED BY THE SOUTH GIPPSLAND SHIRE COUNCIL.**
- d. THE RELEVANT REQUIREMENTS OF THE STORMWATER MANAGEMENT PLAN FOR EACH STAGE MUST BE IMPLEMENTED PRIOR TO STATEMENT OF COMPLIANCE, OR AS DETERMINED BY THE RESPONSIBLE AUTHORITY.**
- e. ENGINEERING DESIGN TO CONSIDER APPROPRIATE TRAFFIC MANAGEMENT ISSUES WHICH INCLUDE, BUT ARE NOT LIMITED TO;**

  - i. INTERSECTION SIGHT DISTANCE AT THE INTERSECTION OF ROAD 4 AND ROAD 5,**
  - ii. LOCATION OF DRIVEWAYS AND SIGHT DISTANCE FOR CORNER LOTS, INCLUDING LOT 114.**
- f. UPON APPROVAL OF CONSTRUCTION PLANS BY COUNCIL, PAY TO COUNCIL AN AMOUNT EQUIVALENT TO 0.75 % OF THE ESTIMATED COST OF CONSTRUCTION FOR CHECKING OF ENGINEERING PLANS AND COMPUTATIONS. A CERTIFIED COST ESTIMATE IS TO BE PROVIDED BY THE APPLICANT.**
- g. NUMBER OF AND TIMING OF INSPECTIONS OF CONSTRUCTION WORK TO BE AS AGREED WITH COUNCIL'S ENGINEERING AND ASSETS DEPARTMENT. A MINIMUM OF TWENTY FOUR HOURS' NOTICE IS REQUIRED FOR INSPECTIONS.**
- h. SCALED "AS CONSTRUCTED" PLANS ARE TO BE FORWARDED TO COUNCIL IN PAPER, "PDF" AND AUTOCAD COMPATIBLE FORMAT, TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.**
- i. "AS CONSTRUCTED" MEASUREMENTS/SURVEY ENHANCED DETAILS OF THE DRAINAGE COMPONENT OF THE DEVELOPMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE CURRENT VERSION OF D SPEC.**
- j. UPON AGREED PRACTICAL COMPLETION OF CIVIL WORKS, PAY TO COUNCIL AN AMOUNT EQUIVALENT TO 2.5 % OF THE ACTUAL COST OF CONSTRUCTION OF INFRASTRUCTURE TO BE HANDED TO COUNCIL, BEING FOR SUPERVISION OF WORKS. A CERTIFIED FINAL COST IS TO BE SUPPLIED BY THE APPLICANT.**

- k. A TWELVE MONTHS DEFECTS LIABILITY PERIOD SHALL APPLY TO ALL CIVIL ENGINEERING AND LANDSCAPING WORKS REQUESTED BY THE SOUTH GIPPSLAND SHIRE COUNCIL.**
- l. UPON AGREED PRACTICAL COMPLETION OF CIVIL WORKS, PAY TO COUNCIL AN AMOUNT EQUIVALENT TO 5 % OF THE ACTUAL COST OF CONSTRUCTION OF INFRASTRUCTURE TO BE HANDED TO COUNCIL (INCLUDING LANDSCAPING), BEING FOR GUARANTEE OF WORKS DURING DEFECTS LIABILITY PERIOD. THE AMOUNT TO BE REFUNDED UPON RELEASE FROM DEFECTS LIABILITY PERIOD BY COUNCIL.**
- m. THE APPROPRIATE CONDITIONS MUST BE COMPLIED WITH FOR EACH STAGE BEFORE WE WILL CONSENT TO CERTIFICATION OR A STATEMENT OF COMPLIANCE FOR THAT STAGE.**
- n. ALL WORK MUST BE CARRIED OUT TO THE SATISFACTION OF THE SOUTH GIPPSLAND SHIRE COUNCIL.**

**MANDATORY TELECOMMUNICATIONS CONDITION**

- 14. THE OWNER OF THE LAND MUST ENTER INTO AN AGREEMENT WITH:**
  - a. A TELECOMMUNICATIONS NETWORK OR SERVICE PROVIDER FOR THE PROVISION OF TELECOMMUNICATION SERVICES TO EACH LOT SHOWN ON THE ENDORSED PLAN IN ACCORDANCE WITH THE PROVIDER'S REQUIREMENTS AND RELEVANT LEGISLATION AT THE TIME; AND**
  - b. A SUITABLY QUALIFIED PERSON FOR THE PROVISION OF FIBRE READY TELECOMMUNICATION FACILITIES TO EACH LOT SHOWN ON THE ENDORSED PLAN IN ACCORDANCE WITH ANY INDUSTRY SPECIFICATIONS OR ANY STANDARDS SET BY THE AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY, UNLESS THE APPLICANT CAN DEMONSTRATE THAT THE LAND IS IN AN AREA WHERE THE NATIONAL BROADBAND NETWORK WILL NOT BE PROVIDED BY OPTICAL FIBRE.**
- 15. BEFORE THE ISSUE OF A STATEMENT OF COMPLIANCE FOR ANY STAGE OF THE SUBDIVISION UNDER THE SUBDIVISION ACT 1988, THE OWNER OF THE LAND MUST PROVIDE WRITTEN CONFIRMATION FROM:**
  - a. A TELECOMMUNICATIONS NETWORK OR SERVICE PROVIDER THAT ALL LOTS ARE CONNECTED TO OR ARE READY FOR CONNECTION TO TELECOMMUNICATIONS SERVICES IN ACCORDANCE WITH THE PROVIDER'S**

**REQUIREMENTS AND RELEVANT LEGISLATION AT THE TIME; AND**

- b. A SUITABLY QUALIFIED PERSON THAT FIBRE READY TELECOMMUNICATION FACILITIES HAVE BEEN PROVIDED IN ACCORDANCE WITH ANY INDUSTRY SPECIFICATIONS OR ANY STANDARDS SET BY THE AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY, UNLESS THE APPLICANT CAN DEMONSTRATE THAT THE LAND IS IN AN AREA WHERE THE NATIONAL BROADBAND NETWORK WILL NOT BE PROVIDED BY OPTICAL FIBRE.**

**SOUTH GIPPSLAND WATER CORPORATION CONDITIONS**

- 16. THE OWNER / APPLICANT SHALL ENTER INTO A FORMAL AGREEMENT WITH THE SOUTH GIPPSLAND WATER CORPORATION FOR THE PROVISION OF A RETICULATED WATER AND SEWER SUPPLY TO SERVICE EACH AND EVERY ALLOTMENT TO THE DESIGN AND SATISFACTION OF THE CORPORATION.**
- 17. THE OWNER SHALL PAY TO THE SOUTH GIPPSLAND WATER CORPORATION "NEW CUSTOMER CONTRIBUTIONS" FOR EACH NEW LOT CREATED, IN ACCORDANCE WITH THE ESSENTIAL SERVICES COMMISSION DETERMINATION.**
- 18. THE PLAN OF SUBDIVISION SHALL CREATE 3 METRE WIDE EASEMENTS IN FAVOUR OF THE SOUTH GIPPSLAND WATER CORPORATION OVER ALL PROPOSED SEWER RETICULATION ASSETS LOCATED WITHIN THE SUBDIVISIONAL LOTS.**
- 19. THE PLAN OF SUBDIVISION SUBMITTED FOR CERTIFICATION MUST BE REFERRED TO THE CORPORATION IN ACCORDANCE WITH SECTION 8 OF THE SUBDIVISION ACT.**

**CFA CONDITIONS**

**20. HYDRANTS**

- a. OPERABLE HYDRANTS, ABOVE OR BELOW GROUND MUST BE PROVIDED TO THE SATISFACTION OF CFA.**
- b. THE MAXIMUM DISTANCE BETWEEN THESE HYDRANTS AND THE REAR OF ALL BUILDING ENVELOPES (OR IN THE ABSENCE OF THE BUILDING ENVELOPE, THE REAR OF ALL LOTS) MUST BE 120M AND HYDRANTS MUST BE NO MORE THAN 120M APART.**
- c. HYDRANTS MUST BE IDENTIFIED AS SPECIFIED IN 'IDENTIFICATION OF STREET HYDRANTS FOR FIREFIGHTING PURPOSES' AVAILABLE UNDER PUBLICATIONS ON THE**

**COUNTRY FIRE AUTHORITY WEBSITE  
(WWW.CFA.VIC.GOV.AU)**

**21. ROADS**

- a. **ROADS MUST BE CONSTRUCTED TO A STANDARD SO THAT THEY ARE ACCESSIBLE IN ALL WEATHER CONDITIONS AND CAPABLE OF ACCOMMODATING A VEHICLE OF 15 TONNES FOR THE TRAFFICABLE ROAD WIDTH.**
- b. **THE AVERAGE GRADE MUST BE NO MORE THAN 1 IN 7 (14.4%) (8.1 DEGREES) WITH A MAXIMUM OF NO MORE THAN 1 IN 5 (20%) (11.3 DEGREES) FOR NO MORE THAN 50 METERS. DIPS MUST HAVE NO MORE THAN A 1 IN 8 (12%) (7.1 DEGREE) ENTRY AND EXIT ANGLE.**
- c. **INTERNAL ROADS MUST HAVE A MINIMUM TRAFFICABLE WIDTH OF 5.5M IF PARKING IS PROHIBITED ON ONE OR BOTH SIDES OF THE ROAD.**
- d. **THE ACCESS ROAD TO THE SUBDIVISION FROM THE EXISTING MAIN ROAD MUST BE OF A WIDTH TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY, AND AS A SINGLE ESTATE ACCESS ROAD, TO CATER FOR THE PASSING OF LARGE TRUCKS THAT MAY ACCESS THE AREA INCLUDING EMERGENCY VEHICLES.**

**AUSNET SERVICES CONDITIONS**

- 22. THE PLAN OF SUBDIVISION SUBMITTED FOR CERTIFICATION MUST BE REFERRED TO AUSNET ELECTRICITY SERVICES PTY LTD IN ACCORDANCE WITH SECTION 8 OF THE SUBDIVISION ACT 1988.**

**23. THE APPLICANT MUST:**

- a. **ENTER IN AN AGREEMENT WITH AUSNET ELECTRICITY SERVICES PTY LTD FOR SUPPLY OF ELECTRICITY TO EACH LOT ON THE ENDORSED PLAN.**
- b. **ENTER INTO AN AGREEMENT WITH AUSNET ELECTRICITY SERVICES PTY LTD FOR THE REARRANGEMENT OF THE EXISTING ELECTRICITY SUPPLY SYSTEM.**
- c. **ENTER INTO AN AGREEMENT WITH AUSNET ELECTRICITY SERVICES PTY LTD FOR REARRANGEMENT OF THE POINTS OF SUPPLY TO ANY EXISTING INSTALLATIONS AFFECTED BY ANY PRIVATE ELECTRIC POWER LINE WHICH WOULD CROSS A BOUNDARY CREATED BY THE SUBDIVISION, OR BY SUCH MEANS AS MAY BE AGREED BY AUSNET ELECTRICITY SERVICES PTY LTD.**

- d. **PROVIDE EASEMENTS SATISFACTORY TO AUSNET ELECTRICITY SERVICES PTY LTD FOR THE PURPOSE OF "POWER LINE" IN THE FAVOUR OF "AUSNET ELECTRICITY SERVICES PTY LTD" PURSUANT TO SECTION 88 OF THE ELECTRICITY INDUSTRY ACT 2000, WHERE EASEMENTS HAVE NOT BEEN OTHERWISE PROVIDED, FOR ALL EXISTING AUSNET ELECTRICITY SERVICES PTY LTD ELECTRIC POWER LINES AND FOR ANY NEW POWER LINES REQUIRED TO SERVICE THE LOTS ON THE ENDORSED PLAN AND/OR ABUTTING LAND.**
- e. **OBTAIN FOR THE USE OF AUSNET ELECTRICITY SERVICES PTY LTD ANY OTHER EASEMENT REQUIRED TO SERVICE THE LOTS.**
- f. **ADJUST THE POSITION OF ANY EXISTING AUSNET ELECTRICITY SERVICES PTY LTD EASEMENT TO ACCORD WITH THE POSITION OF THE ELECTRICITY LINE(S) AS DETERMINED BY SURVEY.**
- g. **SET ASIDE ON THE PLAN OF SUBDIVISION RESERVES FOR THE USE OF AUSNET ELECTRICITY SERVICES PTY LTD FOR ELECTRIC SUBSTATIONS.**
- h. **PROVIDE SURVEY PLANS FOR ANY ELECTRIC SUBSTATIONS REQUIRED BY AUSNET ELECTRICITY SERVICES PTY LTD AND FOR ASSOCIATED POWER LINES AND CABLES AND EXECUTES LEASES FOR A PERIOD OF 30 YEARS, AT A NOMINAL RENTAL WITH A RIGHT TO EXTEND THE LEASE FOR A FURTHER 30 YEARS. AUSNET ELECTRICITY SERVICES PTY LTD REQUIRES THAT SUCH LEASES ARE TO BE NOTED ON THE TITLE BY WAY OF A CAVEAT OR A NOTIFICATION UNDER SECTION 88 (2) OF THE TRANSFER OF LAND ACT PRIOR TO THE REGISTRATION OF THE PLAN OF SUBDIVISION.**
- i. **PROVIDE TO AUSNET ELECTRICITY SERVICES PTY LTD A COPY OF THE PLAN OF SUBDIVISION SUBMITTED FOR CERTIFICATION THAT SHOWS ANY AMENDMENTS THAT HAVE BEEN REQUIRED.**
- j. **AGREE TO PROVIDE ALTERNATIVE ELECTRICITY SUPPLY TO LOT OWNERS AND/OR EACH LOT UNTIL SUCH TIME AS PERMANENT SUPPLY IS AVAILABLE TO THE DEVELOPMENT BY AUSNET ELECTRICITY SERVICES PTY LTD. INDIVIDUAL GENERATORS MUST BE PROVIDED AT EACH SUPPLY POINT. THE GENERATOR FOR TEMPORARY SUPPLY MUST BE INSTALLED IN SUCH A MANNER AS TO COMPLY WITH THE ELECTRICITY SAFETY ACT 1998.**

- k. ENSURE THAT ALL NECESSARY AUDITING IS COMPLETED TO THE SATISFACTION OF AUSNET ELECTRICITY SERVICES PTY LTD TO ALLOW THE NEW NETWORK ASSETS TO BE SAFELY CONNECTED TO THE DISTRIBUTION NETWORK**

#### **MELBOURNE WATER CONDITIONS**

- 24. PRIOR TO THE ISSUE OF A STATEMENT OF COMPLIANCE, THE OWNER SHALL ENTER INTO AND COMPLY WITH AN AGREEMENT WITH MELBOURNE WATER CORPORATION FOR THE ACCEPTANCE OF SURFACE AND STORM WATER FROM THE SUBJECT LAND DIRECTLY OR INDIRECTLY INTO MELBOURNE WATER'S DRAINAGE SYSTEMS AND WATERWAYS, THE PROVISION OF DRAINAGE WORKS AND OTHER MATTERS IN ACCORDANCE WITH THE STATUTORY POWERS OF MELBOURNE WATER CORPORATION.**
- 25. POLLUTION AND SEDIMENT LADEN RUNOFF SHALL NOT BE DISCHARGED DIRECTLY OR INDIRECTLY INTO MELBOURNE WATER'S DRAINS OR WATERWAYS.**
- 26. PRIOR TO CERTIFICATION, THE PLAN OF SUBDIVISION MUST BE REFERRED TO MELBOURNE WATER, IN ACCORDANCE WITH SECTION 8 OF THE SUBDIVISION ACT 1988.**

#### **VICROADS CONDITIONS**

- 27. ONLY ONE POINT OF ACCESS TO THE LANG LANG - POOWONG ROAD WILL BE PERMITTED. THIS MUST BE LOCATED AS INDICATED ON THE BEVERIDGE WILLIAMS DRAWING (STAGING PLAN REFERENCE:0900936-IDP01 DATED 11/8/2014) ATTACHED TO THE APPLICATION.**
- 28. THE INTERSECTION ONTO LANG LANG - POOWONG ROAD, THE INTERSECTION MUST INCLUDE A SEALED 3.5M WIDE LEFT AND RIGHT TURN LANES GENERALLY DESIGNED IN ACCORDANCE WITH THE AUSTROADS "GUIDE TO ROAD DESIGN " AND TO THE SATISFACTION OF VICROADS.**
- 29. AT THE NEW INTERSECTION A SPLITTER ISLAND MUST BE PROVIDED ON THE SUBDIVISIONAL ROAD. THE 2.5M WIDE SPLITTER ISLAND MUST BE DESIGNED IN ACCORDANCE WITH GUIDE TO ROAD DESIGN PART 4A SECTION 6.2.2 FIG 6.1.**
- 30. PRIOR TO CERTIFICATION, A SET OF FUNCTIONAL LAYOUT DRAWINGS IN ACCORDANCE WITH VICROADS EASTERN REGION "CHECK LIST FOR DEVELOPER FUNDED WORKS" TO ACCESS ON TO LANG LANG - POOWONG ROAD MUST BE APPROVED BY VICROADS IN WRITING.**

31. **THE INTERSECTION AT LANG LANG - POOWONG ROAD MUST BE PROVIDED WITH V3 LIGHTING IN ACCORDANCE WITH AS/NZS 1158.**
32. **PRIOR TO ANY ROADWORKS COMMENCING WITHIN THE ROAD RESERVE, DETAIL DESIGN DRAWINGS IN ACCORDANCE WITH VICROADS EASTERN REGION CHECK LIST FOR "DEVELOPER FUNDED WORKS" MUST BE APPROVED BY VICROADS IN WRITING.**
33. **PRIOR TO ANY ROADWORKS COMMENCING WITHIN THE ROAD RESERVE, A DETAIL LANDSCAPING PLAN OF THE MEDIAN OR NATURE STRIPS ALONG LANG LANG - POOWONG ROAD MUST BE PREPARED TO THE SATISFACTION OF VICROADS AND APPROVED IN WRITING.**
34. **THE DISCHARGE OF ANY CONCENTRATED DRAINAGE ON TO THE LANG LANG - POOWONG ROAD RESERVE WILL NOT BE PERMITTED UNLESS APPROVED IN WRITING BY VICROADS.**
35. **PRIOR TO REMOVAL OF VEGETATION THE APPLICANT MUST SEEK THE REQUIRED APPROVALS FROM THE RESPONSIBLE AUTHORITY.**
36. **PROVIDE ROAD SAFETY AUDITS AS REQUESTED BY VICROADS FOR APPROVAL. THESE MUST BE COMPLETED BY PRE QUALIFIED ROAD SAFETY AUDITORS.**

#### **PERMIT EXPIRY**

37. **THIS PERMIT WILL EXPIRE IF EITHER OF THE FOLLOWING APPLIES:**
  - a. **THE FIRST STAGE OF THE SUBDIVISION IS NOT CERTIFIED WITHIN TWO (2) YEARS OF THE DATE OF THIS PERMIT; OR**
  - b. **THE SECOND OR SUBSEQUENT STAGE IS NOT CERTIFIED WITHIN TWO (2) YEARS OF THE PREVIOUS STAGE BEING CERTIFIED; OR**
  - c. **THE REGISTRATION OF THE SUBDIVISION IS NOT COMPLETED WITHIN FIVE (5) YEARS OF THE DATE OF CERTIFICATION FOR THAT STAGE.**

#### **NOTES**

38. **PURSUANT TO THE PROVISIONS OF SECTION 69 OF THE PLANNING AND ENVIRONMENT ACT 1987 THE RESPONSIBLE AUTHORITY MAY EXTEND THE TIME TO CERTIFY A PLAN UNDER PART (A) OR (B) OF THE EXPIRY CONDITION, IF THE REQUEST IS**

**MADE BEFORE THE PERMIT EXPIRES OR WITHIN 6 MONTHS  
AFTERWARDS.**

**THE RESPONSIBLE AUTHORITY IS NOT ABLE TO EXTEND THE  
TIME TO REGISTER THE PLAN UNDER PART (C) OF THE EXPIRY  
CONDITION FROM THE ORIGINAL DATE OF CERTIFICATION FOR  
THAT STAGE, IRRESPECTIVE OF WHETHER THE PLAN IS RE-  
CERTIFIED OR A NEW PLAN IS CERTIFIED UNDER THE  
PROVISIONS OF THE SUBDIVISION ACT 1988.**

- 39. THIS PERMIT ALLOWS THE ABOVE LAND TO BE USED OR  
DEVELOPED FOR THE PURPOSE SPECIFIED. IT IS THE PERMIT  
HOLDER'S RESPONSIBILITY TO ENSURE THAT ANY OTHER  
RELEVANT APPROVALS ARE OBTAINED PRIOR TO THE  
COMMENCEMENT OF THE USE OR DEVELOPMENT.**
- 40. THE OWNER/APPLICANT IS ENCOURAGED TO CHECK WITH THE  
RELEVANT SERVICE AUTHORITIES BEFORE ANY EXCAVATION  
WORK IS UNDERTAKEN (E.G. TELSTRA, AUSNET SERVICES AND  
SOUTH GIPPSLAND WATER).**
- 41. A CONSENT TO WORK WITHIN THE ROAD RESERVE PERMIT  
MUST BE OBTAINED FROM COUNCIL'S ENGINEERING  
DEPARTMENT PRIOR TO ANY WORKS OCCURRING WITHIN A  
ROAD RESERVE.**
- 42. IN RELATION TO THE TELECOMMUNICATIONS CONDITION  
PLEASE REFER TO "TELECOMMUNICATIONS SERVICES AND  
FACILITIES" ON OUR WEBSITE AT  
[WWW.SOUTHGIPPSLAND.VIC.GOV.AU](http://WWW.SOUTHGIPPSLAND.VIC.GOV.AU)**
- 43. IF FURTHER INFORMATION IS REQUIRED IN RELATION TO  
MELBOURNE WATER'S PERMIT CONDITIONS SHOWN ABOVE,  
PLEASE CONTACT MELBOURNE WATER ON TELEPHONE 9679  
7517, QUOTING MELBOURNE WATER'S REFERENCE 197389.**

**CARRIED UNANIMOUSLY**



## **Attachment 1**

### **Detailed Planning Assessment**

#### **Clause 65 General Decision Guidelines**

Each of the relevant decision guidelines are addressed below:

- The orderly planning of the area.

The proposal is considered to result in the orderly planning of the area in accordance with the Poowong Framework Plan located at Clause 21.15-7 of the Planning Scheme.

- The effect on the amenity of the area.

During the construction phase of the subdivision it is possible that adjoining land owners could be affected adversely by construction activities. However, this can be addressed by permit conditions regarding construction management. Once developed, the proposal is not considered to adversely affect the amenity of the area because it will be characteristic of other adjoining residential and low density residential development.

- The proximity of the land to any public land.

The land adjoins the Poowong Recreation Reserve to the east. This is crown land (DELWP) administered by a Committee. The proposed POS area adjoining the Reserve is practical and provides the opportunity to retain a dam that is predominantly located on the subject land for irrigating the football/cricket pitch sustainably. DELWP (formerly DEPI) did not express any concern with the proposal as an adjoining land owner.

- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.

The proposal will implement water quality improvement measures and as such is not likely to reduce water quality. The subdivision is not likely to cause or contribute to any other form of land degradation or salinity.

- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.

The applicant has provided concept drainage plans for the proposal in accordance with Clause 56 and Council's Engineering Department requirements. This has demonstrated that stormwater within the existing site will be maintained or improved.

- The extent and character of native vegetation and the likelihood of its destruction.

There are four substantial native trees which require removal to accommodate the proposed subdivision. Even if removal were avoided at this stage, the subsequent subdivision of the land into lots of less than 4000 sq m would exempt their removal from triggering a permit. Nevertheless, the applicant has prepared a Biodiversity Assessment Report and an arborist report supporting their removal subject to suitable offsets. Council also considers that the street tree planting and planting with the POS area will have a positive environmental effect.

- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.

New native vegetation will be planted within the new road reserves and within the POS area.

- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

The land is not mapped as being affected by flooding. However, the ephemeral waterway on the land would be likely to be affected by localised channel flooding during periods of heavy rainfall (storm events). The subdivision will incorporate drainage and earthworks to ensure that all lots are free from flooding. The land is not subject to any visible signs of erosion and the land is not in an erosion overlay. The land is in a Bushfire Prone Area but not the Bushfire Management Overlay (BMO). Council considers that the Relevant Building Surveyor/s can deal with bushfire hazards appropriately at the construction stage under the Building Act. The subdivision will be required to provide hydrants and access to the CFA's standards by way of condition.

- The suitability of the land for subdivision.

The land is considered suitable for subdivision having regard to the relevant Planning Scheme provisions and its physical characteristics.

- The existing use and possible future development of the land and nearby land.

The land is currently used for low scale farming. However, it is evident that the resultant subdivision would change this significantly by providing lots suitable for residential development.

- The availability of subdivided land in the locality, and the need for the creation of further lots.

There is limited vacant land in the locality left for residential development. There is a need for further residential land in order to promote sustainable growth of the town.

- The effect of development on the use or development of other land which has a common means of drainage.

The farming land to the west receives a small portion of current overland flow from the site. There are effectively two engineering solutions available to ensure that the proposal does not adversely affect the neighbouring land. The applicant has provided Council with a concept design for both solutions and Council can address this issue via a condition on the permit.

- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.

The proposed subdivision pattern will maximise lot yield in areas of flatter land. However, certain lots in stages 5 and 8 will require restrictions on the title to minimise the extent of cut and fill to ensure that those lots are not subject to excessive cut and fill due to poor dwelling designs in future. The LDRZ lots are suitably larger because they are located on land that is generally steeper than the GRZ area. Only one native tree is located on the GRZ lots and this tree is in poor health and structure. The other three natives are located on the LDRZ lots and it is similarly not practical to avoid these trees whilst facilitating future access and development of these lots for a dwelling. They are similarly in poor health and structure and Council considers removal would be inevitable once the sites are developed. Other non-native vegetation includes significant trees that have been planted and some fruit trees. They will similarly be removed but do not require a permit. Council will require detailed landscape plans to offset the loss of the native vegetation from a biodiversity perspective but also the loss of all trees from a visual amenity perspective.

- The density of the proposed development.

The GRZ lots will have an average size of approximately 800 sq m which is a density of 12.5 dwellings per hectare. This is considered to be a suitable density given that there is an intent to promote growth of the town without detracting from the rural character of the locality. The LDRZ lots will have an average size of approximately 4100sq m which is considered a suitable transition to LDRZ to the north.

- The area and dimensions of each lot in the subdivision.

Each lot is considered to be of suitable area, dimensions and orientation for its future intended use for dwellings.

- The layout of roads having regard to their function and relationship to existing roads.

The road layout of the subdivision is largely dictated by previous subdivision and the constrained access point from Nyora Road. Council has required that the subdivision allow for adequate connectivity within the site but also to existing and future adjoining development.

- The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.

As per the previous comment, Council requested that the applicant demonstrate connectivity throughout the subdivision for vehicles and pedestrians. The proposal is considered appropriate.

- The provision and location of reserves for public open space and other community facilities.

The area of POS is considered appropriate having regard to the location of the adjoining existing reserve. The POS is within 500m of all lots within the subdivision and provides for connectivity to the existing Reserve and will likely continue to provide its source of irrigation through the existing dam.

- The staging of the subdivision.

The subdivision will have 9 stages. This is considered appropriate having regard to the number of lots and the likely market demand for lots in this subdivision.

- The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.

All utility services other than gas will be available to each lot within the subdivision. In the absence of reticulated sewerage it was originally considered that the LDRZ lots would be suitable to treat and retain effluent on site and the applicant provided a Land Capability Assessment (LCA) to demonstrate this. However, SGW have advised that the sewerage scheme now allows each lot to be serviced and the applicant has also made two of the LDRZ lots below the minimum lot size for subdivision (if sewer is not provided). As such, Council will require all lots to be sewered to ensure that the minimum lot size of the LDRZ is satisfied for two of the lots but also in order to achieve better environmental outcomes and orderly planning.

- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.

As previously discussed, due to design constraints to facilitate an orderly planning outcome it is not considered feasible or warranted to retain existing vegetation within areas of open space.

### **General Residential Zone**

Each of the relevant decision guidelines of the GRZ are addressed below:

#### **General**

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

These are addressed in tables later in the report.

- The purpose of this zone.

The proposal is considered to be consistent with the purpose of the GRZ. Unfortunately, there is no specific neighbourhood character policy or adopted neighbourhood character guidelines for Poowong. However, it is considered that the proposal is consistent with the intent to promote the use and development of land in accordance with the strategic direction in the Poowong Framework Plan at Clause 21.15-7. It will aid in retaining and strengthening Poowong as a small service township supporting residents and surrounding agricultural communities. Whilst it is acknowledged that the application will result in a significant increase in residential land supply in Poowong, it is considered that it will respect Poowong's general rural character and landscape values because it will be concentrated on land that is not readily visible for the centre of Poowong or from two of the three main approaches into the town. The subdivision, once developed will be visible from Nyora Road on the approach to the town centre from the west. However, this will only allow for brief views on the approach. In addition, the currently undeveloped land fronting Nyora Road will eventually screen this, once developed in accordance with its General Residential Zoning. Staging of the proposal will ensure that residential land release occurs in a contiguous and integrated manner. The subdivision design is considered to respond to the topographic, landscape and environmental constraints of the land.

#### Subdivision

- The pattern of subdivision and its effect on the spacing of buildings.

The proposed pattern of subdivision will provide a variety of lot sizes and shapes which should ensure that the space of buildings will not be entirely uniform and should provide interest to the streetscape. The existing pattern of subdivision in Poowong provides for varying setbacks and spacing of buildings.

- For subdivision of land for residential development, the objectives and standards of Clause 56.

These are addressed in the following table.

#### **Low Density Residential Zone**

Each of the relevant decision guidelines of the LDRZ are addressed below:

#### Subdivision

- The protection and enhancement of the natural environment and character of the area including the retention of vegetation and faunal habitat and the need to plant vegetation along waterways, gullies, ridgelines and property boundaries.

Unfortunately it is not practical or viable to retain the four native trees on the land as part of the subdivision. Once subdivided, they would not be afforded

any protection on lots of less than 4000 sq m by Clause 52.17 in any event. It is considered that replanting of suitable species with the Road Reserves and the POS area will be of greater benefit to the environment and also compensate for the loss of the existing trees aesthetically.

## Clause 56

The table on the following pages details compliance with the relevant objectives and standards of Clause 56:

Clause	Objectives	Standards	Assessment and Comments
56.01 Subdivision Site and Context Description and Design Response	56.01-1 Subdivision site and context description	N/A	Satisfied
	56.01-2 Subdivision design response	N/A	Satisfied
56.02 Policy Implementation	56.02-1 Strategic Implementation objective	Standard C1 An application must be accompanied by a written statement that describes how the subdivision is consistent with and implements any relevant growth area, activity centre, housing, access and mobility, community facilities, open space and recreation, landscape (including any native vegetation precinct plan) and urban design objective, policy, strategy or plan for the area set out in this scheme.	Satisfied - although the original subdivision has been amended over time so the original written statement has been superseded
56.03 Liveable and Sustainable Communities	56.03-1 Compact and walkable neighbourhoods objectives	Standard C2 A subdivision should implement any relevant growth area or any approved land-use and development strategy, plan or policy for the area set out in this scheme. An application for subdivision must include a plan of the layout of the subdivision that <ul style="list-style-type: none"> <li>Meets the objectives (if relevant to the class of subdivision specified in the zone) of <ul style="list-style-type: none"> <li>Clause 56.03-2 Activity centres</li> <li>Clause 56.03-3 Planning for community</li> </ul> </li> </ul>	Satisfied - although it should be noted that most of the provisions are not applicable

Clause	Objectives	Standards	Assessment and Comments
		<p>facilities</p> <ul style="list-style-type: none"> <li>- Clause 56.04-1 Lot diversity and distribution</li> <li>- Clause 56.06-2 Walking and cycling network</li> <li>- Clause 56.06-3 Public transport network</li> <li>- Clause 56.06-4 Neighbourhood street network</li> </ul> <ul style="list-style-type: none"> <li>• Shows the 400 metre street walking distance around each existing or proposed bus stop, 600 metres street walking distance around each existing or proposed tram stop and 800 metres street walking distance around each existing or proposed railway station and shows the estimated number of dwellings within those distances.</li> <li>• Shows the layout of the subdivision in relation to the surrounding area.</li> <li>• Is designed to be accessible for people with disabilities.</li> </ul>	
	56.03-2 Activity centre objective	<p>Standard C3</p> <p>A subdivision should implement any relevant activity centre strategy, plan or policy for the area set out in this scheme.</p> <p>Subdivision should be supported by activity centres that are:</p> <ul style="list-style-type: none"> <li>• Accessible by neighbourhood and regional walking and cycling networks.</li> <li>• Served by public transport that is connected to the regional public transport network.</li> <li>• Located at public transport interchange points for the convenience of passengers and easy</li> </ul>	<p>There is no activity centre strategy, although the proposal is consistent with the Poowong Framework Plan. The proposed subdivision now provides for street-based interaction, active street frontages and pedestrian safety.</p>

Clause	Objectives	Standards	Assessment and Comments
		<ul style="list-style-type: none"> <li>connections between public transport services.</li> <li>Located on arterial roads or connector streets.</li> <li>Of appropriate size to accommodate a mix of uses that meet local community needs.</li> <li>Oriented to support active street frontages, support street-based community interaction and pedestrian safety.</li> </ul>	
	56.03-3 Planning for community facilities objective	<p>Standard C4</p> <p>A subdivision should:</p> <ul style="list-style-type: none"> <li>Implement any relevant regional and local community facility strategy, plan or policy for the area set out in this scheme.</li> <li>Locate community facilities on sites that are in or near activity centres and public transport.</li> </ul>	N/A
	56.03-4 Built environment objective	<p>Standard C5</p> <p>The built environment should:</p> <ul style="list-style-type: none"> <li>Implement any relevant urban design strategy, plan or policy for the area set out in this scheme.</li> <li>Provide living and working environments that are functional, safe and attractive.</li> <li>Provide an integrated layout, built form and urban landscape.</li> <li>Contribute to a sense of place and cultural identity.</li> <li>An application should describe the identity and character to be achieved and the elements that contribute to that identity and character.</li> </ul>	The proposal is considered to provide an integrated and functional layout.



Clause	Objectives	Standards	Assessment and Comments
	56.03-5 Neighbourhood character objective	<p>Standard C6 Subdivision should:</p> <ul style="list-style-type: none"> <li>Respect the existing neighbourhood character or achieve a preferred neighbourhood character consistent with any relevant neighbourhood character objective, policy or statement set out in this scheme.</li> <li>Respond to and integrate with the surrounding urban environment</li> <li>Protect significant vegetation and site features.</li> </ul>	<p>There is no neighbourhood character objective specified in the scheme, although Clause 21.15-7 does suggest that Poowong has limited capacity for sustainable growth. This site is considered to provide that sustainable growth at a density of approximately 800sq m for the GRZ lots and 4000 sq m for the LDRZ lots.</p> <p>The proposed GRZ lots are only marginally smaller than the average lot size of the existing residential zoned land in Poowong. Existing residential zoned lots generally range between 800-1200 sq m. and generally border the three main entry points into the Township in a linear fashion. The new subdivision will not be visible from two of the three approaches into the Township due to topography and existing development. It will be visible on the approach from the West (Nyora), although only briefly in between existing development. The area that it will be visible from is already zoned GRZ and is likely to be developed</p>

Clause	Objectives	Standards	Assessment and Comments
56.04 Lot Design	56.04-1 Lot diversity and distribution objectives	<p>Standard C7</p> <ul style="list-style-type: none"> <li>A subdivision should implement any relevant housing strategy, plan or policy for the area set out in this scheme.</li> <li>Lot sizes and mix should achieve the average net residential density specified in any zone or overlay that applies to the land or in any relevant policy for the area set out in this scheme.</li> <li>A range and mix of lot sizes should be provided including lots suitable for the development of: <ul style="list-style-type: none"> <li>Single dwellings.</li> <li>Two dwellings or more.</li> <li>Higher density housing.</li> <li>Residential buildings and Retirement villages.</li> </ul> </li> <li>Unless the site is constrained by topography or other site conditions, lot distribution should provide for 95 per cent of dwellings to be</li> </ul>	<p>at some point in future. Therefore, views of the subdivision will generally be confined to views from adjoining properties.</p> <p>Whilst not all vegetation can be protected, the applicant will be required to offset the loss of four native trees. Council will also require street tree planting and planting in the POS reserve.</p> <p>There is no housing strategy for this site and no net density specified in the scheme for this area. However, guidance can be taken from the existing lot densities and also State Policy. State Policy suggests that net developable density of growth areas should be no less than 15 dwellings per hectare. Such a density in Poowong would be considered out of character and too high. The net developable density of the GRZ land in this subdivision is 12 dwellings per hectare and is considered to strike a balance between utilising existing residential zoned and serviced land whilst respecting the</p>

Clause	Objectives	Standards	Assessment and Comments
		<p>located no more than 400 metre street walking distance from the nearest existing or proposed bus stop, 600 metres street walking distance from the nearest existing or proposed tram stop and 800 metres street walking distance from the nearest existing or proposed railway station</p> <ul style="list-style-type: none"> <li>Lots of 300 square metres or less in area, lots suitable for the development of two dwellings or more, lots suitable for higher density housing and lots suitable for Residential buildings and Retirement villages should be located in and within 400 metres street walking distance of an activity centre.</li> </ul>	<p>density of the existing Township</p> <p>The proposed lot sizes provide an appropriate mix of lots suitable for future residential development</p> <p>The last two provisions are not applicable.</p>
	56.04.2 Lot area and building envelopes objective	<p>Standard C8</p> <p>An application to subdivide land that creates lots of less than 300 square metres should be accompanied by information that shows:</p> <ul style="list-style-type: none"> <li>That the lots are consistent or contain building envelope that is consistent with a development approved under this scheme, or</li> <li>That a dwelling may be constructed on each lot in accordance with the requirements of this scheme.</li> </ul> <p>Lots of between 300 square metres and 500 square metres should:</p> <ul style="list-style-type: none"> <li>Contain a building envelope that is consistent with a development of the lot approved under this scheme, or</li> <li>If no development of the lot has been approved under this scheme, contain a building envelope</li> </ul>	<p>No lots of less than 500 sq m are proposed.</p> <p>All lots in the subdivision are able to accommodate building envelopes of a minimum 10 x 15 m. No building envelopes are considered necessary for any of the lots. However, Council considers that some of the lots do have excessive fall across them. In order to avoid excessive cut/fill on those lots and lead to adverse effects, Council advised the applicant that some of the lots should have restrictions placed on them to avoid large cut/fill and</p>

Clause	Objectives	Standards	Assessment and Comments
		<p>and be able to contain a rectangle measuring 10 metres by 15 metres, or 9 metres by 15 metres if a boundary wall is nominated as part of the building envelope.</p> <p>If lots of between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north unless there are significant physical constraints that make this difficult to achieve.</p> <p>Lots greater than 500 square metres should be able to contain a rectangle measuring 10 metres by 15 metres, and may contain a building envelope.</p> <p>A building envelope may specify or incorporate any relevant siting and design requirement.</p> <p>Any requirement should meet the relevant standards of Clause 54, unless:</p> <ul style="list-style-type: none"> <li>• The objectives of the relevant standards are met, and</li> <li>• The building envelope is shown as a restriction on a plan of subdivision registered under the Subdivision Act 1988, or is specified as a covenant in an agreement under Section 173 of the Act. <p>Where a lot with a building envelope adjoins a lot that is not on the same plan of subdivision or is not subject to the same agreement relating to the relevant building envelope:</p> <ul style="list-style-type: none"> <li>• The building envelope must meet Standards</li> </ul> </li></ul>	<p>retaining walls which often result from poor building selection/design.</p> <p>Existing and proposed easements will easily be accommodated within each site.</p>

Clause	Objectives	Standards	Assessment and Comments
		<p>A10 and A11 of Clause 54 in relation to the adjoining lot, and</p> <ul style="list-style-type: none"> <li>The building envelope must not regulate siting matters covered by Standards A12 to A15 (inclusive) of Clause 54 in relation to the adjoining lot. This should be specified in the relevant plan of subdivision or agreement.</li> </ul> <p>Lot dimensions and building envelopes should protect:</p> <ul style="list-style-type: none"> <li>Solar access for future dwellings and support the siting and design of dwellings that achieve the energy rating requirements of the Building Regulations.</li> <li>Existing or proposed easements on lots.</li> <li>Significant vegetation and site features.</li> </ul>	
	56.04.3 Solar orientation of lots objective	<p>Standard C9 Unless the site is constrained by topography or other site conditions, at least 70 percent of lots should have appropriate solar orientation.</p> <p>Lots have appropriate solar orientation when:</p> <ul style="list-style-type: none"> <li>The long axis of lots are within the range north 20 degrees west to north 30 degrees east, or east 20 degrees north to east 30 degrees south.</li> <li>Lots between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary; the long axis of the lots should be within 30 degrees east and 20 degrees west of north.</li> <li>Dimensions of lots are adequate to protect</li> </ul>	<p>Approximately 77% of lots achieve this standard. Lots are considered to be of suitable dimensions to achieve provide suitable solar access taking into account likely dwelling size and relationship to the street, even where they are not within the preferred orientation range.</p>

Clause	Objectives	Standards	Assessment and Comments
		solar access to the lot, taking into account likely dwelling size and the relationship of each lot to the street.	
	56.04-4 Street orientation objective	<p>Standard C10 Subdivision should increase visibility and surveillance by:</p> <ul style="list-style-type: none"> <li>Ensuring lots front all roads and streets and avoid the side or rear of lots being oriented to connector streets and arterial roads.</li> <li>Providing lots of 300 square metres or less in area and lots for 2 or more dwellings around activity centres and public open space.</li> <li>Ensuring streets and houses look onto public open space and avoiding sides and rears of lots along public open space boundaries.</li> <li>Providing roads and streets along public open space boundaries.</li> </ul>	<p>The original design was not considered acceptable. However, the proposed design is considered to provide increased visibility and surveillance by ensuring that only a minimal number of lots side or back onto POS. Only seven of 103 lots either side or back onto a form of POS, including the existing Reserve. However, their fence heights can be restricted to allow for ongoing surveillance.</p> <p>Proposed Road 2 now goes along the proposed POS and the existing Reserve, allowing lots to front onto it.</p>
	56.04-5 Common area objectives	<p>Standard C11 An application to subdivide land that creates common land must be accompanied by a plan and a report identifying:</p> <ul style="list-style-type: none"> <li>The common area to be owned by the body corporate, including any streets and open space.</li> <li>The reasons why the area should be commonly held.</li> <li>Lots participating in the body corporate.</li> </ul>	N/A

Clause	Objectives	Standards	Assessment and Comments
56.05 Urban Landscape	56.05-1 Integrated urban landscape objectives	<ul style="list-style-type: none"> <li>The proposed management arrangements, including maintenance standards for streets and open spaces to be commonly held.</li> </ul> <p>Standard C12 An application for subdivision that creates streets or public open space should be accompanied by a landscape design.</p> <p>The landscape design should:</p> <ul style="list-style-type: none"> <li>Implement any relevant streetscape, landscape, urban design or native vegetation precinct plan, strategy or policy for the area set out in this scheme.</li> <li>Create attractive landscapes that visually emphasise streets and public open spaces.</li> <li>Respond to the site and context description for the site and surrounding area.</li> <li>Maintain significant vegetation where possible within an urban context.</li> <li>Take account of the physical features of the land including landform, soil and climate.</li> <li>Protect and enhance any significant natural and cultural features.</li> <li>Protect and link areas of significant local habitat where appropriate.</li> <li>Support integrated water management systems with appropriate landscape design techniques for managing urban run-off including wetlands and other water sensitive urban design features in streets and public open space.</li> </ul>	The applicant has failed to provide Council with a landscape design other than a basic layout of street planting. A condition of the permit will require a detailed landscape design to be provided prior to commencement of any works.

Clause	Objectives	Standards	Assessment and Comments
		<ul style="list-style-type: none"> <li>Promote the use of drought tolerant and low maintenance plants and avoid species that are likely to spread into the surrounding environment.</li> <li>Ensure landscaping supports surveillance and provides shade in streets, parks and public open space.</li> <li>Develop appropriate landscapes for the intended use of public open space including areas for passive and active recreation, the exercising of pets, playgrounds and shaded areas.</li> <li>Provide for walking and cycling networks that link with community facilities.</li> <li>Provide appropriate pathways, signage, fencing, public lighting and street furniture</li> <li>Create low maintenance, durable landscapes that are capable of a long life.</li> </ul> <p>The landscape design must include a maintenance plan that sets out maintenance responsibilities, requirements and costs</p>	
	56.05-2 Public open space provision objectives	<p>Standard C13 The provision of public open space should:</p> <ul style="list-style-type: none"> <li>Implement any relevant objective, policy, strategy or plan (including any growth area precinct structure plan) for open space set out in this scheme.</li> <li>Provide a network of well-distributed neighbourhood public open space that includes:</li> </ul>	Some of these objectives are not possible to achieve because Council cannot require more than 5% of the land to be provided as POS. Therefore, it cannot require or expect the applicant to provide 1-8 hectares of POS.



Clause	Objectives	Standards	Assessment and Comments
		<ul style="list-style-type: none"> <li>Local parks within 400 metres safe walking distance of at least 95 percent of all dwellings. Where not designed to include active open space, local parks should be generally 1 hectare in area and suitably dimensioned and designed to provide for their intended use and to allow easy adaptation in response to changing community preferences.</li> <li>Additional small local parks or public squares in activity centres and higher density residential areas.</li> <li>Active open space of a least 8 hectares in area within 1 kilometre of 95 percent of all dwellings that is: <ul style="list-style-type: none"> <li>Suitably dimensioned and designed to provide for the intended use, buffer areas around sporting fields and passive open space</li> <li>Sufficient to incorporate two football/cricket ovals</li> <li>Appropriate for the intended use in terms of quality and orientation</li> <li>Located on flat land (which can be cost effectively graded)</li> <li>Located with access to, or making provision for, a recycled or sustainable water supply</li> <li>Adjoin schools and other community facilities where practical</li> <li>Designed to achieve sharing of space between sports.</li> </ul> </li> <li>Linear parks and trails along waterways.</li> </ul>	<p>However, it is considered to achieve the latter objectives:</p> <ul style="list-style-type: none"> <li>It is provided along a stream/water body</li> <li>It is linked to existing public open space.</li> <li>It is integrated with encumbered land that is accessible for public recreation.</li> <li>Suitable for both passive and active recreation (intended use).</li> <li>Maximises passive surveillance.</li> <li>It is integrated with urban water management systems, waterways and other 'water bodies'</li> <li>Will incorporate cultural features (Cairn).</li> </ul>

Clause	Objectives	Standards	Assessment and Comments
		<p>vegetation corridors and road reserves within 1 kilometre of 95 percent of all dwellings.</p> <p>Public open space should:</p> <ul style="list-style-type: none"> <li>• Be provided along foreshores, streams and permanent water bodies.</li> <li>• Be linked to existing or proposed future public open spaces where appropriate.</li> <li>• Be integrated with floodways and encumbered land that is accessible for public recreation.</li> <li>• Be suitable for the intended use.</li> <li>• Be of an area and dimensions to allow easy adaptation to different uses in response to changing community active and passive recreational preferences.</li> <li>• Maximise passive surveillance.</li> <li>• Be integrated with urban water management systems, waterways and other water bodies.</li> <li>• Incorporate natural and cultural features where appropriate.</li> </ul>	
56.06 Access and Mobility Management	56.06-1 Integrated mobility objectives	<p>Standard C14</p> <p>An application for a subdivision must include a plan of the layout of the neighbourhood that meets the objectives of:</p> <ul style="list-style-type: none"> <li>• Clause 56.06-2 Walking and cycling network.</li> <li>• Clause 56.06-3 Public transport network.</li> <li>• Clause 56.06-4 Neighbourhood street network.</li> </ul>	Satisfied

Clause	Objectives	Standards	Assessment and Comments
	56.06-2 Walking and cycling network objectives	<p>Standard C15 The walking and cycling network should be designed to:</p> <ul style="list-style-type: none"> <li>• Implement any relevant regional and local walking and cycling strategy, plan or policy for the area set out in this scheme.</li> <li>• Link to any existing pedestrian and cycling networks.</li> <li>• Provide safe walkable distances to activity centres, community facilities, public transport stops and public open spaces.</li> <li>• Provide an interconnected and continuous network of safe, efficient and convenient footpaths, shared paths, cycle paths and cycle lanes based primarily on the network of arterial roads, neighbourhood streets and regional public open spaces.</li> <li>• Provide direct cycling routes for regional journeys to major activity centres, community facilities, public transport and other regional activities and for regional recreational cycling.</li> <li>• Ensure safe street and road crossings including the provision of traffic controls where required.</li> <li>• Provide an appropriate level of priority for pedestrians and cyclists.</li> <li>• Have natural surveillance along streets and from abutting dwellings and be designed for personal safety and security particularly at night.</li> <li>• Be accessible to people with disabilities.</li> </ul>	<p>The proposal will provide for links to existing pedestrian/cycling into the Township. This will be accessible to people with disabilities.</p>

Clause	Objectives	Standards	Assessment and Comments
	56.06-3 Public transport network objectives	<p>Standard C16 The public transport network should be designed to:</p> <ul style="list-style-type: none"> <li>• Implement any relevant public transport strategy, plan or policy for the area set out in this scheme.</li> <li>• Connect new public transport routes to existing and proposed routes to the satisfaction of the relevant public transport authority.</li> <li>• Provide for public transport links between activity centres and other locations that attract people using the Principal Public Transport Network in Metropolitan Melbourne and the regional public transport network outside Metropolitan Melbourne.</li> <li>• Locate regional bus routes principally on arterial roads and locate local bus services principally on connector streets to provide:</li> <li>• Safe and direct movement between activity centres without complicated turning manoeuvres.</li> <li>• Direct travel between neighbourhoods and neighbourhood activity centres.</li> <li>• A short and safe walk to a public transport stop from most dwellings.</li> </ul>	<p>N/A due to the lack of public transport within Poowong.</p> <p>Perhaps with sustained growth of the Town, the V-line may be accommodated in future. Regional bus services are currently provided to neighbouring towns of Nyora and Loch which are located closer to the South Gippsland Highway and have a similar or slightly larger population.</p>
	56.06-4 Neighbourhood street network objective	<p>Standard C17 The neighbourhood street network must:</p> <ul style="list-style-type: none"> <li>• Take account of the existing mobility network of arterial roads, neighbourhood streets, cycle paths, shared paths, footpaths and public</li> </ul>	<p>The street network in this instance is largely dictated by the access point from Nyora Road. However, it is considered that the proposal will provide for safe and efficient</p>

Clause	Objectives	Standards	Assessment and Comments
		<p>transport routes.</p> <ul style="list-style-type: none"> <li>• Provide clear physical distinctions between arterial roads and neighbourhood street types.</li> <li>• Comply with the Roads Corporation's arterial road access management policies.</li> <li>• Provide an appropriate speed environment and movement priority for the safe and easy movement of pedestrians and cyclists and for accessing public transport</li> <li>• Provide safe and efficient access to activity centres for commercial and freight vehicles.</li> <li>• Provide safe and efficient access to all lots for service and emergency vehicles.</li> <li>• Provide safe movement for all vehicles</li> <li>• Provide a speed environment that is appropriate to the street type</li> <li>• Provide a street environment that appropriately manages movement demand (volume, type and mix of pedestrians, cyclists, public transport and other motor vehicles).</li> <li>• Encourage appropriate and safe pedestrian, cyclist and driver behaviour</li> <li>• Provide safe sharing of access lanes and access places by pedestrians, cyclists and vehicles.</li> <li>• Minimise the provision of culs-de-sac.</li> <li>• Provide for service and emergency vehicles to safely turn at the end of a dead-end street.</li> <li>• Facilitate solar orientation of lots.</li> <li>• Facilitate the provision of the walking and</li> </ul>	<p>access for all lots and for the safe movement of vehicles, pedestrians and cyclists.</p>

Clause	Objectives	Standards	Assessment and Comments
		<ul style="list-style-type: none"> <li>cycling network, integrated water management systems, utilities and planting of trees.</li> <li>Contribute to the area's character and identity.</li> <li>Take account of any identified significant features.</li> </ul>	
	56.06.5 Walking and cycling network detail objectives	<p>Standard C18 Footpaths, shared paths, cycle paths and cycle lanes should be designed to:</p> <ul style="list-style-type: none"> <li>Be part of a comprehensive design of the road or street reservation.</li> <li>Be continuous and connect.</li> <li>Provide for public transport stops, street crossings for pedestrians and cyclists and kerb crossovers for access to lots.</li> <li>Meet the requirements of Table C1.</li> <li>Provide pavement edge, kerb, channel and crossover details that support safe travel for pedestrians, footpath bound vehicles and cyclists, perform required drainage functions and are structurally sound.</li> <li>Provide appropriate signage.</li> <li>Be constructed to allow access to lots without damage to the footpath or shared path surfaces.</li> <li>Be constructed with a durable, non-skid surface.</li> <li>Be of a quality and durability to ensure</li> <li>Safe passage for pedestrians, cyclists, footpath bound vehicles and vehicles.</li> </ul>	Satisfied

Clause	Objectives	Standards	Assessment and Comments
		<ul style="list-style-type: none"> <li>Discharge of urban run-off</li> <li>Preservation of all-weather access.</li> <li>Maintenance of a reasonable, comfortable riding quality.</li> <li>Accommodate projected user volumes and mix.</li> <li>A minimum 20 year life span.</li> <li>Be accessible to people with disabilities and include tactile ground surface indicators, audible signals and kerb ramps required for the movement of people with disabilities.</li> </ul>	
	56.06-6 Public transport network detail objectives	<p>Standard C19</p> <ul style="list-style-type: none"> <li>Bus priority measures must be provided along arterial roads forming part of the existing or proposed Principal Public Transport Network in Metropolitan Melbourne and the regional public transport network outside Metropolitan Melbourne to the requirements of the relevant roads authority</li> <li>Road alignment and geometry along bus routes should provide for the efficient, unimpeded movement of buses and the safety and comfort of passengers.</li> <li>The design of public transport stops should not impede the movement of pedestrians.</li> <li>Bus and tram stops should have: <ul style="list-style-type: none"> <li>Surveillance from streets and adjacent lots.</li> <li>Safe street crossing conditions for pedestrians and cyclists.</li> </ul> </li> <li>Safe pedestrian crossings on arterial roads and</li> </ul>	The majority of this provision is not applicable due to the lack of public transport in Poowong. However, it is considered that if necessary a school bus could navigate its way through the subdivision.

Clause	Objectives	Standards	Assessment and Comments
		<p>at schools including the provision of</p> <ul style="list-style-type: none"> <li>• traffic controls as required by the roads authority.</li> <li>• Continuous hard pavement from the footpath to the kerb.</li> <li>• Sufficient lighting and paved, sheltered waiting areas for forecast user volume at neighbourhood centres, schools and other locations with expected high patronage.</li> <li>• Appropriate signage.</li> <li>• Public transport stops and associated waiting areas should be accessible to people with disabilities and include tactile ground surface indicators, audible signals and kerb ramps required for the movement of people with physical disabilities.</li> </ul>	
	56.06-7 Neighbourhood street network detail objective	<p>Standard C20</p> <p>The design of streets and roads should:</p> <ul style="list-style-type: none"> <li>• Meet the requirements of Table C1. Where the widths of access lanes, access places, and access streets do not comply with the requirements of Table C1, the requirements of the relevant fire authority and roads authority must be met.</li> <li>• Provide street blocks that are generally between 120 metres and 240 metres in length and generally between 60 metres to 120 metres in width to facilitate pedestrian movement and control traffic speed.</li> <li>• Have verges of sufficient width to accommodate footpaths, shared paths, cycle</li> </ul>	Satisfied



Clause	Objectives	Standards	Assessment and Comments
		<p>paths, integrated water management, street tree planting, lighting and utility needs.</p> <ul style="list-style-type: none"> <li>Have street geometry appropriate to the street type and function, the physical land characteristics and achieve a safe environment for all users.</li> <li>Provide a low-speed environment while allowing all road users to proceed without unreasonable inconvenience or delay</li> <li>Provide a safe environment for all street users applying speed control measures where appropriate</li> <li>Ensure intersection layouts clearly indicate the travel path and priority of movement for pedestrians, cyclists and vehicles.</li> <li>Provide a minimum 5 metre by 5 metre corner splay at junctions with arterial roads and a minimum 3 metre by 3 metre corner splay at other junctions unless site conditions justify a variation to achieve safe sight lines across corners.</li> <li>Ensure streets are of sufficient strength to enable the carriage of vehicles.</li> <li>Avoid damage by construction vehicles and equipment.</li> <li>Ensure street pavements are of sufficient quality and durability for the.</li> <li>Safe passage of pedestrians, cyclists and vehicles.</li> <li>Discharge of urban run-off.</li> </ul>	

Clause	Objectives	Standards	Assessment and Comments
		<ul style="list-style-type: none"> <li>• Preservation of all-weather access and maintenance of a reasonable, comfortable riding quality.</li> <li>• Ensure carriageways of planned arterial roads are designed to the requirements of the relevant road authority</li> <li>• Ensure carriageways of neighbourhood streets are designed for a minimum 20 year life span.</li> <li>• Provide pavement edges, kerbs, channel and crossover details designed to:</li> <li>• Perform the required integrated water management functions.</li> <li>• Delineate the edge of the carriageway for all street users.</li> <li>• Provide efficient and comfortable access to abutting lots at appropriate locations.</li> <li>• Contribute to streetscape design.</li> <li>• Provide for the safe and efficient collection of waste and recycling materials from lots.</li> <li>• Be accessible to people with disabilities</li> <li>• Meet the requirements of Table C1. Where the widths of access lanes, access places, and access streets do not comply with the requirements of Table C1, the requirements of the relevant fire authority and roads authority must be met. Where the widths of connector streets do not comply with the requirements of Table C1, the requirements of the relevant public transport authority must be met.</li> <li>• A street detail plan should be prepared that</li> </ul>	

Clause	Objectives	Standards	Assessment and Comments
		<p>shows, as appropriate</p> <ul style="list-style-type: none"> <li>The street hierarchy and typical cross-sections for all street types.</li> <li>Location of carriageway pavement, parking, bus stops, kerbs, crossovers, footpaths, tactile surface indicators, cycle paths and speed control and traffic management devices.</li> <li>Water sensitive urban design features</li> <li>Location and species of proposed street trees and other vegetation.</li> <li>Location of existing vegetation to be retained and proposed treatment to ensure its health.</li> <li>Any relevant details for the design and location of street furniture, lighting, seats, bus stops, telephone boxes and mailboxes.</li> </ul>	
	56.06-8 Lot access objective	<p>Standard C21</p> <ul style="list-style-type: none"> <li>Vehicle access to lots abutting arterial roads should be provided from service roads, side or rear access lanes, access places or access streets where appropriate and in accordance with the access management requirements of the relevant roads authority.</li> <li>Vehicle access to lots of 300 square metres or less in area and lots with a frontage of 7.5 metres or less should be provided via rear or side access lanes, places or streets.</li> <li>The design and construction of a crossover should meet the requirements of the relevant road authority.</li> </ul>	Satisfied

Clause	Objectives	Standards	Assessment and Comments
56.07 Integrated Water Management	56.07-1 Drinking water supply objectives	Standard C22 The supply of drinking water must be: <ul style="list-style-type: none"> <li>Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority.</li> <li>Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority.</li> </ul>	SGW have given consent to the proposal and reticulated water supply will be provided to the satisfaction of SGW.
	56.07-2 Reused and recycled water objective	Standard C23 Reused and recycled water supply systems must be: <ul style="list-style-type: none"> <li>Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and Department of Human Services.</li> <li>Provided to the boundary of all lots in the subdivision where required by the relevant water authority.</li> </ul>	N/A
	56.07-3 Waste water management objective	Standard C24 Waste water systems must be: <ul style="list-style-type: none"> <li>Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environment Protection Authority.</li> <li>Consistent with any relevant approved domestic waste water management plan.</li> <li>Reticulated waste water systems must be</li> </ul>	All lots will be required to connect to the reticulated sewer to the satisfaction of SGW

Clause	Objectives	Standards	Assessment and Comments
		provided to the boundary of all lots in the subdivision where required by the relevant water authority.	
	56.07-4 Urban run-off management objectives	<p>Standard C25 The urban stormwater management system must be:</p> <ul style="list-style-type: none"> <li>• Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority.</li> <li>• Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of urban run-off is proposed.</li> <li>• Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental</li> <li>• Management Guidelines (Victorian Stormwater Committee 1999) as amended.</li> <li>• Designed to ensure that flows downstream of the subdivision site are restricted to predevelopment levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts.</li> <li>• The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design.</li> </ul>	Council's engineering department and Melbourne Water have provided conditional consent to the proposal and the application is considered to satisfy this standard.

Clause	Objectives	Standards	Assessment and Comments
		<p>For all storm events up to and including the 20% Average Exceedance Probability (AEP) standard:</p> <ul style="list-style-type: none"> <li>Stormwater flows should be contained within the drainage system to the requirements of the relevant authority.</li> <li>Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall.</li> </ul> <p>For storm events greater than 20% AEP and up to and including 1% AEP standard:</p> <ul style="list-style-type: none"> <li>Provision must be made for the safe and effective passage of stormwater flows.</li> <li>All new lots should be free from inundation or to a lesser standard of flood protection where agreed by the relevant floodplain management authority.</li> <li>Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria <math>da \text{ Vave} &lt; 0.35 \text{ m}^2/\text{s}</math> (where, <math>da</math> = average depth in metres and <math>Vave</math> = average velocity in metres per second).</li> </ul> <p>The design of the local drainage network should:</p> <ul style="list-style-type: none"> <li>Ensure run-off is retarded to a standard required by the responsible drainage authority.</li> <li>Ensure every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Wherever possible, run-off should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge.</li> <li>Ensure that inlet and outlet structures take into account the effects of obstructions and debris.</li> </ul>	

Clause	Objectives	Standards	Assessment and Comments
		<p>build up. Any surcharge drainage pit should discharge into an overland flow in a safe and predetermined manner.</p> <ul style="list-style-type: none"> <li>• Include water sensitive urban design features to manage run-off in streets and public open space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs.</li> <li>• Any flood mitigation works must be designed and constructed in accordance with the requirements of the relevant floodplain management authority</li> </ul>	
56.08 Site Management	56.08-1 Site management objectives	<p>Standard C/26 A subdivision application must describe how the site will be managed prior to and during the construction period and may set out requirements for managing:</p> <ul style="list-style-type: none"> <li>• Erosion and sediment</li> <li>• Dust</li> <li>• Run-off</li> <li>• Litter, concrete and other construction wastes</li> <li>• Chemical contamination</li> <li>• Vegetation and natural features planned for retention</li> </ul> <p>Recycled material should be used for the construction of streets, shared paths and other infrastructure where practicable.</p>	<p>The applicant failed to address this adequately. However, a condition will require the provision of a Construction Management Plan prior to the carrying out of any works to address these matters.</p>

Clause	Objectives	Standards	Assessment and Comments
56.09 Utilities	56.09-1 Shared trenching objectives	Standard C27 <ul style="list-style-type: none"> <li>• Reticulated services for water, gas, electricity and telecommunications should be provided in shared trenching to minimise construction costs and land allocation for underground services.</li> </ul>	This can be satisfied.
	56.09-2 Electricity, telecommunications and gas objectives	Standard C28 <ul style="list-style-type: none"> <li>• The electricity supply system must be designed in accordance with the requirements of the relevant electricity supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant electricity authority.</li> <li>• Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged.</li> <li>• The telecommunication system must be designed in accordance with the requirements of the relevant telecommunications servicing agency and should be consistent with any approved strategy, policy or plan for the provision of advanced telecommunications infrastructure, including fibre optic technology.</li> </ul> <p>The telecommunications system must be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant telecommunications servicing authority.</p> <ul style="list-style-type: none"> <li>• Where available, the reticulated gas supply system must be designed in accordance with the requirements of the relevant gas supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the</li> </ul>	Each service authority has provided conditional consent. The mandatory condition for telecommunications will also be implemented.



Clause	Objectives	Standards	Assessment and Comments
		relevant gas supply agency.	
	56.09-3 Fire hydrants objective	<p>Standard C29</p> <p>Fire hydrants should be provided:</p> <ul style="list-style-type: none"> <li>• A maximum distance of 120 metres from the rear of the each lot.</li> <li>• No more than 200 metres apart.</li> </ul> <p>Hydrants and fire plugs must be compatible with the relevant fire service equipment. Where the provision of fire hydrants and fire plugs does not comply with the requirements of standard C29, fire hydrants must be provided to the satisfaction of the relevant fire authority.</p>	CFA has provided conditional consent
	56.09-4 Public lighting objective	<p>Standard C30</p> <ul style="list-style-type: none"> <li>• Public lighting should be provided to streets, footpaths, public telephones, public transport stops and to major pedestrian and cycle paths including public open spaces that are likely to be well used at night to assist in providing safe passage for pedestrians, cyclists and vehicles.</li> <li>• Public lighting should be designed in accordance with the relevant Australian Standards.</li> <li>• Public lighting should be consistent with any strategy, policy or plan for the use of renewable energy and energy efficient fittings.</li> </ul>	A condition of the permit will require a lighting plan to be provided to the satisfaction of Council to ensure that all streets and POS have adequate lighting for safety.

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### **Clause 52.17 - Native Vegetation**

The applicant provided an Arborist Report and a Biodiversity Assessment Report which indicates that the removal of four native trees is considered to be a low risk-based pathway in this particular instance. Council is satisfied that the applicant could do little to avoid vegetation removal altogether as part of this application without having an undesirable effect on the layout of the subdivision. The applicant sought to minimise removal where possible by only applying to remove one tree. However, on evaluating the proposal, Council considered that three others would also likely be compromised by future access or development of lots. Therefore the application deals with their removal now rather than in future when the lots are being individually developed.

The four trees are all in poor health or structure and the biodiversity value of the native vegetation is low. The native vegetation is not habitat for rare or threatened species. Therefore, Council considers that it is reasonable to offset the trees rather than require retention. A condition on the permit will require offsets in accordance with the Biodiversity Assessment Report.

DELWP did not object to the application or request any specific conditions.

### **Clause 52.29 - Access to Road Zone Category 1**

The proposal will not affect the safety or efficiency of Nyora Road. The applicant prepared a Traffic Impact Assessment and VicRoads has provided conditional consent to the subdivision on the basis that the intersection of Nyora Road and the unnamed road be upgraded to a suitable standard.

### **State Planning Policy Framework**

The State Planning Policy Framework (SPPF) provides Council's broad direction when deciding planning applications. The following SPPFs are considered the most relevant to this application.

<b>State Planning Policy Objectives</b>	
<b>Clause</b>	<b>Objective</b>
11.02-1 Supply of urban land	To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.
11.03-1 Open space planning	To assist creation of a diverse and integrated network of public open space commensurate with the needs of the community.
11.03-2 Open space management	To provide for the long term management of public open space.
11.05-2 Melbourne's hinterland areas	To manage growth in Melbourne's hinterland, the area immediately beyond Metropolitan Melbourne

<b>State Planning Policy Objectives</b>	
	and within 100 kilometres of the Melbourne's Central City.
11.05-4 Regional planning strategies and principles	To develop regions and settlements which have a strong identity, are prosperous and are environmentally sustainable.
11.08-2 Planning for growth	To promote a healthy environment by valuing Gippsland's environmental and heritage assets, and by minimising the region's exposure to natural hazards and risks.
11.08-3 Sustainable communities	To develop sustainable communities through a settlement framework comprising major urban centres offering residents convenient access to jobs, services, infrastructure, and community facilities.
12.01-1 Protection of biodiversity	To assist the protection and conservation of Victoria's biodiversity, including important habitat for Victoria's flora and fauna and other strategically valuable biodiversity sites.
12.01-2 Native vegetation management	To ensure that permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity.
13.02-1 Floodplain management	To assist the protection of: <ul style="list-style-type: none"> <li>• Life, property and community infrastructure from flood hazard.</li> <li>• The natural flood carrying capacity of rivers, streams and floodways.</li> <li>• The flood storage function of floodplains and waterways.</li> <li>• Floodplain areas of environmental significance or of importance to river health.</li> </ul>
13.05-1 Bushfire planning strategies and principles	To assist to strengthen community resilience to bushfire.
14.02-1 Catchment planning and management	To assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment.
14.02-2 Water quality	To protect water quality.
14.02-3 Water conservation	To ensure that water resources are managed in a sustainable way.
15.01-1 Urban design	To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.

<b>State Planning Policy Objectives</b>	
15.01-3 Neighbourhood and subdivision design	To ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods.
15.01-4 Design for safety	To improve community safety and encourage neighbourhood design that makes people feel safe.
15.01-5 Cultural identity and neighbourhood character	To recognise and protect cultural identity, neighbourhood character and sense of place.
18.01-1 Land use and transport planning	To create a safe and sustainable transport system by integrating land-use and transport.
18.02-1 Sustainable personal transport	To promote the use of sustainable personal transport.
19.03-2 Water supply, sewerage and drainage	To plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet State and community needs and protect the environment.
19.03-3 Stormwater	To reduce the impact of stormwater on bays and catchments.
19.03-4 Telecommunications	To facilitate the orderly development, extension and maintenance of telecommunication infrastructure.

### **Local Planning Policy Framework**

The Local Planning Policy Framework (LPPF) provides Council additional, locally relevant direction when deciding planning applications and includes Local Planning Policies at Clause 22. The following LPPFs and policies are considered the most relevant to this application.

<b>Local Planning Policy Objectives</b>	
21.03-1 Settlement	<ul style="list-style-type: none"> <li>• The need to recognise that the network of smaller rural towns throughout the Shire provide a valid alternative to the large settlements, particularly where reticulated services are provided</li> <li>• The need to plan for housing and facilities to cater for anticipated population growth in the north-west of the Shire</li> </ul>
21.03-9 Infrastructure	<ul style="list-style-type: none"> <li>• The need to provide reticulated water and sewerage services and drainage improvements to many of the smaller towns and coastal villages to encourage population growth in the towns</li> <li>• To improve and maintain existing infrastructure in order to support the future needs of the community, promote economic growth and protect the environment</li> </ul>

<b>Local Planning Policy Objectives</b>	
21.04-2 Vision	<ul style="list-style-type: none"> <li>The environment, landscape, built form and heritage of the Shire is retained, managed and promoted in a way that adds to, rather than diminishes, its significance</li> <li>Population growth and employment are facilitated through investment and development</li> </ul>
21.05-1 Growth of towns	To ensure the growth of towns occurs in accordance with their role and function
21.06-1 Biodiversity	To achieve a measurable net gain in the extent and quality of the Shire's biodiversity
21.07-2 Land and catchment management	To achieve a measurable improvement in the health of the Shire's land and water resources
21.09-2 Urban environment	To continuously improve all aspects of the urban environment
21.12-1 Transport	<ul style="list-style-type: none"> <li>To maintain a safe and efficient road network across the Shire</li> <li>To deliver sustainable public transport, pedestrian and car parking facilities across the Shire</li> </ul>
21.13-1 Waste management and stormwater drainage	To implement stormwater drainage standards that minimises impacts on the environment
21.15-7 Poowong	All clauses

### **Local Planning Policies**

There are no Local Planning Policies considered relevant to the assessment of this application.

### **Referral Authority conditions and comments**

The following table summarises the responses from referral authorities:

<b>Authority</b>	<b>Clause</b>	<b>Response</b>
Ausnet Services	66.01 - Determining	Conditional consent
CFA	66.01 - Determining	Conditional consent
DELWP	Non-statutory - to seek views on vegetation removal and as adjoining land owner	No objection
Melbourne Water	Non-statutory - to seek views on effect on waterway	Conditional consent

Authority	Clause	Response
PTV	52.36-1 and 66.03 - Determining	Unconditional consent
SGW	66.01 - Determining	Conditional consent
VicRoads	52.29 and 66.03 - Determining	Conditional consent

### Objections and Submissions

Nine (9) objections were received during notification of the application. A summary of the objections and planning response to the objections is provided below.

Concern	Planning Response
Effect on existing amenity (noise and views)	<p>Whilst the future development of the subdivision for residential purposes will lead to additional background noise in the locality, it is not considered unreasonable. The type of noise generated will be consistent with existing noise and not of a nature that would ordinarily be offensive or a nuisance (i.e. industrial/commercial nature).</p> <p>Some objections state that the subdivision will result in a loss of views currently enjoyed by their property. Whilst some property owners may currently enjoy uninterrupted views of surrounding agricultural land, this is not considered a reasonable expectation given that the vacant land has long been zoned for Residential and Low Density Residential development. Whilst Council acknowledges that the proposed change will be more significant for some than others, it must be considered in the context of the Zoning and not its current vacant state. It is also general planning practice that you do not have a right to views. That is because the quality of views and assessing or measuring the reasonableness of losing views is subjective. Furthermore, the land is not in an Overlay within the Planning Scheme that aims to maintain a certain character or to protect views and vistas. In this context it is considered unreasonable to suggest that the development of one person's land cannot proceed in accordance with the relevant Zones and Overlays at the expense of maintaining another person's views in perpetuity.</p> <p>Fencing treatment between the subdivision and adjoining development is discussed separately and will be dealt with via conditions.</p> <p>The proposed subdivision is considered sympathetic to adjoining development.</p>

Concern	Planning Response
Effect on property values	Property values are not a planning consideration. This is primarily due to the subjective nature of property values and the many factors that may influence a market positively or negatively.
Density of development	<p>Some objections consider that the density of the development is too high. As previously discussed, Council concedes that the density of development will be significantly greater than what surrounding residents have been accustomed to. However, this is not to say that a change in density (no matter how significant) is inappropriate. Its appropriateness should be judged in relation to existing densities and any guidance provided by State or Local Policy.</p> <p>The average lot size in the GRZ for this development is approximately 800sq m. With lots ranging from 500-1500sq m. This is considered to provide a range of lot sizes and dimensions to encourage housing diversity while still providing for sustainable growth of the town. The average lot size also means that there will be approximately 12 dwellings per hectare in the GRZ, which is significantly less than that proposed in comparable greenfield developments the growth areas around Melbourne where densities will commonly range between 15-20 dwellings per hectare.</p> <p>The current residential zoned land in Poowong generally ranges between 800-1200sq m. Whilst such lots could be proposed in this new subdivision it is not considered appropriate because:</p> <ul style="list-style-type: none"> <li>• It would underutilise existing residential zoned land that is serviced (or serviceable); and</li> <li>• Without minimum lot sizes in the GRZ, future ad hoc subdivision of any larger lots created as part of this subdivision could occur. This would lead to similar densities over time but in an unstructured and possibly illogical manner.</li> </ul> <p>It is considered to be a better planning outcome to allow slightly higher densities at this point in time in order to ensure that the whole area is developed in an orderly fashion.</p>
Removal of vegetation	A number of submissions object to the removal of vegetation and some specifically mention vegetation that is not native as 'heritage' trees. The land is not covered by

Concern	Planning Response
	<p>a Heritage or Vegetation Protection Overlay and the non-native vegetation on the land is not protected by way of permit trigger in any way. Whilst the trees are of significance and provide for visual amenity, they could be removed without a permit at any time. Suitable street tree planting and planting with the POS area will ensure that amenity is maintained throughout the subdivision. This will be subject to a condition for the applicant to provide Council with detailed plans to its satisfaction. Such plantings can incorporate trees, shrubs and grasses that are native to the area which will overtime increase biodiversity on the site.</p> <p>The four native trees proposed for removal have been assessed as being of low biodiversity significance due to the poor health and structure. Whilst they also provide for amenity, they will be offset by a permit condition.</p>
Public open space not suitable in size or location	<p>A number of different views have been expressed in submissions regarding the inadequacy of the POS area that was proposed. The applicant has since provided updated details for the drainage requirements of the proposal, which has led to the area previously encumbered by stormwater infrastructure becoming usable as active or passive POS. There applicant has also provided a splayed area on the northern portion of the proposed POS to allow pedestrian access through to White Birch Close. Council will require the landscape plan for the POS area to show details of pathways and park furniture to be constructed in this area.</p> <p>The proposed POS area equates to approximately 4% of the total land area. Council is able to require 5% of the land area to be provided as POS by way of land or cash contribution (or both) under Clause 52.01 of the Planning Scheme. Some submissions suggest a larger contribution requirement which would not be lawful to impose. Council will require a 5% contribution by way of land and cash.</p> <p>The location is considered appropriate having regard to its connection to the Reserve to the east. The dam is considered to form part of the POS as it provides for a suitable water source for the existing Reserve but also provides for a passive water feature similar to those in other contemporary subdivisions.</p> <p>Council cannot levy any other financial contributions because they would not be lawfully imposed under Section 62 of the Act.</p>

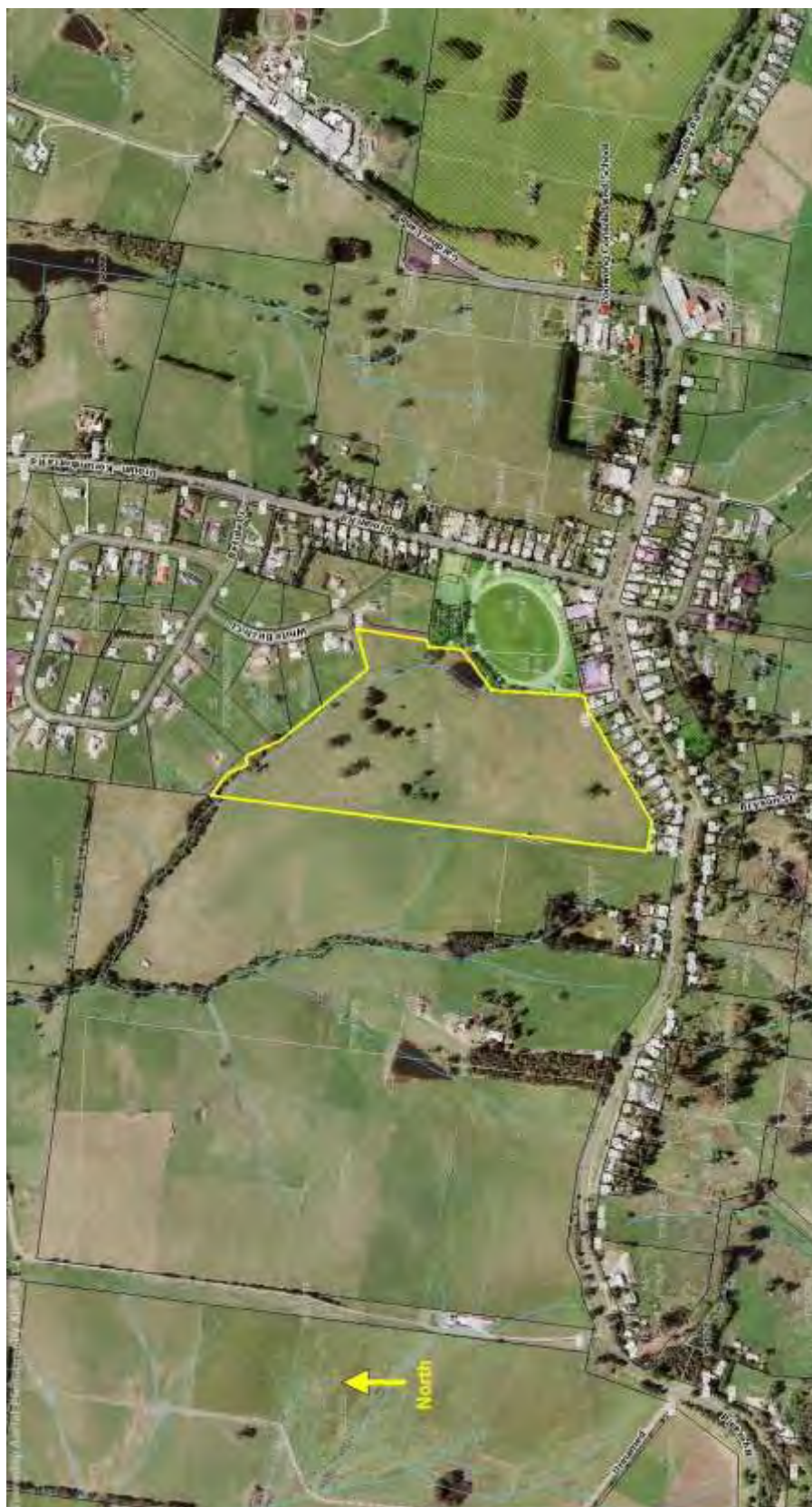


Concern	Planning Response
Retention of Cairn located on the land	<p>The Cairn located on the land commemorating the early settlers is considered of significance even though it is not specifically protected by any provisions of the Planning Scheme. A condition of the permit will require it to be removed from its current location and positioned in a prominent position within the area of proposed POS.</p>
Pedestrian and vehicle access (traffic)	<p>The proposed subdivision layout is considered suitable as it now provides:</p> <ul style="list-style-type: none"> <li>• Pedestrian connectivity to the LDRZ development to the north through the proposed POS area;</li> <li>• Pedestrian and road frontage to the adjoining Recreation Reserve to the east; and</li> <li>• Future vehicle and pedestrian connectivity to the west if the land is developed in accordance with the Poowong Framework Plan.</li> </ul> <p>The application was supported by a Traffic Impact Assessment (TIA) which demonstrated that the access onto Nyora Road would be suitable. VicRoads provided their conditional support for the proposal.</p>
Interface with adjoining land and fencing	<p>It is considered reasonable to require the applicant to provide suitable solid fencing of 1.8m high along the western boundary adjoining the FZ land prior to the completion of each stage of the application (issue of Statement of Compliance). This would ensure that prior to the occupation of each lot in any given stage, there would be suitable fencing erected for privacy and stock exclusion.</p> <p>It is also considered reasonable for the applicant to provide such fencing along the interface with Residential Zoned lots adjoining to the south as a significant number of those only have post and wire fences at present. Fencing between LDRZ and FZ land should remain as post and wire although this can be negotiated between the relevant parties as a civil matter.</p> <p>Newly created residential zoned lots should not have solid (non-transparent) fencing adjoining public reserves any greater than 1.65m high (including the plinth height). This is to ensure that casual surveillance and overlooking of public areas is maintained for public safety reasons. This will be a condition of the permit relating to Lots 101, 102 and 301-305. The Poowong Recreation Committee (PRC)</p>

Concern	Planning Response
	<p>has requested that these fences be a minimum of 1.8m high although this is not considered to be a good planning outcome.</p> <p>The PRC have also requested that fencing between the Reserve and the rest of the subdivision be a minimum 1.8m high chain mesh topped with 3 strands of barbed wire for security. This is also not supported as it is not a good planning outcome. It is somewhat understandable that the Committee would like to restrict admission to the ground, however, this should be managed by other means on those occasions. The reason Council requested that dwellings front onto the POS instead of backing or siding onto it was to allow for surveillance, enhanced connectivity and access to recreation facilities for all future occupants.</p> <p>Fencing of the dam as a public liability has been raised as an issue. Whilst this can be a liability it is not considered to be any different to specifically constructed Water Sensitive Urban Design (WSUD) features in many contemporary subdivisions which are also often located in POS.</p>
Discharge of Stormwater	<p>Some objections raise stormwater discharge as an issue. The applicant has provided concept drainage solutions as required by Council. Council is satisfied that the subdivision can be suitably drained without increasing the discharge of stormwater across any boundary that exceed pre-development flows and appropriate water quality treatment will be undertaken prior to discharge from the site.</p> <p>Lots 301-303 will require earthworks to ensure that the existing waterway is suitably diverted around the access point to each lot and that they are made suitable for future use as dwelling sites.</p>

## Attachment 2

### Aerial Photography



## Attachment 3

### Planning Property Report

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#### Planning Zones

GENERAL RESIDENTIAL ZONE - SCHEDULE 1 (GRZ1)

SCHEDULE TO THE GENERAL RESIDENTIAL ZONE - SCHEDULE 1

LOW DENSITY RESIDENTIAL ZONE (LDRZ)

SCHEDULE TO THE LOW DENSITY RESIDENTIAL ZONE



Note: labels for zones may appear outside the actual zone - please compare the labels with the legend.

#### Zones Legend

ACZ - Activity Centre	IN1Z - Industrial 1	R1Z - General Residential
B1Z - Commercial 1	IN2Z - Industrial 2	R2Z - General Residential
B2Z - Commercial 1	IN3Z - Industrial 3	R3Z - General Residential
B3Z - Commercial 2	LDRZ - Low Density Residential	RAZ - Rural Activity
B4Z - Commercial 2	MUZ - Mixed Use	RCZ - Rural Conservation
B5Z - Commercial 1	NRZ - Neighbourhood Residential	RDZ1 - Road - Category 1
C1Z - Commercial 1	PCRZ - Public Conservation & Resource	RDZ2 - Road - Category 2
C2Z - Commercial 2	PDZ - Priority Development	RGZ - Residential Growth
CA - Commonwealth Land	PPRZ - Public Park & Recreation	RLZ - Rural Living
CCZ - Capital City	PUZ1 - Public Use - Service & Utility	RUZ - Rural
CDZ - Comprehensive Development	PUZ2 - Public Use - Education	SUZ - Special Use
DZ - Dockland	PUZ3 - Public Use - Health Community	TZ - Township
ERZ - Environmental Rural	PUZ4 - Public Use - Transport	UFZ - Urban Floodway
FZ - Farming	PUZ5 - Public Use - Cemetery/Crematorium	UGZ - Urban Growth
GRZ - General Residential	PUZ6 - Public Use - Local Government	
GWAZ - Green Wedge A	PUZ7 - Public Use - Other Public Use	
GWZ - Green Wedge	PZ - Port	

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Department of  
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## Planning Overlay

None affecting this land - there are overlays in the vicinity

ENVIRONMENTAL SIGNIFICANCE OVERLAY (ESO)

HERITAGE OVERLAY (HO)

ROAD CLOSURE OVERLAY (RXO)



### Overlays Legend

AE0 - Airport Environs	LSIO - Land Subject to Inundation
BM0 - Bushfire Management (also WMO)	MAE01 - Melbourne Airport Environs 1
CLPO - City Link Project	MAE02 - Melbourne Airport Environs 2
DCPO - Development Contributions Plan	NCO - Neighbourhood Character
DD0 - Design & Development	PO - Parking
DDOPT - Design & Development Part	PAQ - Public Acquisition
DPQ - Development Plan	RD - Restructure
EA0 - Environmental Audit	RCD - Road Closure
EM0 - Erosion Management	SBO - Special Building
ES0 - Environmental Significance	SLO - Significant Landscape
FQ - Floodway	SMD - Salinity Management
HO - Heritage	SRO - State Resource
IPO - Incorporated Plan	VPO - Vegetation Protection

Note: due to overlaps some colours on the maps may not match those in the legend.

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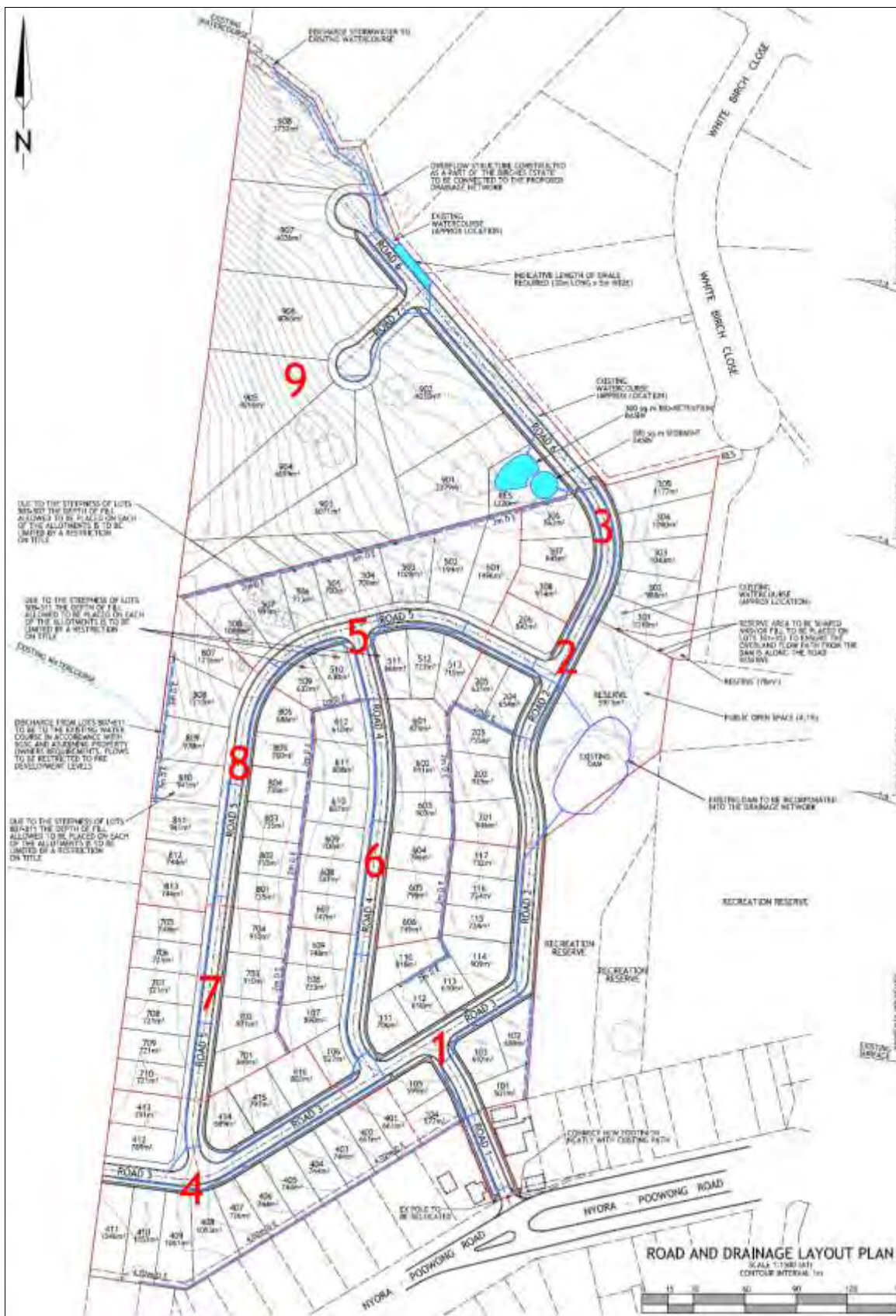
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## Proposed Site Plan



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### **E.3 PROPOSED DISCONTINUANCE OF GOVERNMENT ROAD, PART OF FLINDERS STREET, KORUMBURRA**

Engineering Services Directorate

#### **EXECUTIVE SUMMARY**

This report is presented to Council so that it may consider recommencing the statutory procedures for the road discontinuance for part of Flinders Street, Korumburra (government road) as a result of the submission of a revised plan from the Office of Surveyor General Victoria (OSGV).

Council has previously considered a report for the road discontinuance based on a plan originally submitted by Beveridge Williams on behalf of Burra Foods to resolve a minor building encroachment and also to facilitate an expansion of this facility.

Council is now asked to consider the slightly revised plan from the OSGV. The particular section of Flinders Street, Korumburra (Road) to be discontinued is not required for public traffic, and once discontinued, the land will be transferred to the Crown. Burra Foods can then commence negotiations with Department of Environment, Land, Water and Planning (DELWP) for the purchase of the land.

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

- **Attachment 1** – Final detailed plan showing part of road to be discontinued.
- **Attachment 2** – Previous detailed plan showing part of road to be discontinued.
- **Attachment 3** – Plan showing minor encroachment onto road reserve.
- **Confidential Appendix 1** – Late public submission.

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

Local Government Act 1989 – Sections 207A, 223 and Schedule 10 Clause 3.

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

Road Closure and Discontinuance Process 2013

#### **COUNCIL PLAN**

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

## CONSULTATION

- External consultation has been undertaken previously, pursuant to Sections 207A and 223 of the Local Government Act 1989, based on the originally submitted plan (**Attachment 2**) during October 2014. Refer to “*Previous Consultation (October 2014)*” below.
- It is proposed to re-consult, pursuant to Sections 207A and 223 of the Local Government Act 1989, with regard to the newly submitted plan.
- A Public Notice will be placed in the local newspapers, Council’s website and letters will be sent to adjoining properties and DELWP under Section 223 of the Local Government Act 1989 week commencing 27 April 2015.
- Section 223 Public Consultation period will be for a 28 day period from publication and close at 5:00pm on Tuesday 26 May 2015.
- If a person requests to speak to their submission, a Section 223 Hearing Session will be held on Wednesday 17 June 2015 at 12:45pm in the Council Chamber, Leongatha Memorial Hall to hear submissions.
- Council will receive a further report to discuss the outcome of the Section 223 process and, if appropriate, recommend completing the road discontinuance by placing a statutory notice to this effect in the Victoria Government Gazette and in accordance with Schedule 10 Clause 3, of the Local Government Act, 1989.

### Previous Consultation (October 2014)

The following consultation has been undertaken in regards to the proposed part road discontinuance of Flinders Street, Korumburra:

- **Council Report – Proposed Discontinuance of Government Road, Part of Flinders Street, Korumburra (22 October 2014)**
  - Council considered a report to commence statutory procedures pursuant to Schedule 10 Clause 3 of the Local Government Act 1989 for the proposed discontinuance of a 1,540m<sup>2</sup> section of Flinders Street, Korumburra and that the land from the road revert to the Crown.
- **Public Notice and Community Consultation (27 October 2014)**
  - A Public Notice was placed in local newspapers and letters were sent to adjoining properties and DELWP under Section 223 of the Local Government Act 1989.
  - The public submission period closed on Wednesday 19 November 2014.



- Upon conclusion of the public consultation period, no written submissions were received within the public notice period.
  - At the Public Presentation Session held on Wednesday 19 November 2014, a community member raised concerns regarding the discontinuance.
  - On Thursday 20 November 2014 correspondence was received from same community member objecting to the road discontinuance and the late submission is included in **Confidential Appendix 1**.
- **External Community Consultation**
    - The DELWP has been consulted and is aware that Burra Foods will contact them regarding the purchase of part Flinders Street if the road discontinuance proceeds.
  - **Internal Consultation**
    - Both Council's Engineering & Assets Department and Property Department have advised that the road to be discontinued is not required as a public road.

## REPORT

### Background

Beveridge Williams, on behalf of Burra Foods, had previously submitted an application to discontinue a section of road, being an area of approximately 1,540m<sup>2</sup>, to resolve a minor building encroachment and to facilitate a further expansion of its operation plant. This was previously reported to Council at its meeting of 22 October 2014. Refer to **Attachment 3** for a copy of the plan showing the minor encroachment.

At its Ordinary Council Meeting held on the 22 October 2014, it was unanimously resolved, in part, that Council:

- "1. Approve the commencement of the statutory procedures pursuant to Schedule 10 Clause 3 of the Local Government Act 1989 for the proposed discontinuance of a 1,540m<sup>2</sup> section of Flinders Street, Korumburra as shown hatched on the plan below and that the land from the Road be transferred to the Crown, and*
- 2. Give public notice in the local newspapers and on Council's website week commencing 27 October 2014 of the proposal in accordance with Sections 207A and 223 of the Local Government Act 1989 and write to the Department of Sustainability and Environment, all service providers and affected land owners with a property abutting the road proposed to be discontinued."*

After consultation with Beveridge Williams & DELWP, a further plan has been prepared by the OSGV. This plan is generally in accordance with the original, but indicates a slightly increased area of 1,813m<sup>2</sup> of unused road that is requested to be discontinued. Burra Foods can then commence negotiations with DELWP for the purchase of the land hatched in **Attachment 1**.

As the extent and area of road planned to be closed differs slightly from the original plan shown, it is therefore proposed to re-commence the road discontinuance process using the revised plan.

## **Discussion**

### *Current Status of the Road*

- A title search confirms that the status of the Road is a Government road and that it is included within a larger section of road with uses as follows:
  - The northern section is currently an unformed road reserve.
  - The southern section is Flinders Street and is a constructed Council road. It is listed on Council's Road Register as a public road.
  - A constructed driveway accesses from the southern section of road onto the Burra Foods site.

These uses are shown in the aerial plan in **Attachment 1**.

- The Road is not used as a road and is not required by or currently used by the public.
- Abutting properties all have reasonable alternate legal access to their properties.

### *Adjoining Landowners and Service Authorities*

Adjoining landowners and occupiers will be sent letters of explanation outlining the reasons for the proposed road discontinuance in accordance with the revised plan and be given an opportunity to put a submission to Council and be heard by a Special Committee of Council.

All service authorities and the DELWP will also be sent letters of explanation.

A further report will be presented to Council detailing submissions received and recommended actions.

## **Options**

The options available to Council are to:

1. Discontinue approximately 1,813m<sup>2</sup> section of unused Road.

**2. Do nothing and continue to leave the Road in its current status.**

**Proposal**

It is proposed that Council re-commence the statutory procedures to discontinue the Road as described and shown on the plan in **Attachment 1** (hatched) and that the land from the Road reverts back to the Crown as it is a Government road reserve.

**Public Submission Process**

In accordance with Sections 207A and 223 of the Local Government Act 1989, Council is required to give public notice of its proposal to remove the road status from the Road by consulting with and responding to submissions from the local community and affected landowners. This will be attended to by:

- Placing a public notice in the local newspapers and on Council's website in the week commencing Monday 27 April 2015.
- Writing to adjoining land owners and DELWP in the week commencing Monday 27 April 2015.

Section 223 Public Consultation period will be for a 28 day period from publication and close at 5.00pm on Tuesday 26 May 2015.

If a person requests to speak to their submission, a Section 223 Hearing Session will be held on Wednesday 17 June 2015 at 12.45pm in the Council Chamber, Leongatha to hear submissions.

Council will receive a further report to discuss the outcome of the Section 223 process and, if appropriate, recommend completing the road discontinuance by placing a statutory notice to this effect in the Victoria Government Gazette and in accordance with Schedule 10 Clause 3, of the Local Government Act 1989.

**FINANCIAL CONSIDERATIONS**

There is no financial impact to Council.

**RISKS**

The discontinuance of the road will remove Council's responsibility for the road.

**CONCLUSION**

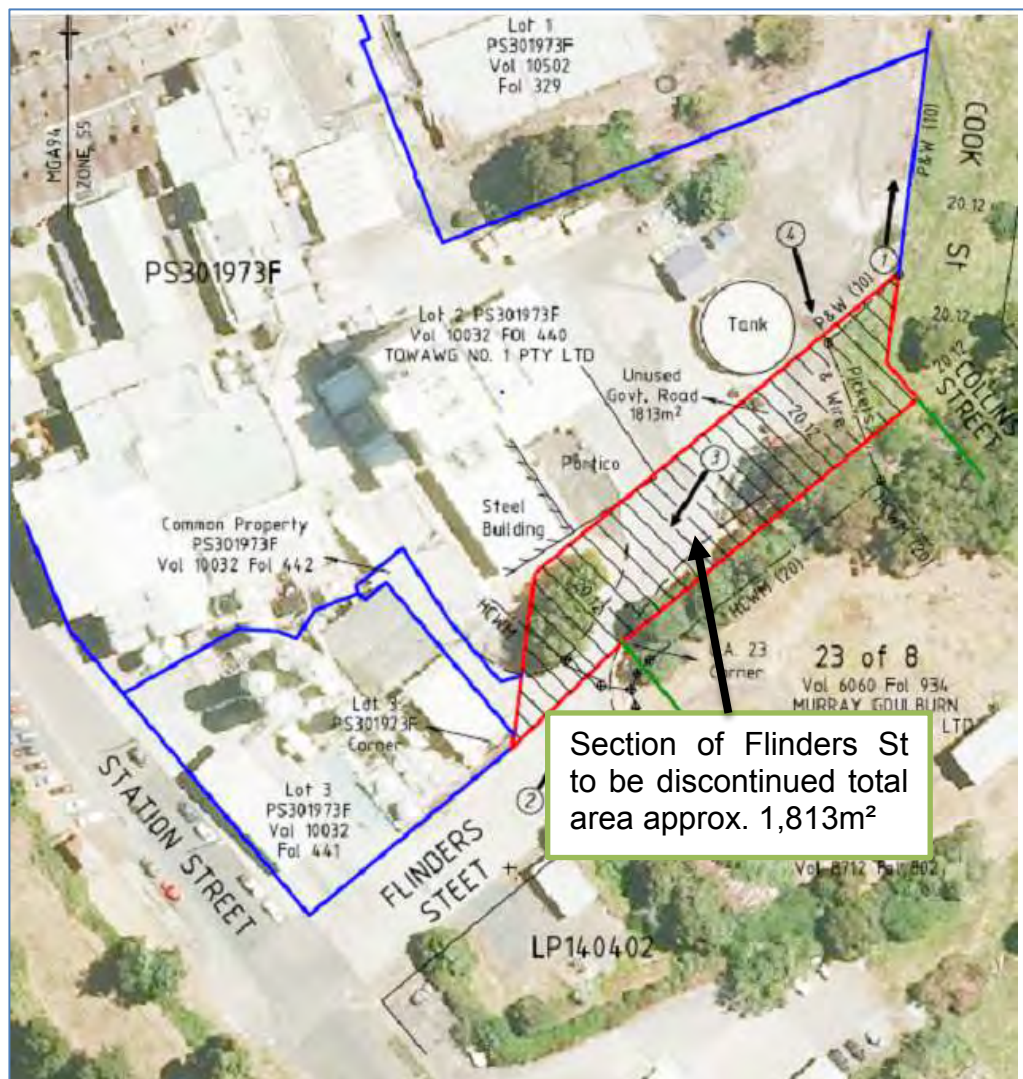
The discontinuance of the Road will facilitate a proposed expansion of the Burra Foods plant.

## RECOMMENDATION

That Council:

1. Approve the commencement of the statutory procedures pursuant to Schedule 10 Clause 3 of the Local Government Act 1989 for the proposed discontinuance of approximate 1,813m<sup>2</sup> section of unused road, Flinders Street, Korumburra as shown hatched on the plan below and that the land from the Road be transferred to the Crown.

Figure 1



2. Give public notice in the local newspapers and on Council's website in the week commencing 27 April 2015 of the proposal in accordance with Sections 207A and 223 of the Local Government Act 1989.
3. In the public notice clearly state:
  - a. If discontinued, Council proposes to transfer the land from the Road to the Crown.

- b. A person may make a submission to the proposal no later than 5:00pm on Tuesday 26 May 2015, addressed to the Chief Executive Officer, South Gippsland Shire Council, Private Bag 4, Leongatha 3953 or delivered to the Council Office, 9 Smith Street, Leongatha.
  - c. All submissions will be considered in accordance with Section 223 of the Act.
  - d. Any person making a written submission is entitled to state in their submission that he or she wishes to appear in person, or be represented by a person specified in the submission, at a meeting to be heard in support of their submission.
  - e. Copies of submissions (including submitters' names and addresses) will be made available at the Council or Special Committee meeting at which the proposals are considered and Council is required to make submissions available for public inspection for a period of twelve months.
  - f. The time, date and place for hearing of submissions.
- 4. Fix the time, date and place for hearing of persons who wish to be heard in support of their submission at a the 223 Hearing Session on Wednesday 17 June 2015 at 12.45pm in the Council Chamber, Leongatha Memorial Hall and include these details in the public notice.
  - 5. Write to the Department of Environment, Land, Water & Planning, all service providers and affected land owners with a property abutting the road proposed to be discontinued.
  - 6. Appoint the Strzelecki Ward Councillors and the Mayor as the committee to hear these submissions and prepare a report containing all submissions received for the purpose of the submission hearing.
  - 7. Advise those persons who wish to be heard in support of their submission of the date, time and place of the hearing of submissions as soon as practicable.
  - 8. Receive a final report of its proceedings and a summary of the outcome of the Section 223 process.

**STAFF DISCLOSURE OF INTEREST**

Nil

**MOVED: Cr Newton**

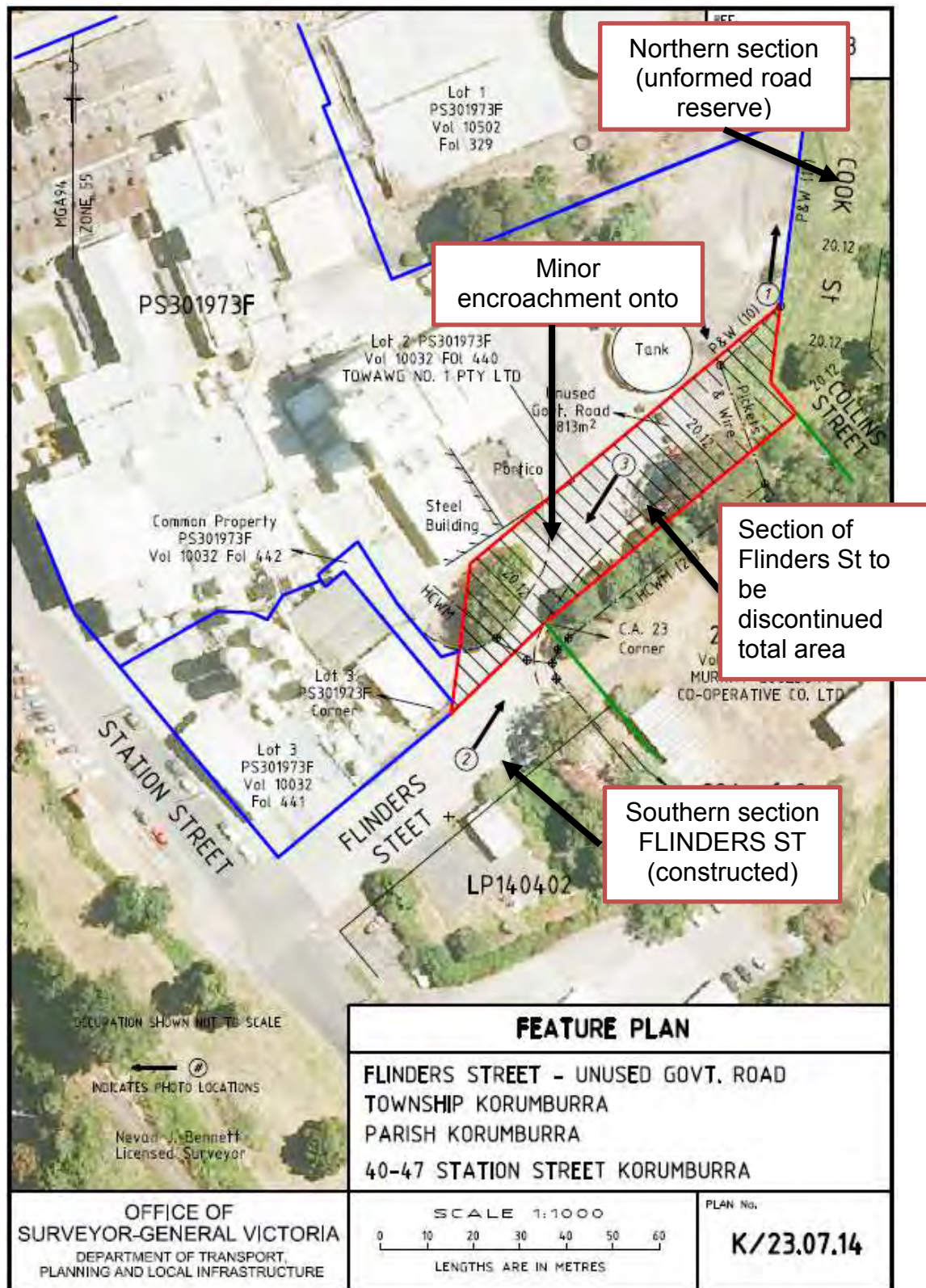
**SECONDED: Cr Hill**

**THAT THE RECOMMENDATIONS IN ITEMS E.3 AND E.4 BE ADOPTED.**

**CARRIED UNANIMOUSLY**

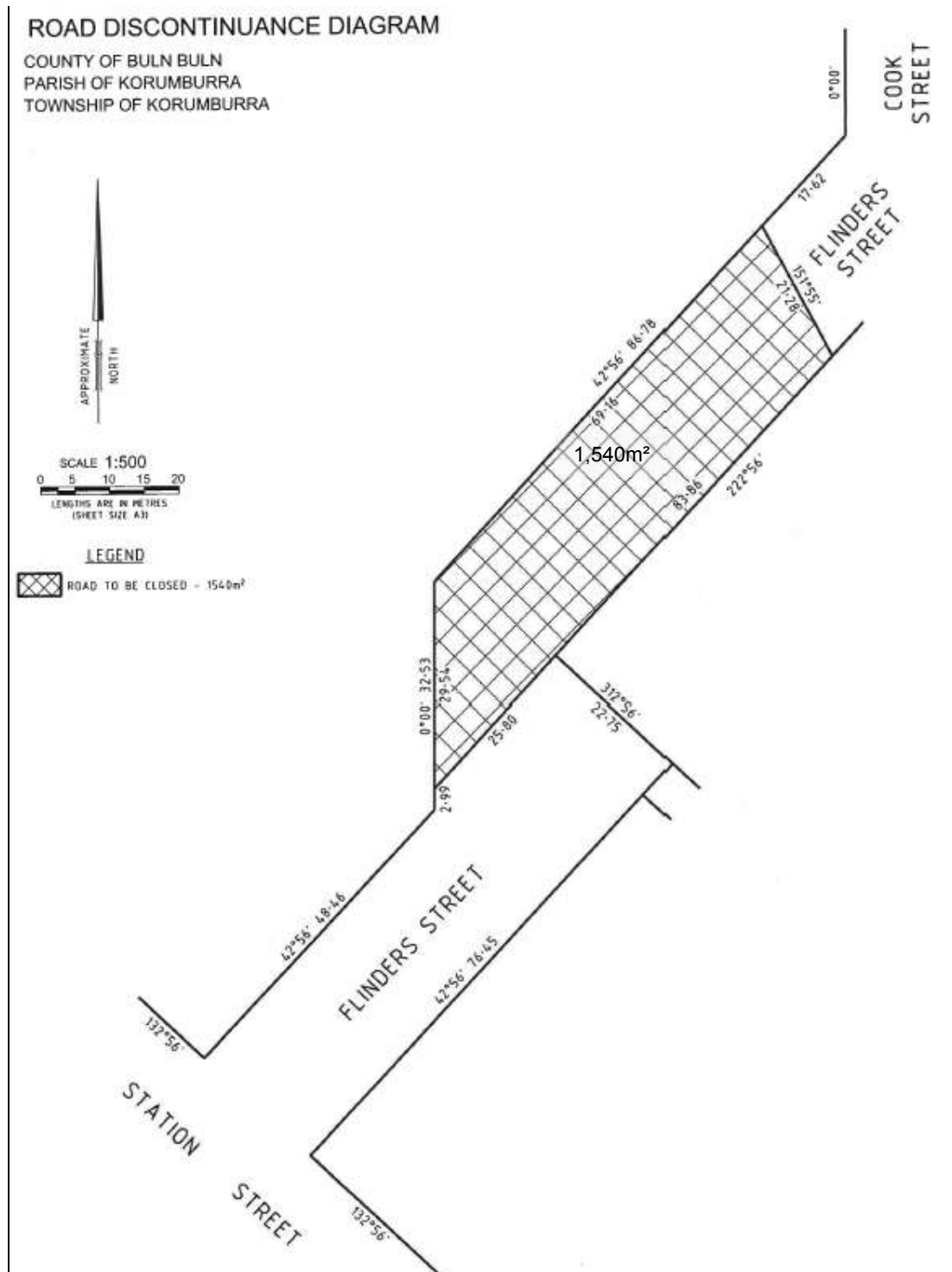


**Attachment 1**  
**Final Detailed Plan Showing Part of Road to be Discontinued**



## Attachment 2

### Previous Detailed Plan Showing Part of Road to be Discontinued



**Area of Encroachment**

**Proposed Site Plan**

**Project Information:**

- Project Name: 180-Unit Assisted Living Facility
- Address: 1200 S. 1st St., Phoenix, AZ 85004
- Owner: GAM CORP.
- Architect: BURRILL ASSOCIATES, INC.
- Engineer: BURRILL ASSOCIATES, INC.
- Surveyor: BURRILL ASSOCIATES, INC.
- Scale: 1" = 20'
- North Arrow: Indicated by a circle with an 'N'.

**Site Plan Details:**

- The site is bounded by 1200 S. 1st St. to the north, 1200 S. 2nd St. to the south, and 1st Ave. to the east.
- The proposed building is located on the north side of the site, adjacent to 1200 S. 1st St.
- The building footprint is approximately 100' x 150'.
- The building is divided into several units, with a central corridor and multiple entrances.
- The building is surrounded by landscaping, including trees and shrubs.
- A parking area is located to the south of the building, with approximately 20 parking spaces.
- The site is currently vacant, with some existing structures and utilities.



#### **E.4 FORMALISE ROAD DISCONTINUANCE FOR JUMPTOWN LANE AND PARTS OF LITTLE PRINCES STREET AND MAIR CRESCENT, KORUMBURRA**

Engineering Services Directorate

##### **EXECUTIVE SUMMARY**

This report is presented to Council so that it may formalise the road discontinuances for Jumptown Lane and parts of Little Princes Street and Mair Crescent, Korumburra, and place a notice in the Victorian Government Gazette.

The sections of roads to be discontinued are not required for public use and once discontinued, will revert to the Crown. Then Council can commence negotiations with the Department of Environment, Land, Water and Planning (DELWP) for the purchase of the land.

These road discontinuances form part of the assembled parcel of land to be developed for the proposed Karmai Integrated Children's Centre (KICC), the Project.

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

- **Attachment 1** - Overall Plan of Roads to be Discontinued.
- **Attachment 2** - Survey Plan of Mair Crescent.
- **Attachment 3** - Survey Plan of Jumptown Lane.
- **Attachment 4** - Survey Plan of Part Little Princess Street.
- **Attachment 5** - Copy of Letter from South Gippsland Water.
- **Attachment 5a** - Copy of Plan from South Gippsland Water.
- **Attachment 6** - Copy of Letter from AusNet Services.

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

Local Government Act 1989 - Sections 206, 207A, 223 and Schedule 10  
Clause 3

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

Road Closure and Discontinuance Process 2013

## COUNCIL PLAN

Outcome:	3.0	Integrated Services and Infrastructure.
Objective:	3.1	Deliver affordable modern community facilities through an integrated approach to planning and infrastructure development.
Strategy:	3.1.3	We will develop an integrated planning approach for our townships and villages, so that facilities are located in areas where they are most appropriate.
	3.1.4	We will plan for the service needs of the Shire's changing demographic.

## CONSULTATION

The following consultation has been undertaken in regards to the proposed road discontinuances for Jumptown Lane and parts of Little Princes Street and Mair Crescent, Korumburra.

- **Public Notice and Community Consultation (28 July 2014)**
  - A Public Notice was placed in local newspapers, Council's website and letters were sent to adjoining properties and DELWP under Section 223 of the Local Government Act 1989.
  - The public submission period closed on Wednesday 27 August 2014.
  - Upon conclusion of the public consultation period, 2 written submissions were received one from South Gippsland Water (SGW) and one from AusNet Services in regards to infrastructure located along these road reserves. Refer to **Attachments 5 & 6**.
    - i. In reply to the issue raised by SGW regarding their infrastructure having to be relocated or replaced, this will be addressed by Council prior to any works or development occurring. Any changes required to be made to SGW's infrastructure is to be at Council's cost.
    - ii. In reply to AusNet Services, an easement will be created for the purpose of power lines at Council's expense in coordination with AusNet Services.

### External Community Consultation

The Project is being facilitated by Council's Community Services Directorate. Previous external consultation has included:

- Mail outs to surrounding residents.
- Publications in the local media regarding the Project.

- Project information and design plans provided at libraries, the Korumburra Kindergarten and Birralelee Child Care Centre.
- Drop-in sessions were organised by Council to answer queries from the community as follows:
  - Korumburra Primary School on 19 June 2013.
  - Coal Creek Heritage Village on 23 July 2013.

### Internal Consultation

Both Council's Engineering & Assets and Property Departments have advised that the Road is not required as a public road.

A Project Team has been formed with extensive internal deliberation and consultation between Council officers (Community Services and Engineering Services Directorates) and design consultants to determine the most appropriate access arrangements and design layout for the KICC.

## **REPORT**

### **Background**

A report was presented to Council on the proposed road discontinuances to approve commencement of statutory procedures.

- **Council Report – Korumburra Integrated Childrens Centre - Road Discontinuance for 3 Roads - Jumptown Lane, part Mair Crescent & part Little Princes Street, Korumburra (23 July 2014)**

- "1. Confirm that the subject areas of Jumptown Lane, Korumburra, Little Princess Street, Korumburra and Mair Crescent Korumburra (roads) as shown hatched in the plan below are not required as a road for public use.*
- 2. Approve commencement of the statutory procedures to discontinue the roads pursuant to section 206 and clause 3, schedule 10 of the Local Government Act, 1989 (Act).*
- 3. Give public notice in the local newspapers and on council's website in the week commencing 28 July 2014 of the proposal to commence the statutory procedures in recommendation 2 above and in accordance with section 207a and 223 of the Act."*

## **Discussion**

### Current Status of the Roads

To design a safe and compliant KICC facility, it will be necessary to carry out significant earthworks within the proposed site, surrounds and access to

Princes Street. These earthworks will effectively block the ongoing use of Jumptown Lane as a public road and Little Princes Street as a through road.

While it could be contended that these roads are used by the public, the existing topography and condition of these roads suggests that it is reasonable to assume both are currently only used to access the side or rear of abutting properties.

When considering whether the roads are reasonably required for public use, it is relevant for Council to consider the fact that the abutting properties all have reasonable alternate legal access to their properties.

The property 10 Mair Crescent has a shed at the rear of the property which can be accessed via rear gates from Little Princess Street. Should Jumptown Lane and part of Little Princes Street be discontinued as proposed, then access to this shed will still be possible via Parry Street and the western section of Little Princes Street.

The property 20 Princes Street currently uses Jumptown Lane to access a carport and shed behind the house. Direct access from Princes Street is currently unavailable. Council would need to retain a carriageway easement in favour of this property should Jumptown Lane be discontinued.

#### Community Support

There have been a number of public meetings held to discuss and explain the proposed KICC facility at which there has been general community support.

#### **Proposal**

It is proposed that Council discontinue the roads as described and shown on the plan in **Attachments 1 and 2**.

#### **FINANCIAL CONSIDERATIONS**

Once the road sections contained in this report are discontinued then Council can commence negotiations with the DELWP with the view to purchase these discontinued roads.

#### **RISKS**

The road discontinuances are considered necessary to mitigate the risk to Council as the owner of the proposed KICC facility, the users of the facility and to neighbours.

#### **CONCLUSION**

The road discontinuances will ensure the provision of safe and convenient access to this important new Council facility, the KICC.

## **RECOMMENDATION**

That Council:

1. Pursuant to Schedule 10, Clause 3 of the Local Government Act 1989, approve the road discontinuances for Jumptown Lane and parts of Little Princes Street and parts of Mair Crescent, Korumburra as shown hatched on the plan (Attachment 1) and that the land from the road be transferred to the Crown.
2. Publish a notice in the Victoria Government Gazette of the road discontinuance.
3. Commence negotiations with Department of Environment, Land, Water and Planning (DELWP) to purchase the land from the discontinued roads on Item 1.

## **STAFF DISCLOSURE OF INTEREST**

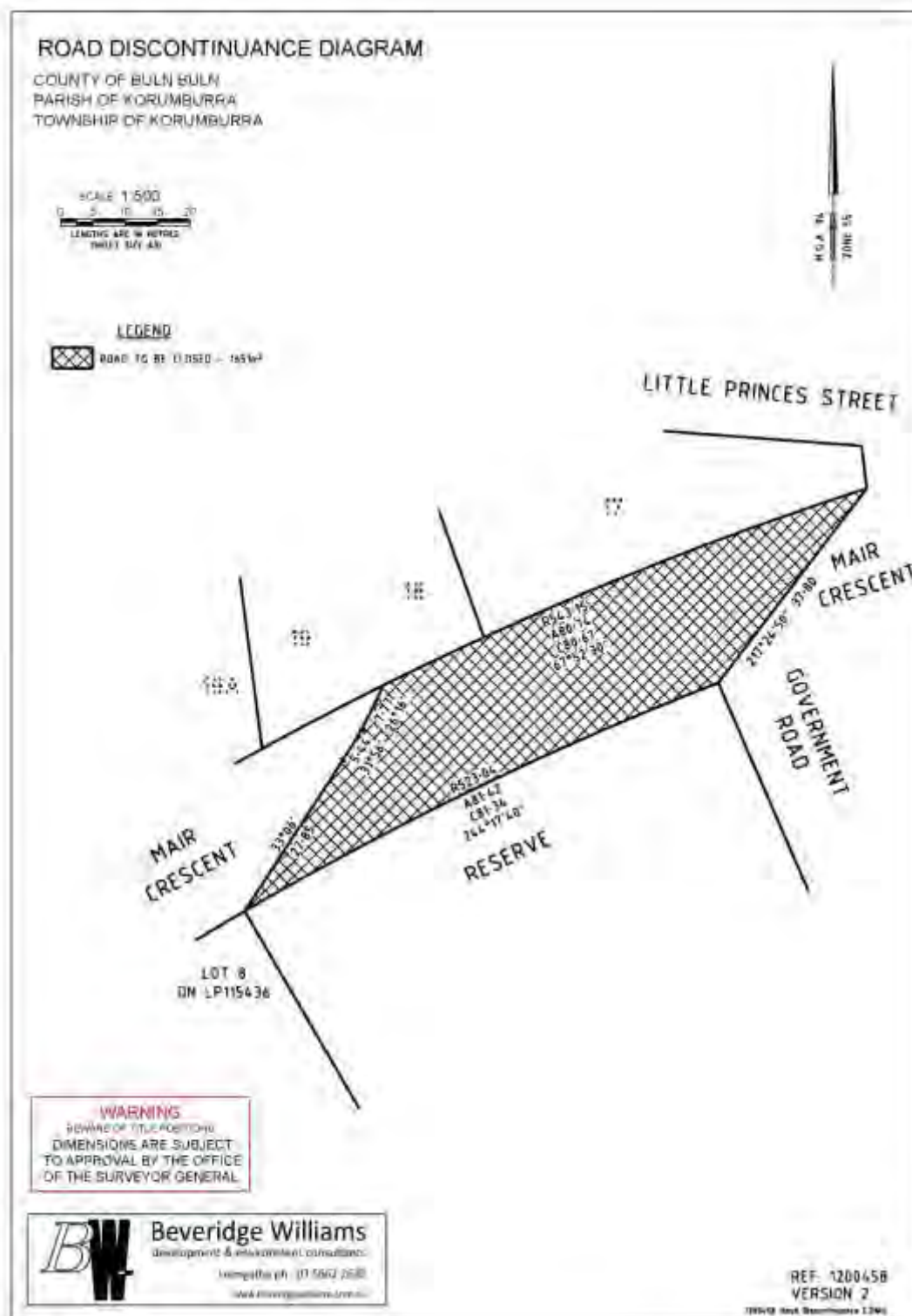
Nil

**NOTE:** The recommendation was **CARRIED UNANIMOUSLY** as part of a single motion, refer to page 114.

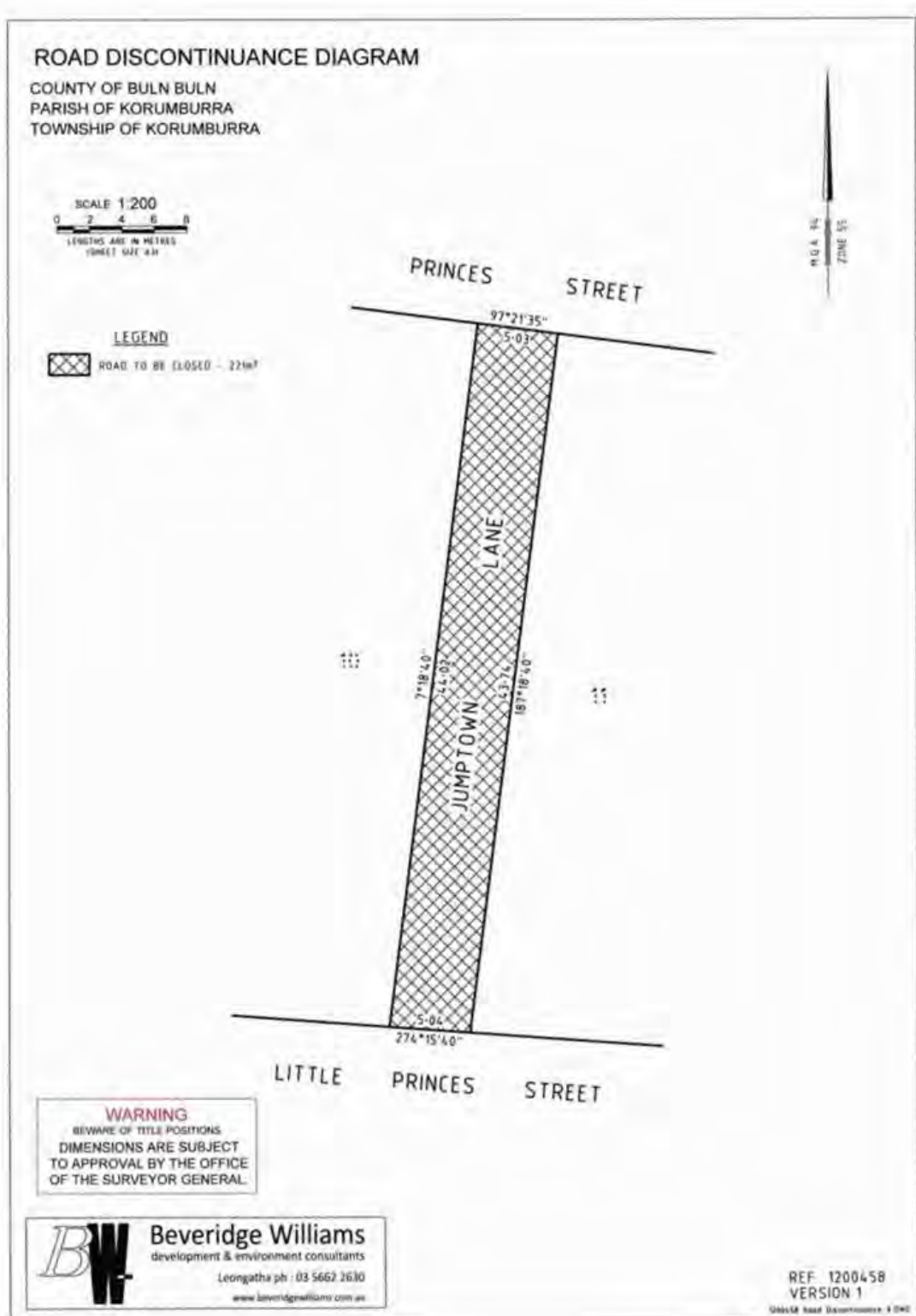
# Attachment 1 Overall Plan of roads to be discontinued



## Attachment 2 Survey Plan of Mair Crescent



### Attachment 3 Survey Plan of Jumptown Lane

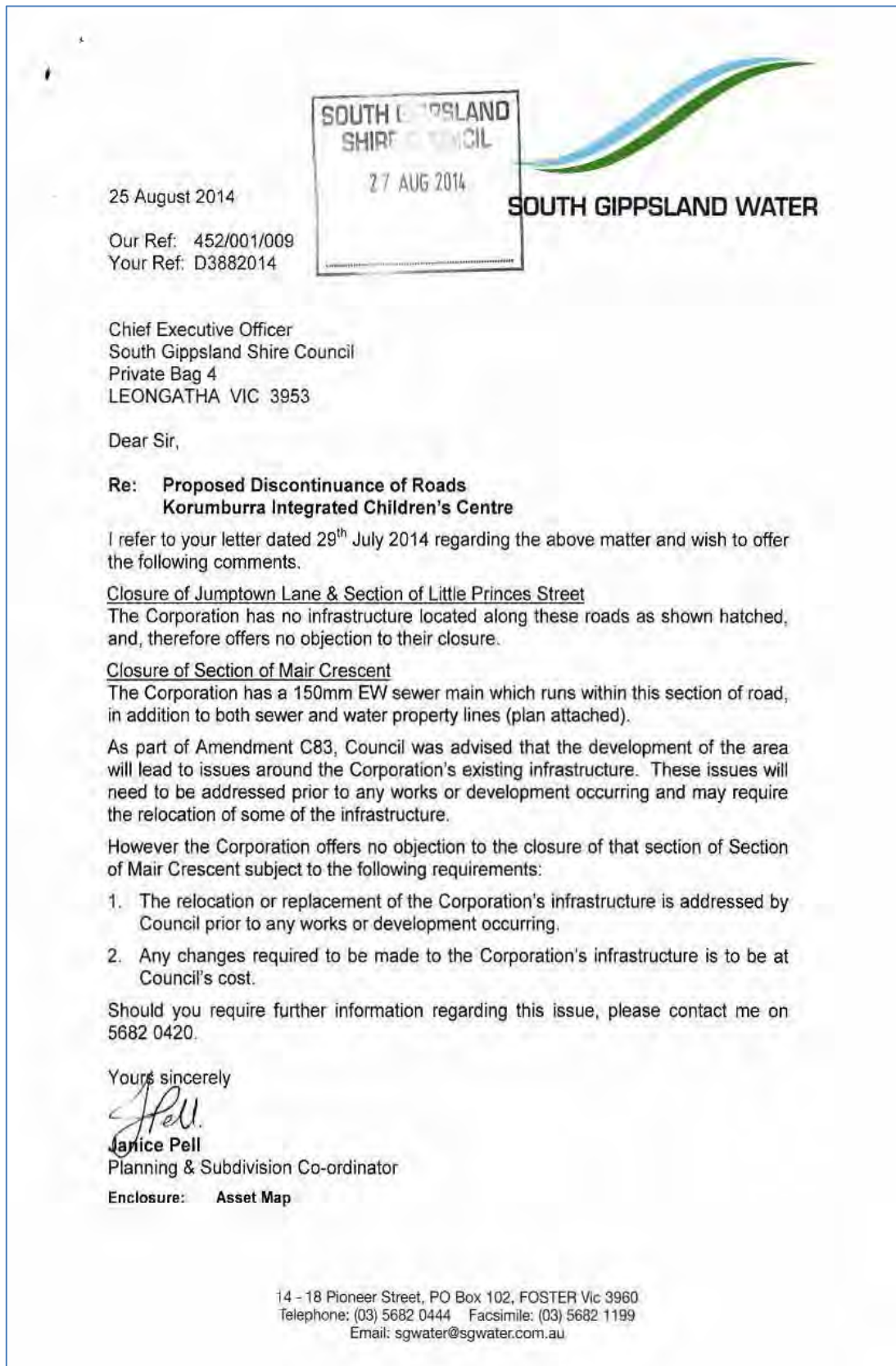




## Attachment 4 Survey Plan of Part Little Princess Street



**Attachment 5**  
**Copy of letter from South Gippsland Water**



**Attachment 5a**  
**Copy of Plan from South Gippsland Water**



**Attachment 6**  
**Copy of letter from AusNet Services**

Our Ref: 4731842

Your Ref: D3882014

16 September 2014

Joanne Cox  
Technical Officer Assets  
Shire of South Gippsland  
Private Bag 4  
LEONGATHA VIC 3953

Dear Joanne

**PROPOSED ROAD DISCONTINUANCES**  
**MAIR CRESCENT, JUMPTOWN LANE & LITTLE PRINCES STREET, KORUMBURRA**

I refer to your letter dated 29 July 2014 and advise that AusNet Electricity Services has no objections to the discontinuance of Jumptown Lane and sections of Mair Crescent and Little Princes Street, Korumburra as indicated in your submitted plan, subject to the following:

All three roads subject to discontinuance contain low voltage overhead electricity lines. An easement is required over the entire portion of Jumptown Lane, and also over the entire part of Little Princes Street that is to be discontinued. A 9 metre wide easement is required in Mair Crescent, centred from the electricity pole located outside 10 Mair Crescent to the pole located in the Municipal Purposes Reserve.

The required easements should be designated as follows on any future Plan of Subdivision or Consolidation:

**Jumptown Lane and Little Princes Street:**

Purpose	Width	Origin	Land Benefited/ In favour of
Power Line	See plan	This Plan – Section 88 of the Electricity Industry Act 2000	AusNet Electricity Services Pty Ltd



Locked Bag T4051  
Melbourne City Mail Centre  
Victoria 8001 Australia  
T: 1300 360 795  
www.ausnetservices.com.au

**Attachment 6**  
**Submission from AusNet Services**

Mair Crescent:

Purpose	Width	Origin	Land Benefited/ In favour of
Power Line	9 metres	This Plan - Section 88 of the Electricity Industry Act 2000	AusNet Electricity Services Pty Ltd

Yours faithfully



Neil McLeod  
Easement Officer  
Asset Management Division

Telephone: 9695 6163

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## SECTION F - URGENT OR OTHER BUSINESS

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

### 1. Urgent Business

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

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

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

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

### 2. Other Business

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

**Nil**

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

### **G.1 Question Time**

-----  
**Wilma Western addressed Council by asking and submitting three questions in relation to the Council Budget, Municipal Precinct Project and Caravan Parks.**

***The questions were taken on notice and will be responded to at the next appropriate Council Meeting.***

**The Chief Executive Officer and some Councillors made comments in support of Council's decision to manage Caravan Parks however the question relating to this was taken on notice and a response will be provided at the next appropriate Council Meeting.**

-----  
**Cr Fawcett left the Meeting at 3.00pm.**

**Cr Fawcett returned to the Meeting at 3.01pm.**

-----  
**Mr Paul Norton addressed Council by providing written questions.**

***The questions were taken on notice and will be responded to at the next appropriate Council Meeting.***

-----



## **G.2 Answers to Previous Questions on Notice**

**Noted.**

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

### **Question 1**

**As at Attachment 1 has the Council now got a formal lease in writing for the VicTrack land Apex Park which to myself part of is also used for car parking and is this lease available to public.**

### **Response:**

Yes - Council has a Lease with VicTrack for the land comprised in Apex Park. This Lease has been in place since 1 September 1956. The car park area is not part of Apex Park. This area is Leased to the South Gippsland Tourist Railway. The Lease for Apex Park is available to be sighted if you wish. Please contact Chris Van Der Ark on 5662 9200 if you would like to sight it. Council does not have a copy of the Lease for the carpark area.

### **Question 2**

**As stated recently in the press 'Star' 11 March 2015 as at attachment 2. Also part of my question as of also attachment 1. What information is available to the Public as of the verbal lease the Shire has for the land used for material storage. At what stage are the negotiations are available to the public as of Council's property Department and South Gippsland Tourist Railway for the above land. Also stated in the 'Star' as attachment 2 Council would use the above land in the short term for Public car parking and may then seek to buy that land for the 'new' Municipal Precinct therefore will that land be in the tender process for the New Municipal precinct?**

### **Response:**

Council has reached agreement with South Gippsland Tourist Railway for it to relinquish part of its leased area to Council for car parking purposes. Council is waiting on a written response from VicTrack that it will issue a Lease to Council for this use.

### **Question 3**

#### **Preamble**

**As of the answers to my questions page 124 Agenda 25 March 2015, to myself at least the present Councils officers are now outdated as of the Disability Discrimination Act 2006 although this has never been stated by Council as a reason for new offices. As I believe that similarly Bass Coast may be of the belief that they may need new Municipal Precinct. As of Councils reply to question 4 also page 124 and 125 clause 8-1-5 (Agenda 25 March 2015) Section C of tender docket for new offices not really 'if' to the digital age. I believe that private cubicles at Local Librarys for such as audio visual contact with council officers in a state of the act Council Office.**



**Question 3**

**Are Council prepared in a few months as a Notice of Motion to have dialogue with Bass Coast and Vic Local Government Department as to combine the 2 Council Bass Coast and South Gippsland Council. Therefore 'new' state of the Art Municipal Offices could be built at Inverloch on open flat ground which would require rezoning.**

**As at attachment 3 also 3 ha should be used to plant trees etc and car park, the number 1 to 4 on attachment 3 maybe site preference.**

**Response:**

I have interpreted the preamble above into three parts:

1. A statement that Council's existing offices do not meet current DDA standards;
2. A recommendation that Libraries could be part of a digital age by providing private cubicles for audio visual contact;
3. A question – are Council prepared to have a dialogue with Bass Coast and State Government regarding a merger and there a combined state of the art Municipal Offices being built at Inverloch.

Our responses to the above are:

1. When constructed, Council's existing offices met the DDA standards at that time. However, today they are indeed dated and need of attention to address current DDA standards. Any new Council building would need to meet current Building Codes and accessibility standards.
  2. Thank you for this recommendation. It will be referred to the Chief Executive Officer of the West Gippsland Library Association who is a member of the Project Reference Group for the Municipal Precinct Study as well as the project consultants.
  3. Council has not considered this.
-

-----  
**At the Ordinary Council Meeting 25 March 2015 a question was taken on notice from Ron Wangman and a response is now provided.**

**Question**

**Mr Ron Wangman addressed Council by asking a question relating to contractors for Planning Works (i.e. Nyora) and does Council have the expertise in house?**

**Response**

*Council has considerable planning and engineering expertise in-house that is utilised on the vast bulk of Council's work. However, when large additional projects in Planning or Engineering are conducted it is usually more cost effective to obtain consultant assistance rather than employing extra staff to complete the work. Some consultant agencies also have skills that enable Council staff to produce better projects and outcomes for the community.*

-----  
**At the Public Presentation Day 18 March 2015 and Ordinary Council Meeting 25 March 2015 the same written questions were taken on notice from Ursula Camburn and response is provided in this document Council Agenda Item D.1 REPORT ON ASSEMBLY OF COUNCILLORS - MARCH 2015, Attachment 1, page 23.**  
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## **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     2014/2015 COMMUNITY GRANTS PROGRAM ROUND TWO - EARLY ASSESSMENT OF TWO APPLICATIONS TO THE FESTIVAL, CELEBRATION AND EVENTS CATEGORY**

**ITEM 2     AUDIT COMMITTEE REPORT FEBRUARY 2015**

**MOVED: CR KENNEDY**

**SECONDED: CR FAWCETT**

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

- 1.     2014/2015 COMMUNITY GRANTS PROGRAM ROUND TWO - EARLY ASSESSMENT OF TWO APPLICATIONS TO THE FESTIVAL, CELEBRATION AND EVENTS CATEGORY PURSUANT TO SECTION 89 (2)(h) AS PROVIDED FOR BY THE LOCAL GOVERNMENT ACT 1989; AND**
- 2.     AUDIT COMMITTEE REPORT FEBRUARY 2015 PURSUANT TO SECTION 89(2)(h) AS PROVIDED FOR BY THE LOCAL GOVERNMENT ACT 1989.**

**CARRIED UNANIMOUSLY**

**ITEM 2    AUDIT COMMITTEE REPORT FEBRUARY 2015**

- 2.    MAKE PUBLIC THE REPORT OF THE AUDIT COMMITTEE  
(CONFIDENTIAL ATTACHMENT 1) HELD ON 15 FEBRUARY 2015,  
EXCLUDING ANY REPORTS REFERRED TO IN THE REPORT OF  
THE AUDIT COMMITTEE, IN THE MINUTES OF THIS ORDINARY  
COUNCIL MEETING.**

## Attachment 1 Report of Audit Committee Meeting 16 February 2015

Report of Audit Committee Meeting					
Meeting Objective	Report of Audit Committee Meeting				
Date	Monday 16 February 2015	Time	10.00 am start (Committee met in committee at 9.30 am with internal auditor)	Duration:	2 hour meeting concluded at 12 noon
Attendees	<p>Meeting Room 2, Council Chambers, Michael Place, Leongatha</p> <p>Dr Irene Irvine (Chair) Dr Craig Nisbet Councillor Harding Councillor Davies</p> <p>Support Staff: Tim Tamlin: CEO, June Ernst: Director Corporate Services, Luke Anthony: Manager Governance Services and David Roche: Governance Coordinator.</p> <p>Bryan Sword: Director Development Services for Item 3.1.3.</p> <p>Tom Lovass: Manager Finance for Item 5.1.</p> <p>Anthony Seabrook: Director Engineering Services for Items 4.1.1 and 4.1.2.</p> <p>VAGO Staff via phone in at 11.15am - 11.45am for Item 5.1 – Ivy Ly and Tim Loughnan.</p> <p>Shami Kamunga - HLB Mann Judd.</p>				
Apologies	Nil				
Disclosures of Interest	<p>Dr Irvine as a member of South Gippsland Water, Walkerville Foreshore Committee and Walkerville Residents Association. Dr Irvine declared an indirect interest due to Conflict Of Duty in Item 4.1.2 Caravan Park Audit as a member of the Walkerville Foreshore Committee that operates a Caravan Park. Dr Irvine did not receive a copy of the report (Appendix 9), left the meeting until the matter was concluded and the Committee appointed Dr Craig Nisbet as Temporary Chair for that Item.</p> <p>Dr Craig Nisbet as a member of the City Of Glen Eira Audit Committee.</p>				

**Confidential Attachment 1**  
**Report of Audit Committee Meeting 16 February 2015**

Confirmation of report of previous meeting	Report of Meeting held on 1 December 2014 was confirmed by the Committee.
Advise of possible breaches of legislation / compliance	CEO, Councillors and the Independent Auditor to advise of possible breaches. Potential breaches of section 186 of the Local Government Act 1989 in respect of procurement of financial systems, GIS and corporate printing were noted as legacy issues.

**Confidential Attachment 1  
Report of Audit Committee Meeting 16 February 2015**

**Agenda Items**

MEETING ITEM IS SCHEDULED FOR	Qtr. 1 Feb 2015	Qtr. 2 May 2015	Qtr. 3 Sep 2015	Qtr. 4 Nov 2015	Who	Report Next Due	Action
<b>1. Quarterly Performance Report</b> <b>Financial Performance Report</b> Financial Performance Report - July – November 2014  <b>Quarterly (Non-Financial) performance report:</b> October – December 2014 available at the following link as an Appendix to the 25 February 2015 Council Meeting agenda (published by 12 February 2015) <a href="http://www.southgippsland.vic.gov.au/Page/voice.aspx?Page_ID=343&amp;rel=3">http://www.southgippsland.vic.gov.au/Page/voice.aspx?Page_ID=343&amp;rel=3</a>  <b>Local Government Performance Reporting Framework</b> Report containing KPI's, what action is planned to achieve KPI's and status of progress to achieving KPI's including the merge of the Annual Plan KPI's and LGPR KPI's					Director Corporate Services	May 2015	Committee noted and discussed with the Finance Manager items in the report related to trust funds, deposits, special charge fees, other income, developer contributions, fines and other receivables. Noted that after this meeting the Finance Manager provided further advice by email to the Audit Committee.  Committee noted and discussed items in the report – pools, animal management services and the problematic nature of comparing rural councils against other councils in particular in relation to the appropriateness of some KPI's. Committee was provided assurance that there are no issues of concern and that it was desirable that the next report provide a comparison of figures between Q1 and Q2 data submissions.

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<b>2. Internal Control System</b> Consider the effectiveness of Council's internal control system (including financial reporting) including Policy Review Timetable					Director Corporate Services	May 15	Committee noted report not due
<b>3. Risk Management</b>							
<b>3.1 Risk Management Systems</b> Monitor the systems and processes for risk management including status and content of corporate risk register and review Council's risk profile, including adequacy of mitigation actions.							
3.1.1 Strategic Risk Register					Manager Governance	Feb 15	Verbal report on progress updating Councils Risk Management Framework, creating Operational Risk Register and investigation of shared services provided  Noted that Member Nisbet provided an Assurance Map, which will be used for consideration for future reporting.
3.1.2 Reports of the Strategic Risk Committee					Manager Governance	May 15	Noted that report not due and that next SRC scheduled for 24 February 2014
3.1.3 Quarterly report from a Director					Relevant Director	Feb 15	Bryan Sword Director Development Services provided an update on Coal Creek, Wastewater Management (Septic Tank compliance) Developer Contributions and planning compliance
3.1.4 CHS Trends					Governance	Nov 15	Noted that report not due
3.1.5 Annual Leave Balances					Governance	Nov 15	Noted that report not due



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<b>3.2 Insurance Coverage</b> Details of Council Insurance Cover required under section 76A Local Government Act 1989; Insurance Coverage report including a year by year comparison of premiums					Manager Governance	Sept 15	Noted that report not due.
<b>3.3 Business Continuity</b> Monitor effectiveness of business continuity planning including disaster recovery plan					Director Corporate Services	Sept 15	The Committee noted the Draft BCP and that a test was conducted on 16 December 2014. The report on this test is currently being used to update and improve the BCP
<b>3.4 Fiduciary duty</b> Review any reports concerning evidence of material violation or breaches of fiduciary duty	As required				Director Corporate Services	Feb 16 or as required	Report noted
<b>3.5 Fraud or possible illegal acts</b> Review any instance of fraud or possible illegal acts.	As required				Directors and Managers	Feb 15 or as required	Noted nil reported.
<b>4. Internal Audit</b>							
<b>4.1 Planned Internal Audits</b> Review internal audits and management action plans for implementation of recommendations.					Manager Governance	Feb 15	Committee noted and discussed report
4.1.1 Q1 2014/15: Review Road Management (Legislative Compliance) Audit							Committee noted and discussed report
4.1.2 Q2 2014/2015: Caravan Park Audit							Committee noted that Audit Scope was approved at Dec 14 Meeting. Audit commenced on 9 Feb 15 and will be reported to May 15 Meeting
4.1.3 Q3 2014/15: Accounts Payable and Expenditure (ACL) Data Interrogation Exercise							

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4.1 4 Q4, 2014/15, IT Governance							Committee reviewed and suggested the addition to Audit Scope of a review of IT project management at high level. The review will commence on 12 May 15 and be reported to Sept 15 Meeting.
4.1.5 Compliance Report Council Rates Concessions year ended 30 June 2014 – December 2014							Committee noted report.
4.2 Internal Audit Plan					Manager Governance	May 15	Noted that report not due
4.3 Audit recommendation implementation Consider status of implementation of internal audit recommendations and agreed action plans					Manager Governance	May 15	Noted that report not due.
4.4 Internal audit function review Review the internal audit function (internal auditor services/performance) monitor satisfaction with internal audit service Key Performance Indicators Internal Audit Report					Manager Governance	Feb 15	Verbal report made recommending the granting of the last 1 year extension to HLB Mann Judd contract which will be presented to Council on 25 Feb 15 to cover the 15/16 FY.
4.5 Internal audit function independence Monitor processes and practices to ensure the independence of the internal audit function.					Manager Governance	Sept 15	Noted that report not due
4.6 Opportunity to meet with internal auditor Provide an opportunity for the audit committee to meet with the internal auditor without management					Manager Governance	As required	
<b>5. External Audit</b>							
5.1 External auditor proposed audit scope					Manager Finance	Feb 15	Committee noted and discussed proposed audit scope and strategy with VAGO representatives by teleconference
5.2 VAGO Financial Management Letter VAGO Financial Management letter for final audit for					Director Corporate	May 15	Noted that report not due

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Financial year 2014/15					Services		
<b>5.3 Annual financial report review</b> Review the annual financial report including external auditors view on the control environment, results of annual external audit, communication required under Australian Auditing Standards & management letters Annual Financial Report 2015 / 2016					Manager Finance	Sept 15	Noted that report not due
<b>5.4 External audit discrepancies</b> Resolve any disagreement between management and the external auditors in financial reporting					Director Corporate Services CEO	Sept 15	Noted that report not due
<b>5.5 External Accreditations e.g. HACG</b>						As required	Nil report.
<b>6. Compliance</b>							
<b>6.1 Compliance reports</b> Obtain updates on compliance matters including Freedom of Information, Privacy, Returns of Interest, Procurement and Gifts and Donations, Compliance report.					Manager Governance	Nov 15	Noted that report not due
<b>6.2 Compliance systems and processes</b> Review the systems and processes for monitoring compliance with legislation and regulations					Manager Governance	Feb 15	Committee noted that a review of Council's Compliance Systems and Processes is significantly under way and will be reported to the next Audit Committee
<b>6.3 Regulatory updates</b> Keep informed of the findings of any examinations by regulatory agencies including Ombudsman, IBAC and Local Government Inspectorate IBAC – Mitchell Shire Council 'What happens in practice – A joint response to building integrity' Victorian Ombudsman: A guide to the integrity system in Victoria November 2014 IBAC – Review of protected disclosures procedures					Manager Governance	As required	Committee noted report  Committee noted report

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December 2014  Letter from IBAC advising of outcome of review of SGSC's Protected Disclosure Guidelines – 15 December 2015							Noted that SGSC's Protected Disclosure Guidelines are scheduled for review in August 2015. Whilst there were no inconsistencies highlighted by IBAC of SGSC's Guidelines with the legislation the review will take into consideration the issues identified in the IBAC report.
<b>6.4 Protected disclosure</b> Review protected disclosure arrangements and reports.					CEO	Dec 15	Noted report not due.
<b>7. Reporting responsibilities</b>							
<b>7.1 Audit Committee reports regularly to Council.</b>					Manager Governance	Feb 15	Committee noted that 1 December 2014 Audit Committee Minutes will be reported to Council on 26 February 2015.
<b>7.2 Audit Communications</b> Monitor that open communication between the internal auditor, the external auditor and Council occurs.	As required				CEO	As required	
<b>7.3 Audit Chair Annual Report</b> Report annually via Chair's report to Council					Chair	Nov 15	Noted report not due.
<b>8. Assessment of financial information</b>							
<b>8.1 Significant accounting and reporting issues.</b>	As required				Manager Finance	As required	
<b>8.2 Review attestations</b> Including Best Value and National Competition Policy 2013 / 2014 Annual Report Attestations					Manager Governance	Sept 15	Noted report not due.
<b>9. General</b>							
<b>9.1 Establish number of meetings for forthcoming year.</b>					Manager Governance	Sept 15	Noted report not due.

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<b>9.2 Review effectiveness of Secretariat support performance.</b>					Manager Governance	Dec 15	Note report not due
<b>9.3 Committee performance and fees</b> Perform an assessment of the Committee's performance (and fees for budget consideration)					Manager Governance	Sept 15	The frequency of reporting was discussed and some opportunities for improvement noted. Consensus was that Committee was operating effectively and in accordance with good practice
<b>9.3.1 Committee Performance</b>							Committee noted increase in fees
<b>9.3.2 Committee fees</b> Independent Member fees increased by 2.6% in line with Councilor allowances effective 1 Dec 14 from \$385 to \$395 for Independent Members and from \$435 to \$445 for the Chair per meeting							
<b>9.4 Committee Chair</b> Consideration and recommendation of Committee Chair for appointment by Council for the next calendar year					Manager Governance	Dec 15	Note report not due and that Dr Irvine was appointed as Chair by Council for a 1 year term in December 2014
<b>9.5 Independent Committee Membership</b> Confirmation of Independent Members and Terms of Office					Manager Governance	Dec 15	The terms of the Independent Committee Members are  <b>Craig Nisbet</b> – appointed by Council in March 2010 for an initial term ending 31 December 2010 and reappointed in December 2010 for a first 3 year term concluding in December 2013 Re-appointed Independent Member for a second and final three year term by Council on 27 November 2013, will conclude in December 2016  <b>Irene Irvine</b> – appointed by Council in December 2012 for an initial 3 year term concluding on 30 November 2015

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**SECONDED: Cr Kennedy**

**CARRIED UNANIMOUSLY**

## **SECTION H - MEETING CLOSED**

### **NEXT MEETING**

The next Ordinary Council Meeting open to the public will be held on Wednesday, 27 May 2015 commencing at 2pm in the South Gippsland Secondary College, Foster.

**The Meeting was closed at 3.24pm.**

**CONFIRMED:.....**

**COUNCILLOR JEANETTE HARDING – MAYOR**

**Date:.....**