

SOUTH GIPPSLAND SHIRE COUNCIL

# Council Minutes

Ordinary Meeting of Council  
27 September 2017

**Ordinary Meeting No. 416**  
**Council Chambers, Leongatha**  
**Commenced at 2pm**



# minutes



*South Gippsland  
Shire Council*

*Come for the beauty, Stay for the lifestyle*



## MISSION

***South Gippsland Shire will be a place where our quality of life and sense of community are balanced by sustainable and sensitive development, population and economic growth.***

### 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).

## PRESENT

COUNCILLORS:

Cr Maxine Kiel Cr Meg Edwards Cr Ray Argento Cr Alyson Skinner Cr Jeremy Rich Cr Andrew McEwen Cr Lorraine Brunt Cr Aaron Brown Cr Don Hill
---

COUNCILLORS  
NOT PRESENT:

OFFICERS:

Tim Tamlin, Chief Executive Officer Danielle Thompson, Communications and Engagement Officer June Ernst, Coordinator Corporate Planning and Council Business Jodi Cumming, Corporate and Council Business Officer
--

## **SOUTH GIPPSLAND SHIRE COUNCIL**

Ordinary Meeting No. 416  
Wednesday 27 September 2017  
Council Chambers, Leongatha commenced at 2pm

### **TABLE OF CONTENTS**

<b>1. PRELIMINARY MATTERS .....</b>	<b>6</b>
1.1. LIVE-STREAMING COUNCIL MEETING DISCLAIMER.....	6
1.2. WELCOME .....	6
1.3. OPENING PRAYER.....	6
1.4. ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS .....	6
1.5. APOLOGIES .....	7
1.6. CONFIRMATION OF MINUTES.....	7
1.7. DECLARATION OF CONFLICTS OF INTEREST FOR COUNCILLORS.....	8
1.8. DECLARATION OF CONFLICTS OF INTEREST FOR STAFF .....	10
<b>2. OBJECTIVE 4 - ENHANCE ORGANISATIONAL DEVELOPMENT AND IMPLEMENT GOVERNANCE BEST PRACTICE.....</b>	<b>11</b>
2.1. DRAFT 2016/17 ANNUAL REPORT – REPORT OF OPERATIONS.....	11
2.2. UNAUDITED FINANCIAL STATEMENTS AND PERFORMANCE STATEMENT 2016/17 .....	16
2.3. POLICY REVIEW: C22 INFORMATION PRIVACY POLICY INCORPORATING WEBSITE PRIVACY STATEMENT .....	23
<b>3. OBJECTIVE 1 - STRENGTHEN ECONOMIC GROWTH AND PROSPERITY .....</b>	<b>25</b>
3.1. PLANNING APPLICATION 2017/18 - USE AND DEVELOPMENT OF A BROILER FARM AND SUBDIVISION (80 PIT ROAD WOOREEN) .....	25
3.2. PLANNING SCHEME AMENDMENT C109 – VENUS BAY CARAVAN PARK - REVIEW OF SUBMISSIONS AND REQUEST TO APPOINT A PLANNING PANEL .....	54
<b>4. OBJECTIVE 2 - BUILD STRONG PARTNERSHIPS, STRENGTHEN ARTS &amp; CULTURE AND DELIVER EQUITABLE OUTCOMES.....</b>	<b>64</b>
4.1. PROPOSED ADOPTION: SOUTH GIPPSLAND HEALTH AND WELLBEING PLAN 2017-2021 .....	64
<b>5. OBJECTIVE 3 - IMPROVE SOUTH GIPPSLAND'S BUILT ASSETS AND VALUE OUR NATURAL ENVIRONMENT .....</b>	<b>68</b>
5.1. LONG JETTY AND YANAKIE CARAVAN PARKS REVIEW.....	68
5.2. PROPOSED ADOPTION: DOMESTIC ANIMAL MANAGEMENT PLAN - 2017- 2021 .....	85
5.3. PROPOSED ADOPTION: 2017 TENNIS FACILITIES PLAN .....	89

5.4.	FORMALISE TWO NEW ROAD NAMES IN FOSTER (OFF ELPHICKS / DEVLIN) RECONSULTATION .....	97
5.5.	FORMALISE ROAD NAME CHANGE IN MEENIYAN (MCILWAINE ST) RECONSULTATION .....	104
5.6.	PROPOSED ROAD DISCONTINUANCE IN MEENIYAN (PART TOMPKINS RD).....	112
5.7.	AWARD CONTRACT CON/146 CONSTRUCTION OF FOOTPATH AND KERB AND CHANNEL RENEWALS - VARIOUS LOCATIONS.....	119
5.8.	AWARD CONTRACT CON/147 SUPPLY AND INSTALLATION OF GUARDRAIL – VARIOUS LOCATIONS.....	124
5.9.	WALKERVILLE NORTH FORESHORE DEVELOPMENT PROJECT - INCREASE COUNCIL CONTRIBUTION - AWARD CONTRACT UNDER CEO DELEGATION.....	127
<b>6.</b>	<b>OTHER COUNCIL REPORTS.....</b>	<b>133</b>
6.1.	WALKERVILLE RETARDING BASIN – CAPACITY MAINTENANCE OPTIONS .....	133
<b>7.</b>	<b>NOTICES OF MOTION AND/OR RESCISSION.....</b>	<b>136</b>
7.1.	NOTICE OF MOTION 706 - AGNES FALLS TOORA .....	136
<b>8.</b>	<b>PROCEDURAL REPORTS .....</b>	<b>140</b>
8.1.	FINANCIAL PERFORMANCE REPORT JULY TO AUGUST 2017 .....	140
8.2.	ASSEMBLY OF COUNCILLORS: 18 JULY 2017 TO 21 AUGUST 2017 ....	143
8.3.	DOCUMENTS SEALED, AWARDED OR EXTENDED BY CEO 22 JULY TO 25 AUGUST 2017 .....	151
<b>9.</b>	<b>COUNCILLOR REPORTS .....</b>	<b>156</b>
9.1.	REQUESTS FOR LEAVE OF ABSENCE .....	156
9.2.	COUNCILLOR UPDATES .....	156
9.3.	COMMITTEE UPDATES .....	158
<b>10.</b>	<b>URGENT OR OTHER BUSINESS .....</b>	<b>159</b>
10.1.	2030 GREATER VICTORIA COMMONWEALTH GAMES BID PROJECT PRE- FEASIBILITY STUDY CONTRIBUTION.....	160
<b>11.</b>	<b>PUBLIC QUESTIONS.....</b>	<b>164</b>
11.1.	PETITIONS AND JOINT LETTERS .....	164
11.2.	ANSWERS TO PREVIOUS QUESTIONS ON NOTICE.....	165
11.3.	SUBMITTED PUBLIC QUESTIONS.....	166
<b>12.</b>	<b>CLOSED SESSION .....</b>	<b>168</b>
<b>13.</b>	<b>MEETING CLOSED .....</b>	<b>169</b>



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

## **1. PRELIMINARY MATTERS**

### **1.1. LIVE-STREAMING COUNCIL MEETING DISCLAIMER**

This Council Meeting is being streamed live, recorded and published in accordance with Council's *Live Streaming in Council Meetings Policy*.

To those present in the gallery today, by attending a public meeting of the Council you are consenting to your image, voice and comments being recorded and published.

Anyone who is invited to read out a question or a presentation will be recorded and their voice, image and comments will form part of the live stream and recording.

The Chair and/or the CEO have the discretion and authority at any time to direct the termination or interruption of live streaming. Such direction will only be given in exceptional circumstances where deemed relevant. Circumstances may include instances where the content of debate is considered misleading, defamatory or potentially inappropriate to be published.

Attendees are advised that they may be subject to legal action if their actions results in inappropriate and/or unacceptable behaviour and/or comments.

Today's Meeting is being streamed live as well as recorded and published on Council's website.

Thank you

### **1.2. WELCOME**

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

### **1.3. 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

### **1.4. 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.

## **1.5. APOLOGIES**

**Nil**

## **1.6. CONFIRMATION OF MINUTES**

### **RECOMMENDATION**

That the Minutes of the South Gippsland Shire Council Ordinary Meeting No. 415, held on 23 August 2017 in the Council Chambers, Leongatha be confirmed.

**MOVED:** Cr Skinner

**SECONDED:** Cr Rich

**THAT THE MINUTES OF THE SOUTH GIPPSLAND SHIRE COUNCIL ORDINARY MEETING NO. 415, HELD ON 23 AUGUST 2017 IN THE COUNCIL CHAMBERS, LEONGATHA BE CONFIRMED.**

**CARRIED UNANIMOUSLY**

### 1.7. DECLARATION OF CONFLICTS 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 (the Act). This legislation can be obtained by contacting the Council's Corporate & Community Services Directorate (Council Business) 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 Council Business Department at South Gippsland Shire Council).
- 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 – October 2012*.

**Councillor Andrew McEwen declared a Conflict of Interest on Agenda Item 5.5 FORMALISE ROAD NAME CHANGE IN MEENIYAN (MCILWAINE ST) RECONSULTATION as he is a property owner on the subject Street, McIlwaine Street, Meeniyen.**



**Councillor Aaron Brown declared a Conflict of Interest on Agenda Item 5.6 PROPOSED ROAD DISCONTINUANCE IN MEENIYAN (PART TOMPKINS RD) as he has commercial property that adjoins to the subject road, Tomkins Road, Meeniyán.**

**Councillor Jeremy Rich declared a Conflict of Interest on Agenda Item 5.9 WALKERVILLE NORTH FORESHORE DEVELOPMENT PROJECT - INCREASE COUNCIL CONTRIBUTION - AWARD CONTRACT UNDER CEO DELEGATION as he is a Director of Ansevata.**

### **1.8. DECLARATION OF CONFLICTS 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 the Victorian State Government, Department of Transport, Planning and Local Infrastructure – *Conflict of Interest – A Guide for Council Staff – October 2011*.

**Acting Director Development Services has declared an indirect conflict of interest with Council Agenda Item 5.1 LONG JETTY AND YANAKIE CARAVAN PARKS REVIEW and by way of conflicting duty (Local Government Act 1989, Section 77A(3)(c)) as he is a member of the Walkerville Foreshore Committee of Management.**

**Acting Director Development Services has declared an indirect conflict of interest with Council Agenda Item 6.1 WALKERVILLE RETARDING BASIN – CAPACITY MAINTENANCE OPTIONS by way of conflicting duty (Local Government Act 1989, Section 77A(3)(c)) as he is a member of the Walkerville Foreshore Committee of Management.**

## **2. OBJECTIVE 4 - ENHANCE ORGANISATIONAL DEVELOPMENT AND IMPLEMENT GOVERNANCE BEST PRACTICE**

### **2.1. DRAFT 2016/17 ANNUAL REPORT – REPORT OF OPERATIONS**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

Council is required to complete an Annual Report of Operations (Report of Operations) for the 2016/17 financial year and this is presented to Council for endorsement. The Report of Operations is to be combined with the audited Performance Statement and the Financial Statements to form the 2016/17 Annual Report (Annual Report). The Annual Report is to be submitted to the Minister of Local Government by 30 September 2017.

The Performance Statement and Financial Statements are subject to audit by the Victorian Auditor General's Office (VAGO) and are submitted to Council in a separate report.

Once all reports are approved in principle, the final Annual Report will then be advertised through a public notice and made available for public inspection for a two week period, prior to being presented at the 25 October 2017 Ordinary Meeting of Council for final adoption.

#### **RECOMMENDATION**

That Council:

1. Approves in principle the 2016/17 Annual Report (Report of Operations) – Attachment [2.1.1] – Draft 2016/17 Annual Report – Report of Operations;
2. Upon receipt of the certified Performance Statement and Financial Statements, combines these documents with the Report of Operations into the 2016/17 Annual Report;
3. Sends a copy of the 2016/17 Annual Report to the Minister for Local Government by 30 September 2017;
4. Advertises the preparation of the Annual Report through a public notice and makes it available for public inspection at the Council Offices 9 Smith Street, Leongatha and on Council's website, for a two week period prior to the 26 October 2017 Ordinary Meeting of Council; and
5. Considers the 2016/17 Annual Report at the Ordinary Meeting of Council on 25 October 2017 for final adoption.

**MOVED:** Cr Kiel

**SECONDED:** Cr Skinner

**THAT COUNCIL:**

- 1. APPROVES IN PRINCIPLE THE 2016/17 ANNUAL REPORT (REPORT OF OPERATIONS) – ATTACHMENT [2.1.1] – DRAFT 2016/17 ANNUAL REPORT – REPORT OF OPERATIONS;**
- 2. UPON RECEIPT OF THE CERTIFIED PERFORMANCE STATEMENT AND FINANCIAL STATEMENTS, COMBINES THESE DOCUMENTS WITH THE REPORT OF OPERATIONS INTO THE 2016/17 ANNUAL REPORT;**
- 3. SENDS A COPY OF THE 2016/17 ANNUAL REPORT TO THE MINISTER FOR LOCAL GOVERNMENT BY 30 SEPTEMBER 2017;**
- 4. ADVERTISES THE PREPARATION OF THE ANNUAL REPORT THROUGH A PUBLIC NOTICE AND MAKES IT AVAILABLE FOR PUBLIC INSPECTION AT THE COUNCIL OFFICES  
9 SMITH STREET, LEONGATHA AND ON COUNCIL'S WEBSITE, FOR A TWO WEEK PERIOD PRIOR TO THE 26 OCTOBER 2017 ORDINARY MEETING OF COUNCIL; AND**
- 5. CONSIDERS THE 2016/17 ANNUAL REPORT AT THE ORDINARY MEETING OF COUNCIL ON 25 OCTOBER 2017 FOR FINAL ADOPTION.**

**CARRIED UNANIMOUSLY**

## REPORT

The Local Government Act 1989, s.131(6) requires Council to prepare an Annual Report that provides a succinct end-of-year summary of Council's performance.

The report begins with a snapshot of Council's highlights and achievements against each 2016/17 Council Plan Strategic Objective, with the intention of engaging readers. A timeline to demonstrate the achievements of Council over the past four years has also been included, as this is the final year of the 2013-2017 Council Plan.

This is followed by four main sections:

- Overview
- Reporting (against Council Plan and Strategic Objectives)
- Governance
- Performance (Audited Performance Statement Indicators and Financial Statement)

The Report of Operations section abides by the 2016/17 Better Practice Guides – Report of Operations set by Local Government Victoria. These guidelines apply to all Victorian councils.

Council's Local Government Performance Reporting Framework (LGPRF) indicators and results are presented under each Strategic Objective in *Section 2 – Reporting*, under the heading '*Service Performance Indicators*' (refer to **Attachment [2.1.1]**). These indicators are compared against the previous two years' results. Some of these indicators are also included in the Performance Statement and are audited by VAGO.

Local Government Victoria has amended a few LGPRF indicators and other reporting requirements and definitions in the Local Government (Planning and Reporting) Amendment Regulations 2017. The main changes that make a difference to previous data are as follows:

- The Home and Community Services indicators have been revoked;
- The Statutory Planning indicator now provides for VicSmart and other planning application decisions; and
- The Food Services indicators are now covering a calendar year, rather than financial year.

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

## **CONSULTATION**

Council departments have contributed to the information contained in the Report of Operations and the LGPRF indicators. This information has been validated by Coordinators, Managers and their Directors.

The Executive Leadership Team has reviewed the documents and provided comment on minor adjustments. These have been incorporated into the report.

The Report of Operations and the Performance Statement were presented to the Audit Committee on 11 September 2017.

## **RESOURCES**

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

## **RISKS**

Completion of the Report of Operations and subsequent Annual Report is an annual legislative requirement of Council. To not complete the Annual Report and not submit it to the Minister for Local Government by 30 September 2017 would be a breach of s.131 (Annual Report) of the Local Government Act 1989.

## **ATTACHMENTS**

*Attachments are available on Council's website:* [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)

1. 2016/17 Annual Report - Draft [2.1.1]

## **REFERENCE DOCUMENTS**

### **Council Policy**

*Documents are available on Council's website:* [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)

Annual Budget 2017/18

Annual Budget 2016/17 Incorporating 15 Year Long Term Financial Plan and Annual Initiatives

Council Plan 2013-2017

Council Plan 2017-2021

**Legislative Provisions**

Local Government Act 1989, s. 131

Local Government (Planning and Reporting) Regulations 2017

Local Government Better Practice Guide 2016/17 – Report of Operations  
Workbook, May 2017

Local Government Better Practice Guide 2016/17 – Performance Reporting  
Framework Indicator Workbook, Version 1, April 2017

## **2.2. UNAUDITED FINANCIAL STATEMENTS AND PERFORMANCE STATEMENT 2016/17**

Corporate and Community Services Directorate

### **EXECUTIVE SUMMARY**

The unaudited Financial Statements and Performance Statement for 2016/17 are presented to Council:

1. To seek 'in-principle' approval of the Statements; and
2. To seek a resolution of Council authorising the two Councillor representatives on the South Gippsland Shire Council Audit Committee to certify the Statements following audit completion.

The complete draft Financial Statements and Performance Statement for 2016/17 have been distributed separately to the Agenda as **Attachment [2.2.1]** and **Attachment [2.2.2]**.

The Financial and Performance Statements for the 2016/17 financial year, present fairly the financial performance and position of the Council for the financial year.

It is recommended that Council approve the Statements "in principle", which will then be submitted to the Auditor General for further review.

### **RECOMMENDATION**

That Council:

1. Approve in principle the draft Annual Financial Statements (Attachment [2.2.1]) and the draft Performance Statement (Attachment [2.2.2]) for the year ended 30 June 2017;
2. Authorise Cr Ray Argento and Cr Lorraine Brunt to certify the Financial Statements, and Performance Statement on behalf of Council, once the audit has been finalised; and
3. Send the draft Annual Financial Statements and the draft Performance Statement for the year ended 30 June 2017 to the Auditor General for certification.



**MOVED:** Cr Edwards

**SECONDED:** Cr Brunt

**THAT COUNCIL:**

- 1. APPROVE IN PRINCIPLE THE DRAFT ANNUAL FINANCIAL STATEMENTS (ATTACHMENT [2.2.1]) AND THE DRAFT PERFORMANCE STATEMENT (ATTACHMENT [2.2.2]) FOR THE YEAR ENDED 30 JUNE 2017;**
- 2. AUTHORISE CR RAY ARGENTO AND CR LORRAINE BRUNT TO CERTIFY THE FINANCIAL STATEMENTS, AND PERFORMANCE STATEMENT ON BEHALF OF COUNCIL, ONCE THE AUDIT HAS BEEN FINALISED; AND**
- 3. SEND THE DRAFT ANNUAL FINANCIAL STATEMENTS AND THE DRAFT PERFORMANCE STATEMENT FOR THE YEAR ENDED 30 JUNE 2017 TO THE AUDITOR GENERAL FOR CERTIFICATION.**

**CARRIED UNANIMOUSLY**

## REPORT

### Background

Pursuant to s.133(1) of the Local Government Act 1989 (the Act), the Annual Report of Council must be submitted to the Minister of Local Government by 30 September 2017. Under s.131(2) of the Act, the audited Financial Statements and Performance Statement, including the Auditor's report on both Statements, are to form part of the Annual Report. This requires the completion and audit of the Statements early to mid-September to allow sufficient time for inclusion into the Annual Report.

Under s.132 (2) of the Act, Council must approve "in principle" the draft Financial Statements and Performance Statement prior to formally submitting the accounts for audit. Due to the timing constraints noted above and the requirements of the Auditor General, it is standard practice to complete audits prior to Council approving the draft Statements.

A meeting of the Audit Committee was held on 11 September 2017 which included reviewing the draft Statements, the Final Management Letter and Closing Report 2016/17 with Council's auditors.

As Council's approval is only "in-principle", based on the draft Financial Statements and Performance Statement, opportunities for changes to the Statements may arise, particularly after final review by the Victorian Auditor General's Office (VAGO). To cover such changes, s.132 (5) requires Council to appoint two Councillors to certify the Statements following any amendments that may arise after finalisation of the audit.

### Financial Statements

There is a strong correlation between the Long Term Financial Plan, the Annual Budget and the actual results in the Financial Statements. Annual budgets are set within a strategic 15 year forward financial planning framework. The actual financial performance achieved is also monitored within the context of the 15 year financial framework.

### 2016/17 The Highlights

<b>Comprehensive Income Statement (Profit &amp; Loss)</b>	<b>2015/16 \$000's</b>	<b>2016/17 \$000's</b>
Total Revenue	63,181	73,366
Total Expenses	(58,947)	(60,506)
Surplus (Deficit)	4,234	12,860
Net asset revaluation increment	29,555	-
Comprehensive result	33,789	12,860

<b>Balance Sheet</b>	<b>2015/16 \$000's</b>	<b>2016/17 \$000's</b>
Current Assets	22,872	31,077
Current Liabilities	9,527	11,021
Working Capital Ratio	2.40:1	2.82:1
Non-current Assets	524,762	531,934
Non-current Liabilities	4,931	5,954
Net Assets/Total Equity	533,176	546,036

<b>Statement of Changes in Equity</b>	<b>2015/16 \$000's</b>	<b>2016/17 \$000's</b>
Balance at beginning of financial year	499,387	533,176
Surplus / (deficit) for the year	4,234	12,860
Net Asset revaluation increment (decrement)	29,555	-
Balance at end of financial year	533,176	546,036

<b>Cash Flow Statement</b>	<b>2015/16 \$000's</b>	<b>2016/17 \$000's</b>
Net cash inflows from operating activities	14,888	25,444
Net cash outflows from investing activities	(20,234)	(18,532)
Net cash outflows from financing activities	(142)	(142)
Net increase (decrease) in cash held	(5,488)	6,770
Cash at the beginning of the year	8,419	2,931
Cash at the end of the year	2,931	9,701

### **Comprehensive Income Statement**

The Comprehensive Income Statement result is \$12.86M surplus (previous year \$33.79M). The comprehensive result includes asset revaluation increments and decrements. The 2015/16 year's revaluation increment was \$29.56M and predominantly related to bridges, footpaths and kerb and channel assets. There was no revaluation of assets in 2016/17.

The outcome for 2016/17 is a \$12.86M surplus. This surplus compares favourably to the prior year surplus of \$4.23M. The favourable variance is mainly due to the Australian Accounting Standard requirement to recognise \$4.5M Victoria Grants Commission allocation for 2017/18 as income in 2016/17 because it was received in advance.

## **Balance Sheet**

The Balance Sheet shows an overall strengthened position, as a result of the comprehensive surplus result achieved for the financial year.

The working capital ratio of 2.82 to 1 is stronger than the previous year's ratio of 2.40 to 1. This is mainly due to the 2016/17 working capital ratio being technically strengthened by recognising \$4.5M Victoria Grants Commission allocation for 2017/18 as income in 2016/17 because it was received in advance.

## **Statement of Changes in Equity**

The total changes in equity for the 2016/17 year is a \$12.86M increase, reflecting the surplus from the Comprehensive Income Statement for the financial year. The total changes in equity for the previous 2015/16 year was a \$33.8M increase. The 2015/16 outcome included a \$4.23M operating surplus as well as a \$29.56M asset revaluation increment adjustment.

It is important not to take the financial implications of revaluation increments out of context. Revaluations are conducted periodically to ensure that the current replacement costs of assets are reflected in the Balance Sheet. Generally speaking, these costs increase rather than decrease over the years, which typically has a material financial impact on the equity position of Council. These costs are largely uncontrollable. They cannot be directly performance managed and as a rule, tend to be financially favourable.

Any positive effect of the revaluation of non-current assets is ultimately reflected both in the Balance Sheet and Statement of Changes in Equity.

This favourable financial outcome does however put increased pressure on future operating results. The reason being, increased replacement costs of assets tend to translate into increased depreciation costs in future financial years. Depreciation is an expense item in the Comprehensive Income Statement.

All non-current assets have a limited useful life (they wear out over a period of time) therefore these costs have to be shown in the Comprehensive Income Statement as depreciation charges. Depreciation reflects the consumption of the service potential embodied in non-current assets in a given year. If the replacement value of an asset is increased due to periodic revaluations, so too will the annual depreciation costs associated with those assets increase.

Estimates of remaining useful lives are reassessed annually, which impacts the depreciation charges.

Although the depreciation costs in the Comprehensive Income Statement is a 'book entry' as opposed to a direct 'cash' cost, it is a real cost that reflects the value over a twelve-month period of consumption or deterioration of non-current assets that the Shire owns or controls.

### **Cash Flow Statement**

The Cash Flow Statement shows the movement of cash from operating activities (recurrent income and expenses), investing activities (payments and proceeds associated with non-current assets) and financing activities (new borrowings and repayments of principal). The cash position (\$9.7M) of the Shire has increased relative to that of the previous year (\$2.93M).

The significant change of the cash position was predominantly due to receipt of 50 per cent of Victoria Grants Commission (VGC) grants for 2017/18 in advance in 2016/17.

The liquidity situation of the Council is normally assessed in conjunction with the working capital ratio, which assesses the Council's ability to meet current commitments. The working capital ratio of 2.82 to 1 (current assets to current liabilities) is higher than the previous year (2.40 to 1). As discussed above, this is mainly due to the 2016/17 working capital ratio being technically strengthened by recognising \$4.5M Victoria Grants Commission allocation for 2017/18 as income in 2016/17 because it was received in advance.

### **Performance Statement**

The Performance Statement provided in (**Attachment [2.2.2]**) is in line with the required format and content. The audited Local Government Performance Reporting Framework indicators are incorporated for the second year. The indicators provide a comparison to the 2015/16 financial year results. These indicators will be up-loaded to the 'Know Your Council' website managed by the State Government for each Council.

The Financial Statements and the Performance Statement will be combined with the Annual Report of Operations, once the two statements have been certified.

The Performance Statement includes material variation comments for a number of the financial and non-financial indicators, particularly those that are outside the normal range established by the State Government, or where VAGO has indicated that a comment would be beneficial to assist the reader. Material variation comments are also included where a variance is + or – 5 per cent compared to 2015/16. Some indicators for 2015/16 have been changed to reflect new reporting requirements and/or system changes. Local Government Victoria has allowed all Councils to update previous results

to reflect these changes so that year-by-year comparisons are accurately presented.

## **ATTACHMENTS**

*Attachments are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

1. 2016/17 SGSC Annual Financial Statements **[2.2.1]**
2. 2016/17 SGSC Performance Statement **[2.2.2]**

## **REFERENCE DOCUMENTS**

### **Council Policy**

*Documents are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

Annual Budget 2016/17

Annual Budget Incorporating 15 Year Long Term Financial Plan and Annual Plan Initiatives

### **Legislative Provisions**

Local Government Act 1989, s. 131

Local Government (Planning and Reporting) Regulations 2017

Local Government Better Practice Guide 2016/17 – Performance Reporting Framework Indicator Workbook, Version 1, April 2017

## **2.3. POLICY REVIEW: C22 INFORMATION PRIVACY POLICY INCORPORATING WEBSITE PRIVACY STATEMENT**

Corporate and Community Services Directorate

### **EXECUTIVE SUMMARY**

Minor updates have been made to Council's Information Privacy Policy to reflect a change to the designated Privacy Officer and to include more information about trans-border data flows and Privacy Impact Assessments. These changes require it to come to Council for re-adoption.

### **RECOMMENDATION**

That Council adopts the revised Information Privacy Policy Attachment [2.3.1].

**MOVED:** Cr Brunt

**SECONDED:** Cr Rich

**THAT COUNCIL ADOPTS THE REVISED INFORMATION PRIVACY POLICY ATTACHMENT [2.3.1].**

**CARRIED UNANIMOUSLY**

## **REPORT**

The attached policy (**Attachment [2.3.1]**) has been updated in three places (refer to red text). The first update is to clarify the circumstances in which Council may transfer information to data storage outside Victoria.

The second reflects a change in the designated Privacy Officer, from the Information Management Coordinator to the Manager Innovation & Council Business.

The final change is the explicit statement that Council will carry out Privacy Impact Assessments prior to the adoption of new IT systems and software.

## **CONSULTATION**

The Office of the Victorian Information Commissioner was consulted in preparing the first and third updates.

## **RISKS**

The policy amendments improve Council's Information Privacy Policy (**Attachment [2.3.1]**) and its ability to comply with the Privacy and Data Protection Act 2014.

## **ATTACHMENTS**

*Attachments are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

1. C22 - Information Privacy Policy - Draft **[2.3.1]**

## **REFERENCES**

### **Legislative Provisions**

Victorian Privacy and Data Protection Act 2014



### **3. OBJECTIVE 1 - STRENGTHEN ECONOMIC GROWTH AND PROSPERITY**

#### **3.1. PLANNING APPLICATION 2017/18 - USE AND DEVELOPMENT OF A BROILER FARM AND SUBDIVISION (80 PIT ROAD WOOREEN)**

Development Services Directorate

##### **EXECUTIVE SUMMARY**

The applicant proposes to use and develop a 400,000 bird broiler farm (including site office/amenities building, silos, tanks, dam and access track), to remove native vegetation and to subdivide into three lots.

The application is referred to Council for a decision because at the time of writing this report 55 objections were received. The objections primarily relate to adverse amenity impacts from odour, noise, water contamination, lights, traffic and visual amenity.

Whilst it is acknowledged that the proposed development could have amenity impacts if not controlled or restricted appropriately, it is considered that on balance, the proposal can be supported subject to appropriate conditions. The proposal complies with the Broiler Code as prescribed by the Planning Scheme and satisfies the purpose and objectives of other relevant planning controls applying to the land. The application is therefore recommended for approval subject to conditions.

##### **RECOMMENDATION**

That Council issues a Notice of Decision for the Use and development of a 400,000 bird broiler farm (including site office/amenities building, silos, tanks, dam and access track), removal of native vegetation and three lot subdivision, in accordance with the endorsed plans, subject to the following conditions:

Use and Development Conditions:

1. The buildings, works and layout as shown on the endorsed plan(s) must not be altered or modified except with the written consent of the Responsible Authority.
2. Once the development has started it must be continued and completed in a timely manner to the satisfaction of the Responsible Authority.
3. The capacity of the broiler farm hereby approved must not exceed 400,000 birds in ten (10) sheds.

4. The use and development hereby permitted shall at all times be carried out in accordance with the Environmental Management Plan (EMP) to the satisfaction of the Responsible Authority.
5. South Gippsland Water Authority Conditions:
  - a. The developer shall install a primary wastewater treatment system with absorption trenches in accordance with the Land Capability Assessment Report dated January 2017 or otherwise to the satisfaction of the Responsible Authority.
  - b. The operators shall ensure that all construction and on-going activities on the site follows sediment control principles as outlined in 'Construction Techniques for Sediment Pollution Control' (EPA 1991) and as per the recommendations of the Geotechnical Investigation dated 25 January 2017 Report R6439.
  - c. The operators shall supply a copy of each completed audit as specified in the Victorian Code for Broiler Farms 2009 to South Gippsland Water at the same time it is provided to the Responsible Authority.
6. Southern Rural Water conditions:
  - a. All works must not interfere with any nearby waterway being a watercourse, drainage line or a natural channel with a regular flow;
  - b. The dam must be constructed in accordance with a "turkeys nest" design so as no natural surface water runoff can enter the dam;
  - c. The dams must be clay lined so as there is no possibility of intercepting and storing sub surface water;
  - d. The dam embankment height above natural surface level must not exceed 5.0 metres;
  - e. The dam must only be filled from water harvested from the roofs of buildings and from water taken under a take and use licence issued by Southern Rural Water;
  - f. The take and use of water from surface water, groundwater or a waterway must be licensed in accordance with Section 51 of the Water Act 1989;
  - g. Fuels/Oils or other deleterious substances are prevented from entering the groundwater resource and any waterway.

- h. Sediment from the site and property shall be retained on site during and after construction. Controls particularly on steep batters are to be in accordance with the Environment Protection Authority (EPA) recommendations detailed in the construction techniques for sediment pollution control No 275, May 1991. Sediment control structures such as sediment basin, sediment fences and sediments traps must be installed during construction works and maintained post development; and
  - i. On completion of the works SRW must be advised so as a site inspection can be undertaken.
- 7. Department of Environment, Land, Water & Planning conditions:
  - a. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
  - b. To offset the removal of 0.853 hectares of native vegetation and 13 scattered trees the permit holder must secure a native vegetation offset, in accordance with the Permitted clearing of native vegetation - Biodiversity assessment guidelines (DEPI 2013) and Native vegetation gain scoring manual (DEPI 2013) as specified below:
    - i. A general offset of 0.387 general biodiversity equivalence units with the following attributes:
      - be located within the West Gippsland Catchment Management Authority boundary or South Gippsland municipal district
      - have a strategic biodiversity score of at least 0.301.
  - c. Before any native vegetation is removed, evidence that the required offset for the vegetation removal has been secured must be provided to the satisfaction of the responsible authority. The offset evidence can be:
    - i. a security agreement signed by both parties, to the required standard, for the offset site or sites, including a 10 year offset management plan or
    - ii. an allocated credit extract from the Native Vegetation Credit Register.

A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit.

- d. Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.
- e. In the event that a security agreement is entered into as per condition 3a, the offset provider must provide the annual offset site condition report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

8. South Gippsland Council Biodiversity conditions:

Construction management

a. Notification of permit conditions

Before any works start, the permit holder must advise all persons undertaking the vegetation removal and construction works of all relevant conditions of this permit.

b. Protection of vegetation to be retained

Before works start native vegetation protection fencing must be erected around all native vegetation to be retained within and adjacent to the works area/s.

The protection fence must be constructed of [star pickets/chain mesh /plastic safety fencing or similar] to the satisfaction of the responsible authority. The protection fencing must remain in place at least until all works are completed to the satisfaction of the responsible authority.

Except with the written consent of the responsible authority, within this area,

- i. no vehicular or pedestrian access, trenching or soil excavation is to occur
- ii. no storage or dumping of tools, equipment or waste is to occur

c. Wildlife Protection

Prior to any native vegetation removal works; inspect areas of native vegetation to be removed for the presence of wildlife e.g. identify and inspect any vegetation that provides habitat for wildlife

Biodiversity protection

Permanently protect via a Section 173 Agreement the patches of native vegetation including the Damp Forest and Warm Temperate Rainforest on both 80 Pit Road, Wooreen and 870 Leongatha-Yarragon Road, Wooreen in accordance with the following requirements to protect the biodiversity of the area, within 6 months of the planning permit being issued.

The Section 173 Agreement must include the following conditions:

- i. All areas of native vegetation can be accessed for vegetation management works (e.g. weed control fencing maintenance and the like), passive recreation and in the case of an emergency
  - ii. Stock must be excluded from the area of native vegetation at all times
  - iii. Fencing must be erected around the perimeter of the native vegetation to protect and clearly delineate the area
  - iv. Fencing bordering the areas of native vegetation must be maintained at all times
  - v. The storing of material (machinery/rubbish) and the parking of vehicles in the area of native vegetation is not permitted
  - vi. All fallen and standing timber must be retained
  - vii. Noxious and environmental weeds should be controlled on an annual basis in the areas of native vegetation to be permanently protected.
  - viii. Submit a 10 year land management/rehabilitation plan to the Responsible Authority within 6 months of the planning permit being issued.
- a. The plan must be prepared by a suitably qualified/experienced environmental consultant approved by the Responsible Authority)

- b. The land management/rehabilitation plan must:
- Identify and map areas/patches of native vegetation to be permanently protected
  - Set out the methods of protection for all patches of native vegetation including Damp Forest and Warm Temperate Rainforest located on 80 Pit Road and 870 Leongatha-Yarragon Road, Wooreen.
  - Detail indigenous overstorey midstorey and understorey plant species and densities to be established/planted in areas to be revegetated i.e. waterways
  - Contain detailed information about annual noxious and environmental weed control works required for the patches of native vegetation and
  - Provide for ongoing maintenance of regenerated native vegetation and indigenous species to be established in accordance with the endorsed 10 year land management/rehabilitation plan; including replanting of any vegetation that dies or becomes diseased in that time.

9. South Gippsland Council Engineering condition:

External Works (works in Leongatha-Yarragon Road)

Prior to the commencement of any works on the subject site, the following conditions must be complied with to the satisfaction of the Responsible Authority;

- a. Detailed engineering plans of the proposed intersection works in Leongatha-Yarragon Road, generally in accordance with the submitted concept plans (Ratio TIAR 2 May 2017) are to be submitted to and approved by Council prior to their construction. Plans to also show;
- i. Relocated entry to improve SISD and MGSD, for vehicles entering and leaving the approved development, using the following minimum sight distance parameters from Austroads Road Design - Part 4A tables 3.2 and 3.5:
- SISD for 70 kph of 151m, reaction time 2.0 sec, and
  - MGSD for 70 kph of 117m, 6 sec critical gap acceptance time.

- ii. Approval for a reduction of the above parameters will only be considered if appropriate justification can be provided and/or if a Road Safety Audit, undertaken at the applicant's expense, recommends a reduction.
  - iii. All line marking and signage appropriate for the proposed intersection
  - iv. All trees within the road reserve required to be removed or trimmed to ensure appropriate SISD and MGSD can be provided.
- b. Upon approval of the construction plans for the external works by Council, pay to Council a supervision fee equivalent to 2.5 per cent of the estimated cost of construction of these works. A certified cost estimate to be provided by the applicant.
  - c. Number of and timing of inspections of construction work to be as agreed with Council's Engineering Department. A minimum of twenty four hours notice is required for inspections.
  - d. A twelve months Defects Liability Period shall apply to all civil engineering and landscaping works requested by the South Gippsland Shire Council.
  - e. Upon agreed practical completion of civil works, pay to Council an amount equivalent to 5 per cent 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.
  - f. Prior to commencement of the approved use all external works in Leongatha-Yarragon Rd shall be at practical completion stage.
  - g. Any damage done to Council infrastructure is to be reinstated at no cost to Council and to Council's satisfaction.

Internal Works (internal road access, drains, earthworks and water quality works)

- a. All internal civil works are to be designed and constructed to an appropriate standard under supervision of an independent qualified and experienced engineer. This engineer is to provide Council with a copy of the independently approved construction plans and any associated computations.

- b. No internal works are to commence on-site until an approved Site Management Plan (SMP) showing the proposed erosion control measures is submitted to and to the satisfaction of the responsible authority. The SMP must be approved by the supervising engineer. Where required, sediment and erosion control measures are to be shown on the engineering plans. The SMP must address issues such as stability of road embankments and erosion/sediment control measures at stormwater outlets.
- c. Prior to the commencement of the approved use, the supervising engineer must supply the responsible authority with written certification that the completed works have been undertaken to an acceptable standard under his/her supervision.

#### Waste disposal

- 10. The management and disposal of dead birds must comply with the National Biosecurity Manual for Contract Meat Chicken Farming (or any subsequent revision) and minimise odour and dust generation.

Dead birds are not to be buried on-site unless in the case of an emergency and subject to approval from the relevant authorities.

- 11. There is to be no spreading, disposal or stockpiling of any spent litter on-site, without the consent of the Responsible Authority.
- 12. No buildings or works shall occur over any part of the approved waste disposal system including the septic tank in accordance with the requirements of the Environment Protection Act 1970, the EPA Guidelines for Environmental Management Code of Practice - Onsite Wastewater Management publication 891.4.
- 13. Apart from stormwater, no material from the broiler farm operation is to be discharged into the drainage system, including the on-site retention dam without further approval of the Responsible Authority, the West Gippsland Catchment Management Authority or Southern Rural Water.
- 14. Litter of a type capable of rendering droppings dry and inoffensive is to be used in all places where birds are kept. The litter must not exceed 15-30 per cent moisture content. Wet litter must be removed from the shed (or sheds) immediately and must be removed from the land within 24 hours.
- 15. The removal of litter from the sheds by use of machinery may occur only between the hours of 7.00am and 10.00pm.



## Landscaping

16. Landscaping must be provided in accordance with the landscaping plan prior to the commencement of the use to the satisfaction of the Responsible Authority. The species must be chosen from the relevant Ecological Vegetation Class (EVC) for that bioregion from the Indigenous Plants of South Gippsland Shire publication. The landscaping must be maintained for the life of the development and any dead or dying vegetation replaced to the satisfaction of the Responsible Authority.
17. A landscape performance bond is to be provided to the satisfaction of the Responsible Authority. The performance bond is to be based on the 9 dot points set out on page 37 of the Victorian Code for Broiler Farms 2009.

## Erosion and Sediment Control

18. Topsoil stripped from the site must be stored during construction in a suitably stable condition to the satisfaction of the Responsible Authority and spread on any exposed batters as part of the final landscaping works. Exposed soils shall be re-vegetated as soon as possible after construction.
19. Exposed batters are to be protected from erosion by the use of silt fencing or hay bale retaining walls until permanently protected by grasses or other vegetation.
20. All works are to comply with guidelines specified in the EPA publication Environmental Guidelines for Major Construction Sites 1996 (or subsequent revision) to minimise the risk of soil erosion during construction.

## Vehicle access and parking

21. Prior to the commencement of the use, areas set aside for parked vehicles and loading areas as shown on the endorsed plans must be constructed with crushed rock or gravel with concrete aprons to an appropriate engineering standard to carry vehicles associated with the use and to minimise dust generation to the satisfaction of the Responsible Authority.
22. All vehicles used in the pickup and transportation of live birds after 10.00pm and before 7.00am must be fitted with high performance mufflers to the satisfaction of the Responsible Authority. All machinery operating from within the site during those hours must not have audible

alarms or sirens other than any reversing beeper or other devices required for occupational health and safety.

#### Amenity

23. If the Responsible Authority determines that the amenity of nearby residents is adversely affected by the emission of an unreasonable level of offensive odour from the broiler farm the operators must immediately take remedial actions and/or undertake works, which may include adjusting stock density, removing unsatisfactory spent litter promptly, or any other actions to rectify the emission of offensive odour. The owner of the land and the operation of the broiler farm must comply with all written directions by the Responsible Authority in this regard.
24. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
  - a. transport of materials, goods or commodities to or from the land
  - b. appearance of any building, works or materials
  - c. emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
  - d. presence of vermin
25. All lighting must be designed, located, directed and baffled to ensure that light does not spill or cause nuisance beyond the lot boundaries of the development.
26. All goods and materials must be stored out of view or so as not to be unsightly when viewed from nearby roads or land in other occupation, to the satisfaction of the Responsible Authority.
27. All external wall finishes of the sheds shall be colour treated and maintained to muted non reflective tones to the satisfaction of the Responsible Authority (except where specifically permitted on the endorsed plans).

#### Noise

28. Any noise emitted from the land must not disturb the amenity of the area and must comply with the Noise from Industry in Rural Victoria: Recommended maximum noise levels from commerce, industry and trade premises in regional Victoria (NIRV; EPA Publication 1411) or subsequent publication.

29. This part of the permit will expire if either of the following applies:
- a. The development is not started within two (2) years of the date of this permit.
  - b. The development is not completed within four (4) years of the date of this permit.
  - c. The use does not start within two (2) years after the completion of the development.

Subdivision conditions

30. 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.

31. South Gippsland Water Authority condition:

The plan of subdivision submitted for certification must be referred to the Corporation in accordance with Section 8 of the Subdivision Act.

32. AusNet Electricity Services condition:

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. The applicant must –

- a. Enter into an agreement with AusNet Electricity Services Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.
- b. Provide electricity easements internal and external to the subdivision in favour of AusNet Electricity Services Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by AusNet Electricity Services Pty Ltd. The provision of reserves for electricity substations may also be required.

33. This part of the permit will expire if either of the following applies:

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

**MOVED:** Cr Brunt

**SECONDED:** Cr Brown

**THAT COUNCIL ISSUES A NOTICE OF DECISION FOR THE USE AND DEVELOPMENT OF A 400,000 BIRD BROILER FARM (INCLUDING SITE OFFICE/AMENITIES BUILDING, SILOS, TANKS, DAM AND ACCESS TRACK), REMOVAL OF NATIVE VEGETATION AND THREE LOT SUBDIVISION, IN ACCORDANCE WITH THE ENDORSED PLANS, SUBJECT TO THE FOLLOWING CONDITIONS:**

**USE AND DEVELOPMENT CONDITIONS:**

- 1. THE BUILDINGS, WORKS AND LAYOUT AS SHOWN ON THE ENDORSED PLAN(S) MUST NOT BE ALTERED OR MODIFIED EXCEPT WITH THE WRITTEN CONSENT OF THE RESPONSIBLE AUTHORITY.**
- 2. ONCE THE DEVELOPMENT HAS STARTED IT MUST BE CONTINUED AND COMPLETED IN A TIMELY MANNER TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.**
- 3. THE CAPACITY OF THE BROILER FARM HEREBY APPROVED MUST NOT EXCEED 400,000 BIRDS IN TEN (10) SHEDS.**
- 4. THE USE AND DEVELOPMENT HEREBY PERMITTED SHALL AT ALL TIMES BE CARRIED OUT IN ACCORDANCE WITH THE ENVIRONMENTAL MANAGEMENT PLAN (EMP) TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.**
- 5. SOUTH GIPPSLAND WATER AUTHORITY CONDITIONS:**
  - a. THE DEVELOPER SHALL INSTALL A PRIMARY WASTEWATER TREATMENT SYSTEM WITH ABSORPTION TRENCHES IN ACCORDANCE WITH THE LAND CAPABILITY ASSESSMENT REPORT DATED JANUARY 2017 OR OTHERWISE TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.**
  - b. THE OPERATORS SHALL ENSURE THAT ALL CONSTRUCTION AND ON-GOING ACTIVITIES ON THE SITE FOLLOWS SEDIMENT CONTROL PRINCIPLES AS OUTLINED IN 'CONSTRUCTION TECHNIQUES FOR SEDIMENT POLLUTION CONTROL' (EPA 1991) AND AS PER THE RECOMMENDATIONS OF THE GEOTECHNICAL INVESTIGATION DATED 25 JANUARY 2017 REPORT R6439.**
  - c. THE OPERATORS SHALL SUPPLY A COPY OF EACH COMPLETED AUDIT AS SPECIFIED IN THE VICTORIAN CODE FOR BROILER**

**FARMS 2009 TO SOUTH GIPPSLAND WATER AT THE SAME TIME IT IS PROVIDED TO THE RESPONSIBLE AUTHORITY.**

**6. SOUTHERN RURAL WATER CONDITIONS:**

- a. ALL WORKS MUST NOT INTERFERE WITH ANY NEARBY WATERWAY BEING A WATERCOURSE, DRAINAGE LINE OR A NATURAL CHANNEL WITH A REGULAR FLOW;**
- b. THE DAM MUST BE CONSTRUCTED IN ACCORDANCE WITH A "TURKEYS NEST" DESIGN SO AS NO NATURAL SURFACE WATER RUNOFF CAN ENTER THE DAM;**
- c. THE DAMS MUST BE CLAY LINED SO AS THERE IS NO POSSIBILITY OF INTERCEPTING AND STORING SUB SURFACE WATER;**
- d. THE DAM EMBANKMENT HEIGHT ABOVE NATURAL SURFACE LEVEL MUST NOT EXCEED 5.0 METRES;**
- e. THE DAM MUST ONLY BE FILLED FROM WATER HARVESTED FROM THE ROOFS OF BUILDINGS AND FROM WATER TAKEN UNDER A TAKE AND USE LICENCE ISSUED BY SOUTHERN RURAL WATER;**
- f. THE TAKE AND USE OF WATER FROM SURFACE WATER, GROUNDWATER OR A WATERWAY MUST BE LICENSED IN ACCORDANCE WITH SECTION 51 OF THE WATER ACT 1989;**
- g. FUELS/OILS OR OTHER DELETERIOUS SUBSTANCES ARE PREVENTED FROM ENTERING THE GROUNDWATER RESOURCE AND ANY WATERWAY.**
- h. SEDIMENT FROM THE SITE AND PROPERTY SHALL BE RETAINED ON SITE DURING AND AFTER CONSTRUCTION. CONTROLS PARTICULARLY ON STEEP BATTERS ARE TO BE IN ACCORDANCE WITH THE ENVIRONMENT PROTECTION AUTHORITY (EPA RECOMMENDATIONS DETAILED IN THE CONSTRUCTION TECHNIQUES FOR SEDIMENT POLLUTION CONTROL NO 275, MAY 1991. SEDIMENT CONTROL STRUCTURES SUCH AS SEDIMENT BASIN, SEDIMENT FENCES AND SEDIMENTS TRAPS MUST BE INSTALLED DURING CONSTRUCTION WORKS AND MAINTAINED POST DEVELOPMENT; AND**
- i. ON COMPLETION OF THE WORKS SRW MUST BE ADVISED SO AS A SITE INSPECTION CAN BE UNDERTAKEN.**

**7. DEPARTMENT OF ENVIRONMENT, LAND, WATER & PLANNING  
CONDITIONS:**

- a. BEFORE WORKS START, THE PERMIT HOLDER MUST ADVISE ALL PERSONS UNDERTAKING THE VEGETATION REMOVAL OR WORKS ON SITE OF ALL RELEVANT PERMIT CONDITIONS AND ASSOCIATED STATUTORY REQUIREMENTS OR APPROVALS.**
- b. TO OFFSET THE REMOVAL OF 0.853 HECTARES OF NATIVE VEGETATION AND 13 SCATTERED TREES THE PERMIT HOLDER MUST SECURE A NATIVE VEGETATION OFFSET, IN ACCORDANCE WITH THE PERMITTED CLEARING OF NATIVE VEGETATION - BIODIVERSITY ASSESSMENT GUIDELINES (DEPI 2013) AND NATIVE VEGETATION GAIN SCORING MANUAL (DEPI 2013) AS SPECIFIED BELOW:**
  - i. A GENERAL OFFSET OF 0.387 GENERAL BIODIVERSITY EQUIVALENCE UNITS WITH THE FOLLOWING ATTRIBUTES:**
    - BE LOCATED WITHIN THE WEST GIPPSLAND CATCHMENT MANAGEMENT AUTHORITY BOUNDARY OR SOUTH GIPPSLAND MUNICIPAL DISTRICT**
    - HAVE A STRATEGIC BIODIVERSITY SCORE OF AT LEAST 0.301.**
- c. BEFORE ANY NATIVE VEGETATION IS REMOVED, EVIDENCE THAT THE REQUIRED OFFSET FOR THE VEGETATION REMOVAL HAS BEEN SECURED MUST BE PROVIDED TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY. THE OFFSET EVIDENCE CAN BE:**
  - i. A SECURITY AGREEMENT SIGNED BY BOTH PARTIES, TO THE REQUIRED STANDARD, FOR THE OFFSET SITE OR SITES, INCLUDING A 10 YEAR OFFSET MANAGEMENT PLAN OR**
  - ii. AN ALLOCATED CREDIT EXTRACT FROM THE NATIVE VEGETATION CREDIT REGISTER.**

**A COPY OF THE OFFSET EVIDENCE WILL BE ENDORSED BY THE RESPONSIBLE AUTHORITY AND FORM PART OF THIS PERMIT.**

- d. WITHIN 30 DAYS OF ENDORSEMENT OF THE OFFSET EVIDENCE BY THE RESPONSIBLE AUTHORITY, A COPY OF THE ENDORSED OFFSET EVIDENCE MUST BE PROVIDED TO THE DEPARTMENT OF ENVIRONMENT, LAND, WATER AND PLANNING.**

- e. **IN THE EVENT THAT A SECURITY AGREEMENT IS ENTERED INTO AS PER CONDITION 3A, THE OFFSET PROVIDER MUST PROVIDE THE ANNUAL OFFSET SITE CONDITION REPORT TO THE RESPONSIBLE AUTHORITY BY THE ANNIVERSARY DATE OF THE EXECUTION OF THE OFFSET SECURITY AGREEMENT, FOR A PERIOD OF 10 CONSECUTIVE YEARS. AFTER THE TENTH YEAR, THE LANDOWNER MUST PROVIDE A REPORT AT THE REASONABLE REQUEST OF A STATUTORY AUTHORITY.**

**8. SOUTH GIPPSLAND COUNCIL BIODIVERSITY CONDITIONS:**

**CONSTRUCTION MANAGEMENT**

**a. NOTIFICATION OF PERMIT CONDITIONS**

**BEFORE ANY WORKS START, THE PERMIT HOLDER MUST ADVISE ALL PERSONS UNDERTAKING THE VEGETATION REMOVAL AND CONSTRUCTION WORKS OF ALL RELEVANT CONDITIONS OF THIS PERMIT.**

**b. PROTECTION OF VEGETATION TO BE RETAINED**

**BEFORE WORKS START NATIVE VEGETATION PROTECTION FENCING MUST BE ERECTED AROUND ALL NATIVE VEGETATION TO BE RETAINED WITHIN AND ADJACENT TO THE WORKS AREA/S.**

**THE PROTECTION FENCE MUST BE CONSTRUCTED OF [STAR PICKETS/CHAIN MESH /PLASTIC SAFETY FENCING OR SIMILAR] TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY. THE PROTECTION FENCING MUST REMAIN IN PLACE AT LEAST UNTIL ALL WORKS ARE COMPLETED TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.**

**EXCEPT WITH THE WRITTEN CONSENT OF THE RESPONSIBLE AUTHORITY, WITHIN THIS AREA,**

- i. **NO VEHICULAR OR PEDESTRIAN ACCESS, TRENCHING OR SOIL EXCAVATION IS TO OCCUR**
- ii. **NO STORAGE OR DUMPING OF TOOLS, EQUIPMENT OR WASTE IS TO OCCUR**

**c. WILDLIFE PROTECTION**

**PRIOR TO ANY NATIVE VEGETATION REMOVAL WORKS; INSPECT AREAS OF NATIVE VEGETATION TO BE REMOVED FOR THE**

**PRESENCE OF WILDLIFE E.G. IDENTIFY AND INSPECT ANY  
VEGETATION THAT PROVIDES HABITAT FOR WILDLIFE**

**BIODIVERSITY PROTECTION**

**PERMANENTLY PROTECT VIA A SECTION 173 AGREEMENT THE  
PATCHES OF NATIVE VEGETATION INCLUDING THE DAMP FOREST AND  
WARM TEMPERATE RAINFOREST ON BOTH 80 PIT ROAD, WOOREEN  
AND 870 LEONGATHA-YARRAGON ROAD, WOOREEN IN ACCORDANCE  
WITH THE FOLLOWING REQUIREMENTS TO PROTECT THE BIODIVERSITY  
OF THE AREA, WITHIN 6 MONTHS OF THE PLANNING PERMIT BEING  
ISSUED.**

**THE SECTION 173 AGREEMENT MUST INCLUDE THE FOLLOWING  
CONDITIONS:**

- i. ALL AREAS OF NATIVE VEGETATION CAN BE ACCESSED FOR  
VEGETATION MANAGEMENT WORKS (E.G. WEED CONTROL  
FENCING MAINTENANCE AND THE LIKE), PASSIVE  
RECREATION AND IN THE CASE OF AN EMERGENCY**
- ii. STOCK MUST BE EXCLUDED FROM THE AREA OF NATIVE  
VEGETATION AT ALL TIMES**
- iii. FENCING MUST BE ERECTED AROUND THE PERIMETER OF  
THE NATIVE VEGETATION TO PROTECT AND CLEARLY  
DELINEATE THE AREA**
- iv. FENCING BORDERING THE AREAS OF NATIVE VEGETATION  
MUST BE MAINTAINED AT ALL TIMES**
- v. THE STORING OF MATERIAL (MACHINERY/RUBBISH) AND THE  
PARKING OF VEHICLES IN THE AREA OF NATIVE VEGETATION  
IS NOT PERMITTED**
- vi. ALL FALLEN AND STANDING TIMBER MUST BE RETAINED**
- vii. NOXIOUS AND ENVIRONMENTAL WEEDS SHOULD BE  
CONTROLLED ON AN ANNUAL BASIS IN THE AREAS OF  
NATIVE VEGETATION TO BE PERMANENTLY PROTECTED.**
- viii. SUBMIT A 10 YEAR LAND MANAGEMENT/REHABILITATION  
PLAN TO THE RESPONSIBLE AUTHORITY WITHIN 6 MONTHS  
OF THE PLANNING PERMIT BEING ISSUED.**



- d. THE PLAN MUST BE PREPARED BY A SUITABLY QUALIFIED/EXPERIENCED ENVIRONMENTAL CONSULTANT APPROVED BY THE RESPONSIBLE AUTHORITY)**
- e. THE LAND MANAGEMENT/REHABILITATION PLAN MUST:**
  - IDENTIFY AND MAP AREAS/PATCHES OF NATIVE VEGETATION TO BE PERMANENTLY PROTECTED**
  - SET OUT THE METHODS OF PROTECTION FOR ALL PATCHES OF NATIVE VEGETATION INCLUDING DAMP FOREST AND WARM TEMPERATE RAINFOREST LOCATED ON 80 PIT ROAD AND 870 LEONGATHA-YARRAGON ROAD, WOOREEN.**
  - DETAIL INDIGENOUS OVERSTOREY MIDSTOREY AND UNDERSTOREY PLANT SPECIES AND DENSITIES TO BE ESTABLISHED/PLANTED IN AREAS TO BE REVEGETATED I.E. WATERWAYS**
  - CONTAIN DETAILED INFORMATION ABOUT ANNUAL NOXIOUS AND ENVIRONMENTAL WEED CONTROL WORKS REQUIRED FOR THE PATCHES OF NATIVE VEGETATION AND**
  - PROVIDE FOR ONGOING MAINTENANCE OF REGENERATED NATIVE VEGETATION AND INDIGENOUS SPECIES TO BE ESTABLISHED IN ACCORDANCE WITH THE ENDORSED 10 YEAR LAND MANAGEMENT/REHABILITATION PLAN; INCLUDING REPLANTING OF ANY VEGETATION THAT DIES OR BECOMES DISEASED IN THAT TIME.**

**9. SOUTH GIPPSLAND COUNCIL ENGINEERING CONDITION:**

**EXTERNAL WORKS (WORKS IN LEONGATHA-YARRAGON ROAD)**

**PRIOR TO THE COMMENCEMENT OF ANY WORKS ON THE SUBJECT SITE, THE FOLLOWING CONDITIONS MUST BE COMPLIED WITH TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY;**

- a. DETAILED ENGINEERING PLANS OF THE PROPOSED INTERSECTION WORKS IN LEONGATHA-YARRAGON ROAD, GENERALLY IN ACCORDANCE WITH THE SUBMITTED CONCEPT PLANS (RATIO TIAR 2 MAY 2017) ARE TO BE SUBMITTED TO AND APPROVED BY COUNCIL PRIOR TO THEIR CONSTRUCTION. PLANS TO ALSO SHOW;**

- i. **RELOCATED ENTRY TO IMPROVE SISD AND MGSD, FOR VEHICLES ENTERING AND LEAVING THE APPROVED DEVELOPMENT, USING THE FOLLOWING MINIMUM SIGHT DISTANCE PARAMETERS FROM AUSTRROADS ROAD DESIGN - PART 4A TABLES 3.2 AND 3.5:**
    - **SISD FOR 70 KPH OF 151M, REACTION TIME 2.0 SEC, AND**
    - **MGSD FOR 70 KPH OF 117M, 6 SEC CRITICAL GAP ACCEPTANCE TIME.**
  - ii. **APPROVAL FOR A REDUCTION OF THE ABOVE PARAMETERS WILL ONLY BE CONSIDERED IF APPROPRIATE JUSTIFICATION CAN BE PROVIDED AND/OR IF A ROAD SAFETY AUDIT, UNDERTAKEN AT THE APPLICANT'S EXPENSE, RECOMMENDS A REDUCTION.**
  - iii. **ALL LINE MARKING AND SIGNAGE APPROPRIATE FOR THE PROPOSED INTERSECTION**
  - iv. **ALL TREES WITHIN THE ROAD RESERVE REQUIRED TO BE REMOVED OR TRIMMED TO ENSURE APPROPRIATE SISD AND MGSD CAN BE PROVIDED.**
- b. **UPON APPROVAL OF THE CONSTRUCTION PLANS FOR THE EXTERNAL WORKS BY COUNCIL, PAY TO COUNCIL A SUPERVISION FEE EQUIVALENT TO 2.5 PER CENT OF THE ESTIMATED COST OF CONSTRUCTION OF THESE WORKS. A CERTIFIED COST ESTIMATE TO BE PROVIDED BY THE APPLICANT.**
- c. **NUMBER OF AND TIMING OF INSPECTIONS OF CONSTRUCTION WORK TO BE AS AGREED WITH COUNCIL'S ENGINEERING DEPARTMENT. A MINIMUM OF TWENTY FOUR HOURS NOTICE IS REQUIRED FOR INSPECTIONS.**
- d. **A TWELVE MONTHS DEFECTS LIABILITY PERIOD SHALL APPLY TO ALL CIVIL ENGINEERING AND LANDSCAPING WORKS REQUESTED BY THE SOUTH GIPPSLAND SHIRE COUNCIL.**
- e. **UPON AGREED PRACTICAL COMPLETION OF CIVIL WORKS, PAY TO COUNCIL AN AMOUNT EQUIVALENT TO 5 PER CENT 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.**

- f. PRIOR TO COMMENCEMENT OF THE APPROVED USE ALL EXTERNAL WORKS IN LEONGATHA-YARRAGON RD SHALL BE AT PRACTICAL COMPLETION STAGE.**
- g. ANY DAMAGE DONE TO COUNCIL INFRASTRUCTURE IS TO BE REINSTATED AT NO COST TO COUNCIL AND TO COUNCIL'S SATISFACTION.**

**INTERNAL WORKS (INTERNAL ROAD ACCESS, DRAINS, EARTHWORKS AND WATER QUALITY WORKS)**

- h. ALL INTERNAL CIVIL WORKS ARE TO BE DESIGNED AND CONSTRUCTED TO AN APPROPRIATE STANDARD UNDER SUPERVISION OF AN INDEPENDENT QUALIFIED AND EXPERIENCED ENGINEER. THIS ENGINEER IS TO PROVIDE COUNCIL WITH A COPY OF THE INDEPENDENTLY APPROVED CONSTRUCTION PLANS AND ANY ASSOCIATED COMPUTATIONS.**
- i. NO INTERNAL WORKS ARE TO COMMENCE ON-SITE UNTIL AN APPROVED SITE MANAGEMENT PLAN (SMP) SHOWING THE PROPOSED EROSION CONTROL MEASURES IS SUBMITTED TO AND TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY. THE SMP MUST BE APPROVED BY THE SUPERVISING ENGINEER. WHERE REQUIRED, SEDIMENT AND EROSION CONTROL MEASURES ARE TO BE SHOWN ON THE ENGINEERING PLANS. THE SMP MUST ADDRESS ISSUES SUCH AS STABILITY OF ROAD EMBANKMENTS AND EROSION/SEDIMENT CONTROL MEASURES AT STORMWATER OUTLETS.**
- j. PRIOR TO THE COMMENCEMENT OF THE APPROVED USE, THE SUPERVISING ENGINEER MUST SUPPLY THE RESPONSIBLE AUTHORITY WITH WRITTEN CERTIFICATION THAT THE COMPLETED WORKS HAVE BEEN UNDERTAKEN TO AN ACCEPTABLE STANDARD UNDER HIS/HER SUPERVISION.**

**WASTE DISPOSAL**

- 10. THE MANAGEMENT AND DISPOSAL OF DEAD BIRDS MUST COMPLY WITH THE NATIONAL BIOSECURITY MANUAL FOR CONTRACT MEAT CHICKEN FARMING (OR ANY SUBSEQUENT REVISION) AND MINIMISE ODOUR AND DUST GENERATION.**

**DEAD BIRDS ARE NOT TO BE BURIED ON-SITE UNLESS IN THE CASE OF AN EMERGENCY AND SUBJECT TO APPROVAL FROM THE RELEVANT AUTHORITIES.**

11. **THERE IS TO BE NO SPREADING, DISPOSAL OR STOCKPILING OF ANY SPENT LITTER ON-SITE, WITHOUT THE CONSENT OF THE RESPONSIBLE AUTHORITY.**
12. **NO BUILDINGS OR WORKS SHALL OCCUR OVER ANY PART OF THE APPROVED WASTE DISPOSAL SYSTEM INCLUDING THE SEPTIC TANK IN ACCORDANCE WITH THE REQUIREMENTS OF THE ENVIRONMENT PROTECTION ACT 1970, THE EPA GUIDELINES FOR ENVIRONMENTAL MANAGEMENT CODE OF PRACTICE - ONSITE WASTEWATER MANAGEMENT PUBLICATION 891.4.**
13. **APART FROM STORMWATER, NO MATERIAL FROM THE BROILER FARM OPERATION IS TO BE DISCHARGED INTO THE DRAINAGE SYSTEM, INCLUDING THE ON-SITE RETENTION DAM WITHOUT FURTHER APPROVAL OF THE RESPONSIBLE AUTHORITY, THE WEST GIPPSLAND CATCHMENT MANAGEMENT AUTHORITY OR SOUTHERN RURAL WATER.**
14. **LITTER OF A TYPE CAPABLE OF RENDERING DROPPINGS DRY AND INOFFENSIVE IS TO BE USED IN ALL PLACES WHERE BIRDS ARE KEPT. THE LITTER MUST NOT EXCEED 15-30 PER CENT MOISTURE CONTENT. WET LITTER MUST BE REMOVED FROM THE SHED (OR SHEDS) IMMEDIATELY AND MUST BE REMOVED FROM THE LAND WITHIN 24 HOURS.**
15. **THE REMOVAL OF LITTER FROM THE SHEDS BY USE OF MACHINERY MAY OCCUR ONLY BETWEEN THE HOURS OF 7.00AM AND 10.00PM.**

#### **LANDSCAPING**

16. **LANDSCAPING MUST BE PROVIDED IN ACCORDANCE WITH THE LANDSCAPING PLAN PRIOR TO THE COMMENCEMENT OF THE USE TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY. THE SPECIES MUST BE CHOSEN FROM THE RELEVANT ECOLOGICAL VEGETATION CLASS (EVC) FOR THAT BIOREGION FROM THE INDIGENOUS PLANTS OF SOUTH GIPPSLAND SHIRE PUBLICATION. THE LANDSCAPING MUST BE MAINTAINED FOR THE LIFE OF THE DEVELOPMENT AND ANY DEAD OR DYING VEGETATION REPLACED TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.**
17. **A LANDSCAPE PERFORMANCE BOND IS TO BE PROVIDED TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY. THE PERFORMANCE BOND IS TO BE BASED ON THE 9 DOT POINTS SET OUT ON PAGE 37 OF THE VICTORIAN CODE FOR BROILER FARMS 2009.**

## **EROSION AND SEDIMENT CONTROL**

- 18. TOPSOIL STRIPPED FROM THE SITE MUST BE STORED DURING CONSTRUCTION IN A SUITABLY STABLE CONDITION TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY AND SPREAD ON ANY EXPOSED BATTERS AS PART OF THE FINAL LANDSCAPING WORKS. EXPOSED SOILS SHALL BE RE-VEGETATED AS SOON AS POSSIBLE AFTER CONSTRUCTION.**
- 19. EXPOSED BATTERS ARE TO BE PROTECTED FROM EROSION BY THE USE OF SILT FENCING OR HAY BALE RETAINING WALLS UNTIL PERMANENTLY PROTECTED BY GRASSES OR OTHER VEGETATION.**
- 20. ALL WORKS ARE TO COMPLY WITH GUIDELINES SPECIFIED IN THE EPA PUBLICATION ENVIRONMENTAL GUIDELINES FOR MAJOR CONSTRUCTION SITES 1996 (OR SUBSEQUENT REVISION) TO MINIMISE THE RISK OF SOIL EROSION DURING CONSTRUCTION.**

## **VEHICLE ACCESS AND PARKING**

- 21. PRIOR TO THE COMMENCEMENT OF THE USE, AREAS SET ASIDE FOR PARKED VEHICLES AND LOADING AREAS AS SHOWN ON THE ENDORSED PLANS MUST BE CONSTRUCTED WITH CRUSHED ROCK OR GRAVEL WITH CONCRETE APRONS TO AN APPROPRIATE ENGINEERING STANDARD TO CARRY VEHICLES ASSOCIATED WITH THE USE AND TO MINIMISE DUST GENERATION TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.**
- 22. ALL VEHICLES USED IN THE PICKUP AND TRANSPORTATION OF LIVE BIRDS AFTER 10.00PM AND BEFORE 7.00AM MUST BE FITTED WITH HIGH PERFORMANCE MUFFLERS TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY. ALL MACHINERY OPERATING FROM WITHIN THE SITE DURING THOSE HOURS MUST NOT HAVE AUDIBLE ALARMS OR SIRENS OTHER THAN ANY REVERSING BEEPER OR OTHER DEVICES REQUIRED FOR OCCUPATIONAL HEALTH AND SAFETY.**

## **AMENITY**

- 23. IF THE RESPONSIBLE AUTHORITY DETERMINES THAT THE AMENITY OF NEARBY RESIDENTS IS ADVERSELY AFFECTED BY THE EMISSION OF AN UNREASONABLE LEVEL OF OFFENSIVE ODOUR FROM THE BROILER FARM THE OPERATORS MUST IMMEDIATELY TAKE REMEDIAL ACTIONS AND/OR UNDERTAKE WORKS, WHICH MAY INCLUDE ADJUSTING STOCK DENSITY, REMOVING UNSATISFACTORY SPENT LITTER PROMPTLY, OR ANY OTHER ACTIONS TO RECTIFY THE EMISSION OF OFFENSIVE ODOUR. THE OWNER OF THE LAND AND THE OPERATION OF THE**

**BROILER FARM MUST COMPLY WITH ALL WRITTEN DIRECTIONS BY THE RESPONSIBLE AUTHORITY IN THIS REGARD.**

- 24. THE USE AND DEVELOPMENT MUST BE MANAGED SO THAT THE AMENITY OF THE AREA IS NOT DETRIMENTALLY AFFECTED, THROUGH THE:**
- a. TRANSPORT OF MATERIALS, GOODS OR COMMODITIES TO OR FROM THE LAND**
  - b. APPEARANCE OF ANY BUILDING, WORKS OR MATERIALS**
  - c. EMISSION OF NOISE, ARTIFICIAL LIGHT, VIBRATION, SMELL, FUMES, SMOKE, VAPOUR, STEAM, SOOT, ASH, DUST, WASTE WATER, WASTE PRODUCTS, GRIT OR OIL**
  - d. PRESENCE OF VERMIN**
- 25. ALL LIGHTING MUST BE DESIGNED, LOCATED, DIRECTED AND BAFFLED TO ENSURE THAT LIGHT DOES NOT SPILL OR CAUSE NUISANCE BEYOND THE LOT BOUNDARIES OF THE DEVELOPMENT.**
- 26. ALL GOODS AND MATERIALS MUST BE STORED OUT OF VIEW OR SO AS NOT TO BE UNSIGHTLY WHEN VIEWED FROM NEARBY ROADS OR LAND IN OTHER OCCUPATION, TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.**
- 27. ALL EXTERNAL WALL FINISHES OF THE SHEDS SHALL BE COLOUR TREATED AND MAINTAINED TO MUTED NON REFLECTIVE TONES TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY (EXCEPT WHERE SPECIFICALLY PERMITTED ON THE ENDORSED PLANS).**

#### **NOISE**

- 28. ANY NOISE EMITTED FROM THE LAND MUST NOT DISTURB THE AMENITY OF THE AREA AND MUST COMPLY WITH THE NOISE FROM INDUSTRY IN RURAL VICTORIA: RECOMMENDED MAXIMUM NOISE LEVELS FROM COMMERCE, INDUSTRY AND TRADE PREMISES IN REGIONAL VICTORIA (NIRV; EPA PUBLICATION 1411) OR SUBSEQUENT PUBLICATION.**
- 29. THIS PART OF THE PERMIT WILL EXPIRE IF EITHER OF THE FOLLOWING APPLIES:**
- a. THE DEVELOPMENT IS NOT STARTED WITHIN TWO (2) YEARS OF THE DATE OF THIS PERMIT.**

- b. THE DEVELOPMENT IS NOT COMPLETED WITHIN FOUR (4) YEARS OF THE DATE OF THIS PERMIT.**
- c. THE USE DOES NOT START WITHIN TWO (2) YEARS AFTER THE COMPLETION OF THE DEVELOPMENT.**

**SUBDIVISION CONDITIONS**

- 30. 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**

- 31. SOUTH GIPPSLAND WATER AUTHORITY CONDITION:**

**THE PLAN OF SUBDIVISION SUBMITTED FOR CERTIFICATION MUST BE REFERRED TO THE CORPORATION IN ACCORDANCE WITH SECTION 8 OF THE SUBDIVISION ACT.**

- 32. AUSNET ELECTRICITY SERVICES CONDITION:**

**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. THE APPLICANT MUST –**

- a. ENTER INTO AN AGREEMENT WITH AUSNET ELECTRICITY SERVICES PTY LTD FOR THE EXTENSION, UPGRADING OR REARRANGEMENT OF THE ELECTRICITY SUPPLY TO LOTS ON THE PLAN OF SUBDIVISION. A PAYMENT TO COVER THE COST OF SUCH WORK WILL BE REQUIRED.**
- b. PROVIDE ELECTRICITY EASEMENTS INTERNAL AND EXTERNAL TO THE SUBDIVISION IN FAVOUR OF AUSNET ELECTRICITY SERVICES PTY LTD TO SERVICE THE LOTS ON THE PLAN OF SUBDIVISION AND/OR ABUTTING LANDS AS REQUIRED BY AUSNET ELECTRICITY SERVICES PTY LTD. THE PROVISION OF RESERVES FOR ELECTRICITY SUBSTATIONS MAY ALSO BE REQUIRED.**

- 33. THIS PART OF THE PERMIT WILL EXPIRE IF EITHER OF THE FOLLOWING APPLIES:**

- a. THE SUBDIVISION IS NOT CERTIFIED WITHIN TWO (2) YEARS OF THE DATE OF THIS PERMIT; OR**
- b. THE REGISTRATION OF THE SUBDIVISION IS NOT COMPLETED WITHIN FIVE (5) YEARS OF THE DATE OF CERTIFICATION.**

**LOST**

**FOR:** Councillors Brown, Brunt, Edwards

**AGAINST:** Councillors McEwen, Skinner, Argento, Rich, Hill, Kiel

**A proposed change to the Motion was moved by Cr McEwen**

**MOVED:** Cr McEwen

**SECONDED:** Cr Rich

**THAT COUNCIL ISSUES A NOTICE OF DECISION TO REFUSE TO GRANT A PERMIT FOR PLANNING PERMIT APPLICATION 2017/18 - USE AND DEVELOPMENT OF A 400,000 BIRD BROILER FARM (INCLUDING SITE OFFICE/AMENITIES BUILDING, SILOS, TANKS, DAM AND ACCESS TRACK), REMOVAL OF NATIVE VEGETATION AND THREE LOT SUBDIVISION, WITH THE FOLLOWING GROUNDS OF REFUSAL:**

- 1. UNREASONABLE LOSS OF AMENITY, INCLUDING DUST, ODOUR AND NOISE EFFECTING EXISTING SENSITIVE USES IN THE LOCALITY, DUE TO LOCAL TOPOGRAPHY AND CLIMATE.**
- 2. INCREASE IN THE VOLUME OF LARGE VEHICLE (TRUCK) TRAFFIC AND THE ADVERSE IMPACT ON ROAD SAFETY.**

**FOR:** Cr McEwen, Cr Kiel, Cr Skinner, Cr Argento, Cr Rich, Cr Hill

**AGAINST:** Cr Brown, Cr Brunt, Cr Edwards

**CARRIED**

**MOVED:** Cr Edwards

**SECONDED:** Cr Kiel

**THAT STANDING ORDERS BE SUSPENDED FOR FIVE MINUTES TO CLEAR THE ROOM.**

**CARRIED UNANIMOUSLY**



## **THAT COUNCIL RESUME STANDING ORDERS**

**MOVED:** Cr Skinner

**SECONDED:** Cr Rich

## **CARRIED UNANIMOUSLY**

**Cr Edwards was not present for the vote.**

## **REPORT**

### **Background**

The subject land is CA 95B Parish of Allambee, CA 95C Parish of Allambee, and L3 PS329996L, more commonly known as 80 Pit Road and 870 Leongatha-Yarragon Road Wooreen. The land is currently used for grazing and two of the three lots contain one dwelling each. Part of the site is a disused quarry that will be utilised to provide access to the proposed broiler farm.

Refer to **Attachment [3.1.1]** – Aerial Photo – 80 Pit Road and 870 Leongatha – Yarragon Road, Wooreen.

Refer to **Attachment [3.1.2]** – Planning Property Report – 80 Pit Road Wooreen and 870 Leongatha – Yarragon Road Wooreen.

The land is in the Farming Zone (FZ). The land is affected by the Environmental Significance Overlay Schedule 2 - Special Water Supply Catchment Areas (ESO2), the Environmental Significance Overlay Schedule 5 – Areas Susceptible to Erosion (ESO5) and partly by the Bushfire Management Overlay (BMO).

The site is in a locality surrounded by other agricultural uses, public land within the Public Resource and Conservation Zone and two quarries. The closest off-site dwelling is located 861m from the proposed sheds at 945 Leongatha-Yarragon Road. The next nearest dwelling is 1120m away at 275 Forresters Road. All other dwellings are at least 1350 m away from the sheds (i.e. almost double the required distance specified in the Broiler Code).

### **The Proposal**

The proposal is to use and develop a 400,000 bird broiler farm (including site office/amenities building, silos, tanks, dam and access track), remove native vegetation and a three lot subdivision. More specifically, the proposal entails the following:

1. Ten mechanically ventilated and heated broiler sheds, measuring 135m x 17.4m, each housing up to 40,000. Each shed will have an impervious compacted clay floor. Shed walls will be 4.3m high. The sheds will be constructed with 150mm high concrete dwarf walls with Colourbond clad polystyrene sandwich panels located above. There will be mini vents located within the side walls. A minimum of 10 ventilation chimney extraction fans will be mounted on the roof, near the apex. The southern side of the roofs on Sheds 1 - 8 will be clad with pale green Colourbond to minimise their visual impact. The northern side of the roofs will be custom orb, as will be the roofs on Sheds 9 and 10.
2. One machinery shed containing staff amenities, measuring 20m x 8m.
3. 11 feed silos, each measuring 3.4m in diameter and 8.5m high (45 tonne capacity).
4. One diesel storage tank.
5. Two water storage tanks.
6. One vehicle wheel wash.
7. Construction of a new dam.
8. Access road construction with parking area and loading pad area.
9. Removal of native vegetation along the access road route and the eastern side of Leongatha - Yarragon Road.
10. Three lot subdivision (re-alignment of the title boundaries between CA 95B, CA 95C and Lot 3 PS329996L) in order to facilitate the access road.

The use comprises the following processes:

1. Birds will be brought onto the site in batches approximately every 65 days. A batch will generally arrive over a 2-3 day period. It is anticipated that 5.6 batches of chickens will be grown each year on average.
2. The proposed production cycle for each shed on the farm involves a growing period of approximately 7-8 weeks and approximately a 10 to 14 day period for shed clean up and turn around.
3. Birds are generally removed from Day 34 through to approximately Day 50 at varying market related weights. Typical bird removal arrangements would be removal of approximately half of the birds between Days 34 and 36 and removal of the remaining birds at the end of the batch. These times may vary a little subject to market demands.

4. Stocking densities are not proposed to exceed 34kg/m<sup>2</sup> in accordance with animal health and welfare guidelines.
5. The ventilation system uses extractor fans, which are located at one end of the sheds and draw fresh air into the sheds.
6. Internally mounted fin pipes on the sidewalls of the sheds will assist temperature control within the sheds via hot and cold water circulation. A minimum level of airflow through the sheds will be maintained at all times.
7. Drinking water to the sheds is to be provided from the large dam to be constructed to the south west of the shed complex. This will collect the runoff from the shed roofs and surrounding hard stand areas. Water will be appropriately treated and initially stored in the two large storage tanks and then fed into an automatic watering system within the sheds. This system will be fitted with dripless drinking nozzles otherwise known as nipple drinkers in accordance with latest best practice.
8. Feed for the birds will be delivered by enclosed bulk delivery trucks and will be blown through an enclosed system from the trucks into the feed silos. From the silos, the feed will be augured through an enclosed ducted system into an automatic feeding system within each shed.
9. Shed floors will be constructed of compacted clay. Prior to the introduction of the birds to the sheds, a 5 to 6cm deep layer of a softwood shavings based litter will be distributed over the entire shed floor. This litter will be composed of 80 per cent wood shavings and 20 per cent peat moss (Spanvall litter (proprietary product) or similar). The entire floor area of the sheds will be covered in a layer of litter (wood shavings, saw dust or rice hulls). At the end of each batch, litter will be replaced with a new litter layer.
10. Dead and diseased birds will be collected on a daily basis and stored in the freezer to be located in the machinery shed. Contractors will remove the frozen birds off-site as required.
11. High pressure disinfectant sprays will be used to clean the interior of the sheds. No free flowing water will be generated during the clean-up of the sheds. No contaminated or waste water will be discharged from the sheds at any time.

Refer to **Attachment [3.1.3]** – Proposed Plans – Broiler Farm.

## CONSULTATION

The application was notified to adjoining/adjacent owners and occupiers. The application was also notified by placing a sign on the land and by publishing a notice in three newspapers generally circulating in the area. The application was notified in accordance with the requirements of the Planning and Environment Act for a minimum of 14 days. Only two people contacted Council and formally requested additional time to submit objections. There were 55 objections/submissions received at the time of writing this report, with some further people advising that they would also object.

The objections mostly relate to amenity impacts due to odour, noise, water contamination, lights, traffic and visual amenity. These matters are summarised and responded to in detail in **Attachment [3.1.4]** – Officer's Delegation Report – Broiler Farm.

Refer to **Confidential Attachment [15.1.1]** – Planning Application Broiler Farm - Copy of Objections.

The application was referred externally to South Gippsland Water (SGW who also sought the West Gippsland Catchment Management Authority's advice), the Department of Environment, Land, Water and Planning (DELWP), Ausnet Services, Southern Rural Water (SRW) and the Country Fire Authority (CFA). All authorities provided conditional consent to the proposal.

The application was referred internally to Council's Engineering and Environment Departments. They have also provided conditional consent. The referral responses are discussed in more detail in **Attachment [3.1.4]** – Officer's Delegation Report – Broiler Farm.

The Broiler Code Assessment Table has been attached in **Attachment [3.1.5]**.

## ASSESSMENT

A detailed assessment of the application against the relevant sections of the Planning and Environment Act 1987 and the relevant matters in the South Gippsland Planning Scheme are discussed in the attached Officer's delegation report.

## ATTACHMENTS

*Attachments are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

1. Aerial photo - 80 Pit Road and 870 Leongatha – Yarragon Road, Wooreen **[3.1.1]**
2. Planning Property Report – 80 Pit Road and 870 Leongatha – Yarragon Road, Wooreen **[3.1.2]**
3. Proposed Plans - Broiler Farm **[3.1.3]**

4. Officer's Delegation Report - Broiler Farm **[3.1.4]**
5. 201718 - 80 Pit Road Wooreen- Broiler Code Assessment Table **[3.1.5]**

#### **CONFIDENTIAL ATTACHMENTS**

**Confidential Attachment [15.1.1]** – Planning Application Broiler Farm - Copy of Objections is provided in accordance with s.77(2)(c) of the Local Government Act 1989, the Chief Executive Officer designates this Agenda Item as confidential information on the grounds that it relates to s.89(2)(h) – any other matter which the Council or Special Committee considers would prejudice the Council or any persons.

This item has been deemed confidential to protect the privacy details of the submitters.

#### **REFERENCE DOCUMENTS**

##### **Council Policy**

*Documents are available on Council's website:* [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)  
South Gippsland Planning Scheme

##### **Legislative Provisions**

Planning and Environment Act 1987  
Broiler Code (2009)

### **3.2. PLANNING SCHEME AMENDMENT C109 – VENUS BAY CARAVAN PARK - REVIEW OF SUBMISSIONS AND REQUEST TO APPOINT A PLANNING PANEL**

Development Services Directorate

#### **EXECUTIVE SUMMARY**

Planning Scheme Amendment C109 proposes to rezone the Venus Bay caravan park, and adjoining undeveloped grazing land, from Farming Zone (FZ) to a combination of the Special Use Zone (SUZ), Low Density Residential Zone (LDRZ) and Township Zone (TZ) – refer **Attachment [3.2.1]** – Planning Scheme Amendment C109 Exhibition Documents.

The LDRZ will be applied to the undeveloped land west of the caravan park, where the combined planning permit application proposes to subdivide the land into six lots for residential development. The TZ will be applied to two additional lots, one located in the north-east corner of the land accessed from Centre Road and the other adjoining Ockenga Close. The SUZ will be applied to the balanced lot containing the existing development footprint of the caravan park and its immediate surrounds to facilitate its ongoing use.

The benefit of the Amendment is that the provisions of the SUZ specifically encourage the land to continue to be used as a caravan park and discourage the site changing to a form of permanent accommodation, which has happened to many caravan parks in recent years.

The Amendment was placed on public exhibited for four weeks, concluding on 31 July 2017. A total of six submissions were received of which five are objections from private landowners while the other is from the West Gippsland Catchment Management Authority (WGCMA) – refer **Attachment [3.2.2]** – West Gippsland Catchment Management Authority Submission.

Where submissions cannot be resolved, an Amendment must be referred to an Independent Planning Panel (Panel) for consideration before Council can make its final decision on an Amendment. In consultation with the WGCMA, Council officers have formed the view that it is not possible to negotiate the withdrawal of all submissions and that a Panel is required.

This report recommends Amendment C109 be referred to a Panel.

#### **RECOMMENDATION**

That Council:

1. Amend Draft Planning Permit 2016/180 (refer Attachment [3.2.3] - Condition 6) to include a new condition requiring the registration of a

s.173 Agreement on the lots to be created notifying future landowners that coastal climate change and associated inundation may impact vehicle access to the subject land.

2. Request the Minister for Planning appoint an Independent Planning Panel to consider South Gippsland Planning Scheme Amendment C109 and all submissions received after the relevant fees are paid to Council (\$7,259.30) in accordance with Regulation 6(1) of the Planning and Environment (Fees) Regulations 2016.

**MOVED:** Cr Skinner

**SECONDED:** Cr Rich

**THAT COUNCIL:**

1. **AMEND DRAFT PLANNING PERMIT 2016/180 (REFER ATTACHMENT [3.2.3] - CONDITION 6) TO INCLUDE A NEW CONDITION REQUIRING THE REGISTRATION OF A S.173 AGREEMENT ON THE LOTS TO BE CREATED NOTIFYING FUTURE LANDOWNERS THAT COASTAL CLIMATE CHANGE AND ASSOCIATED INUNDATION MAY IMPACT VEHICLE ACCESS TO THE SUBJECT LAND.**
2. **REQUEST THE MINISTER FOR PLANNING APPOINT AN INDEPENDENT PLANNING PANEL TO CONSIDER SOUTH GIPPSLAND PLANNING SCHEME AMENDMENT C109 AND ALL SUBMISSIONS RECEIVED AFTER THE RELEVANT FEES ARE PAID TO COUNCIL (\$7,259.30) IN ACCORDANCE WITH REGULATION 6(1) OF THE PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016.**

**Cr Edwards returned to the Council Meeting at 3.13pm.**

**CARRIED UNANIMOUSLY**

## REPORT

The reasons for preparing Amendment C109 were discussed in detail in the 24 August 2016 Ordinary Council Report which Council considered in its decision to seek Authorisation and exhibit Amendment C109. Some minor changes to the proposed Special Use Zone Schedule and Environmental Significance Overlay did occur prior to exhibition however, the 24 August 2016 report should be referred to as the basis for Council's decision to prepare the Amendment.

## CONSULTATION

Exhibition of Amendment C109 occurred for four weeks and concluded on 31 July 2017. Exhibition notification was provided by:

- Postal notification to the owners and occupiers of all land adjoining and opposite.
- Public notice and newspaper articles in local newspapers, including the Great Southern Star and Sentinel Times.
- Notice to Ministers, community groups and government agencies.
- Extensive Amendment information on Council's webpage and the Planning Ministry's webpage.

## DISCUSSION

The following is a discussion of the key issues raised in the submissions to Amendment C109 (refer **Confidential Attachment [15.2.1]** – Planning Scheme Amendment C109 Venus Bay Caravan Park - Submissions) and a Council officer response.

### **Submission – West Gippsland Catchment Management Authority**

The WGCMA's principle concern is that the only road access to Venus Bay, being Inverloch-Venus Bay Road, will be subject to likely flood depths of up to 1.36 metres during a 1per cent Annual Exceedance Probability flood event (commonly known as the 1 in 100 year flood event). State Planning Policy requires Council to consider the future climatic conditions associated with climate change and to ensure that the development of floodplains is compatible with the level of flood risk. While the WGCMA's flood data shows that the subject site is well elevated and not subject to inundation under current or future climatic conditions, the primary emergency vehicle route will be likely to be flooded by depths up to 1.36 metres during a 1 in 100 year storm event under future climatic conditions. The WGCMA contends that this represents an unacceptable risk and extreme flood hazard.



The position of the WGCMA is considered to be an excessively cautious position with regards to flood risk on this site. State policy requires precaution to be exercised with regards to environmental risk, however it is considered that the WGCMA's position does not exercise a holistic assessment of the level of risk associated with this development on its merits.

Flood data provided by the WGCMA notes that the subject land will remain free of flood waters in the 1 in 100 year storm event with the lowest land elevation of the site being 3.58m AHD, well outside of the predicted 3.06m AHD 1 in 100 year storm event. The basis for the WGCMA objection is not that a risk is posed to the building or the occupants of the building, but that the risk is posed to the landowner or emergency services on the basis that they may drive into floodwaters, or a scenario that an occupant of the dwelling may fall sick and be unable to exit the area by road to seek the help they require.

It is considered that the risk is considered to be acceptable given the infrequency of these events and the short duration for which access is lost. The following should be considered as factors which mitigate associated flood risk:

- Council and VicRoads take action during a flood event by proactively placing flood warning signs during a flooding event. This would further reduce the associated risk as residents would be alerted and discouraged to drive through the flood area. In addition various flood alert methods such as emergency warnings by mobile phone, can be utilised to further the flood risk message. During significant rainfall events Council is aware for many hours beforehand that road access to Venus Bay will be lost. The flooding scenario is very different to the far more dangerous flash flooding which typically occurs on lower order roads and with little or no time for Council to enact a safety response.
- Emergency service personnel are professionally trained to assess flood risk when making a decision to enter a flooded area.
- In an emergency situation, there are other emergency exit methods such as airlift, which is not uncommon in medical or other emergencies such as bushfire.
- Venus Bay contains emergency services such as the CFA (Tarwin Lower district satellite fire station) and Ambulance Victoria CERT service which could provide a basic level of service to the impacted community during a 1 in 100 year storm event.

- In the event of a 1 in 100 year flood, personal responsibility in decision making means that common sense would be to avoid driving through the flood effected road.

The rezoning of the undeveloped area of the subject land west of the Caravan Park has strong strategic support. The Venus Bay Framework Plan identifies the land as a 'Potential Long Term Urban Expansion Investigation Area' because of the small size of the land (7ha) and its location in the centre of Venus Bay (abutting many residential properties), making the land unsuitable, and economically unviable for farming. The amendment corrects this anomaly by removing it from the FZ and including it as a logical inclusion into the LDRZ.

To further illustrate the context of the site with regards to the level of risk that this proposal brings, it should be noted that many vacant lots have been issued with dwelling approvals in recent years and many more vacant lots remain where new dwellings can be approved without any specific planning scheme requirement to seek the views of the WGCMA. In essence the rezoning and subdivision of the subject land poses a similar minimal risk to the continuing construction of dwellings on existing vacant lots. The proposed eight new lots is a very small percentage in terms of the remaining vacant lots in Venus Bay which can be developed with or without a permit. In 2013, Venus Bay contained 2,247 total lots with 692 lots being vacant (source: South Gippsland Housing and Settlement Strategy 2013). The additional eight lots proposed by this Amendment represent just a 0.35 per cent increase to the overall lot yield of Venus Bay which is considered an inconsequential increase to the total lots in Venus Bay.

Further, the WGCMA position in objecting to this Amendment on the basis of 1 in 100 year flood event which impacts the road, not the subject land, introduces a precedent which could be detrimental to the development of coastal areas within the municipality; the social and economic development of coast areas; Council's current Planning Scheme Framework Plans for coastal townships; and potentially for the development on existing vacant lots within Venus Bay.

In response to the WGCMA objection, and to acknowledge Council's commitment to ensure that development in vulnerable coastal areas is undertaken in a manner that will not cause unacceptable risk to future users of the land or the community, the exhibited permit will be amended to include the following condition to ensure that land owners are aware of the inherent risks associated with climate change:

*Before the Statement of Compliance is issued under the Subdivision Act 1988, the owner of the land must enter into an agreement with the*

*Responsible Authority in accordance with Section 173 of the Planning and Environment Act 1987 which states that the road access to the land may be detrimentally impacted by coastal climate change and associated inundation, which may impact upon the owner's use and enjoyment of the land and which may cut off access to and egress from the subject land from time to time or permanently should the access road become, in Council's view, uneconomic to repair. Council has no responsibility nor does Council accept any responsibility for providing alternate access to or egress from the subject land.*

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

The associated flood risk associated with this proposal is considered acceptable and manageable. Access is a legitimate planning issue however the WGCMA are in this case seen as being overly cautious. The fact that access is affected by floodwaters greater than 0.3m depth sometime in the next 100 years is an excessively prescriptive basis on which to require the refusal of development.

#### **Submission – Sale of reserve and decision to sell by private treaty**

Three submissions were received with regards to the sale of land and removal of reserve status of 143B Inlet View Road which was sold to the proponent and included in the subject land now proposed for rezoning. Planning Permit 2016/98 was approved on 29 August 2016 authorising the removal of the reserve status of the land. The application was extensively advertised including to the adjoining and opposite land owners and by placing a notice in the local newspapers. In addition, the sale of the subject land was part of Council's Strategic Land Review which identified a number of reserves that are surplus to Council's needs.

Issues surrounding the sale of the land by Council are not matters that form part of the consideration of the planning scheme amendment and are unlikely to be considered by any Panel appointed to consider the Amendment.

#### **Submission – Venus Bay has a surplus of vacant land and additional lots are not required**

Two submissions were received with regards to an oversupply of land within Venus Bay. The Framework Plan sets the strategic vision for Venus Bay and identifies a need for future growth through identifying urban expansion areas. The area west of the Venus Bay Caravan Park is identified in the Venus Bay Framework Plan as 'Potential Long Term Urban Expansion Investigation Area'

on the basis that the size of the area is unsuitable for farming and is surplus land to the needs of the existing Caravan Park. The proposal is for low density lots which are generally larger lots over 4,000m<sup>2</sup> and will provide for further lot size diversity in Venus Bay, noting that there are currently only seven vacant lots within the existing LDRZ land supply with the vacant lots referred to the submissions generally located in the TZ. The additional eight lots are considered to have minimal impact on the existing land supply (representing a 0.35 per cent increase) and are considered to be necessary to secure additional residential land in line with the strategic direction of the Framework Plan. Due to environmental constraints such as soil capability, bushfire risk considerations and native vegetation, it is considered a low density residential zone is the appropriate zone to facilitate larger residential lots.

For the reasons above, the rezoning of the land and additional eight lots to Venus Bay are considered justified. Further, objections concerning commercial advantage or financial implications are not planning considerations.

**Submission – The proposed rezoning is too close to the foreshore reserve and will lead to the loss of vegetation and habitat**

Four submissions were received with regards to the proximity of the subdivision to the coastal foreshore reserve. The proposal includes building envelopes for all lots which abut the foreshore reserve. The building envelopes will ensure that development does not occur in close proximity to the foreshore (in excess of 30 metres setback to the foreshore reserve boundary). It is therefore considered that there is a sufficient buffer provided to the foreshore to ensure that the environmental and landscape values of the area are maintained.

***Other matters raised in submissions***

- “Why did the Council sell the reserve and also require a 5 per cent Public Open Space contribution?”
- The sale of the reserve (143B Inlet View Road) was part of Council’s Strategic Land Review which identified a number of reserves that are surplus to Council’s needs within Venus Bay. Clause 52.01 of the South Gippsland Planning Scheme requires any permit issued relating to subdivision of land to pay a private open space contribution of 5 per cent of the land value which is used for future public open space required within the municipality to service current and future community needs. This is a statutory requirement which is required within all municipalities in Victoria.

- A dwelling should not be located in the north-west corner of Lot 8 due to high winds and proximity to adjoining septic tank systems and maintaining the integrity of ground water.
- Lot 8 contains a building envelopment which is located in an area free of native vegetation and away from the north-west extremity of the site. Changes to the subdivision plan are not considered necessary.
- Traffic safety issues around the crest for access to Lots 1 and 2.

Future cross-over permit applications to Council will be required for all new cross-overs to Inlet View Road and will consider the matters of traffic safety. The cross-over permit application will assess the location of access and traffic safety to ensure the safe functioning of the road. The subdivision design allows for an alternative access location for lot 2 to the new internal road should direct access to Inlet View Road be deemed a traffic safety issue.

- Vegetation has been removed without a Planning Permit.

Council's Planning Enforcement Team investigate breaches to the *Planning and Environment Act 1987*, however this is considered a separate matter when considering the merits of this proposal.

## **Options**

Having completed exhibition of Amendment C109, Council has three options:

### **Option 1 Refer Amendment C109 to an Independent Planning Panel**

This option is recommended to Council. Where unresolved submissions remain, the *Planning and Environment Act 1987* requires Council to refer submissions to a Panel for consideration and reporting before Council makes its final decision on an amendment. Referring submissions to a Panel is Council's normal practice.

### **Option 2 Negotiate with the submitters to withdraw their submissions**

The nature and scope of the issues raised in the submissions means that it is highly unlikely that unconditional withdrawal of all submissions can be achieved. Council have met with WGCMA to discuss their objection and it was clear that the substance of their concerns is unlikely to be resolved.

### **Option 3 Abandon the Amendment**

Council has the option at any stage in the planning scheme amendment process to abandon an amendment. This is an extraordinary step and rarely used. Given the benefits of the Amendment (including the rezoning of the

caravan park to SUZ to facilitate the ongoing use of the land for a caravan park), abandoning the Amendment is strongly recommended against.

### **Proposal**

It is recommended that Council proceed with Option 1 where submissions to the Amendment are referred to an Independent Planning Panel for consideration.

### **RESOURCES**

The Amendment is proponent led with the proponent bearing all cost relating to Panel. Pursuant to the *Planning and Environment Act 1987*, planning scheme amendments which attract up to 10 submissions require the proponent to pay to Council \$7,259.30 to consider the submissions and refer the submissions to an independent panel. This fee is in addition to the Panel Fee which the proponent must also pay.

### **RISKS**

There are no risks to Council directly related to referring Amendment C109 to a Panel.

### **ATTACHMENTS**

*Attachments are available on Council's website:* [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)

1. Planning Scheme Amendment C109 Exhibition Documents **[3.2.1]**
2. West Gippsland Catchment Management Authority Submission **[3.2.2]**
3. Amended Draft Planning Permit 2016/180 **[3.2.3]**

### **CONFIDENTIAL ATTACHMENT**

**Confidential Attachment [15.2.1]** – Planning Scheme Amendment C109 Venus Bay Caravan Park – Submissions – is provided in accordance with s.77(2)(c) of the Local Government Act 1989, the Chief Executive Officer designates this Agenda Item as confidential information on the grounds that it relates to s.89(2)(h) - any other matter which the Council or Special Committee considers would prejudice the Council or any persons.

This is deemed confidential to protect the privacy details of the submitters.

### **REFERENCE DOCUMENTS**

#### **Council Policy**

*Documents are available on Council's website:* [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)  
South Gippsland Planning Scheme

**Legislative Provisions**

Planning and Environment Act 1987

#### **4. OBJECTIVE 2 - BUILD STRONG PARTNERSHIPS, STRENGTHEN ARTS & CULTURE AND DELIVER EQUITABLE OUTCOMES**

##### **4.1. PROPOSED ADOPTION: SOUTH GIPPSLAND HEALTH AND WELLBEING PLAN 2017-2021**

Corporate and Community Services Directorate

##### **EXECUTIVE SUMMARY**

Council is required to develop a municipal Health and Wellbeing Plan within twelve months of each Council election in accordance with requirements of the Public Health and Wellbeing Act 2008.

The Draft South Gippsland Health and Wellbeing Plan 2017-2021 was endorsed for public exhibition at the Council Briefing 7 June 2017.

During the period of public exhibition period two formal submissions were received. This resulted in no amendments being made to the content of the plan. The Health and Wellbeing Reference Group endorsed the final plan with the addition of an outcome and simplification of the name of the plan.

The purpose of this report is to present Council with the final version of the South Gippsland Health and Wellbeing Plan 2017-2021 for formal adoption.

##### **RECOMMENDATION**

That Council adopt the South Gippsland Health and Wellbeing Plan 2017-2021 (Attachment [4.1.1]).

**MOVED:** Cr Brown

**SECONDED:** Cr Rich

**THAT COUNCIL ADOPT THE SOUTH GIPPSLAND HEALTH AND WELLBEING PLAN 2017-2021 (ATTACHMENT [4.1.1]).**

**CARRIED UNANIMOUSLY**



## **REPORT**

The South Gippsland Health and Wellbeing Plan 2017-2021 provides a strategic direction for a range of organisations and community groups to support health and wellbeing in South Gippsland.

Council has a lead role in developing the plan in accordance with the Public Health and Wellbeing Act 2008. The strategic directions of this plan will lay the framework for the development of a detailed implementation plan for health and community services, businesses and the community to provide a collective impact approach to improving the health and wellbeing of the South Gippsland community.

The strategic directions for the plan are contained within four priorities:

- Community wellbeing;
- Lifestyle;
- Built and Natural Environment;
- Health Protection.

Strategies will guide specific activities for Council, partners and the community for the next four years.

## **CONSULTATION**

Council and their health and wellbeing partners completed a range of community consultations through online, via surveys, individual interviews, staff consultations, community workshops and the South Gippsland Health and Wellbeing Reference Group.

The Draft South Gippsland Public Health and Wellbeing Plan 2017-2021 was presented for public comment until 14 July 2017. Submissions were received from Leongatha Community House and Foster Community Association.

The South Gippsland Health and Wellbeing Reference Group endorsed amendments at their meeting on 18 July 2017 recommending a simplification of the name of the plan to South Gippsland Health and Wellbeing Plan 2017-2021. The reference group also confirmed proposed outcome indicators to measure progress on the final plan with the addition of an outcome relating to homelessness and crisis housing.

## Public Exhibition

At the conclusion of public exhibition on 14 July 2017, two submissions were received in **Confidential Attachment [15.3.1]** - South Gippsland Health and Wellbeing Plan 2017-2021 - Submissions.

Points raised in the submissions include the following:

Submitter	Submission Theme	Relevant Priority and Strategy in Plan	Response
Leongatha Community House	Mental health outcomes - violence prevention - Community connectedness - partnership with Council	Community Wellbeing Strategy 1.1, 1.2, 1.3, 1.4	Thanked submitter for support and included in implementation planning identifying partnerships
Foster Community Association	Consideration for ageing Home care	Age-Friendly South Gippsland Plan Strategies	Thanked submitter for support Referred to Age-Friendly Plan
	Recruitment of general practitioners	Health Protection Strategy 4.4	Included in implementation planning to identify partnerships

## RESOURCES

The plan was developed by Council staff and health service partners with no additional funding required.

Implementation planning is currently underway. The implementation plan will identify specific programs and actions with cost and partnerships considered. Should a new initiative be identified that has not been budgeted, that initiative will be presented to Council for consideration through the annual budgetary process.

## RISKS

There is a risk that there will be no measurable improvement in the health and wellbeing of the community over the next four years. To mitigate this risk an annual evaluation and review will be completed in the implementation plan.

## ATTACHMENTS

*Attachments are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

1. South Gippsland Health and Wellbeing Plan 2017-2021 - Final [4.1.1]

## CONFIDENTIAL ATTACHMENTS

**Confidential Attachment [15.3.1]** – South Gippsland Health and Wellbeing Plan 2017-2021 - Submissions is provided in accordance with s.77(2)(c) of the Local Government Act 1989, the Chief Executive Officer designates this Agenda Item as confidential information on the grounds that it relates to s.89(2)(h) - any other matter which the Council or Special Committee considers would prejudice the Council or any persons.

The Confidential Attachment is deemed confidential to protect the privacy details of the submitters.

## REFERENCE DOCUMENTS

### Council Policy

*Documents are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

South Gippsland Health and Wellbeing Plan 2013-2017

### Legislative Provisions

Local Government Act 1989

Public Health and Wellbeing Act 2008

## **5. OBJECTIVE 3 - IMPROVE SOUTH GIPPSLAND'S BUILT ASSETS AND VALUE OUR NATURAL ENVIRONMENT**

### **5.1. LONG JETTY AND YANAKIE CARAVAN PARKS REVIEW**

Development Services Directorate

#### **EXECUTIVE SUMMARY**

Council is the Committee of Management (CoM) for the land comprising the Long Jetty and Yanakie caravan parks. Prior to taking back direct management of the caravan parks, they were privately operated under a 21 year lease agreement entered into by Commissioners during Victorian Local Government reform in 1993/94.

These lease agreements failed to adequately address future capital needs and provide ongoing performance measures. By the time the leases had expired the caravan parks were in a state of disrepair requiring capital investment to address electrical, fire and public safety compliance requirements.

In addition to the infrastructure failings, the parks were predominantly occupied by annual site holders and provided limited short stay accommodation options. The majority of caravans were in a poor condition with compliance and safety concerns. Throughout the lease tenure a range of private structures were unlawfully erected. These practices are contrary to the State Government's *Best Practice Guidelines (2011) for Committees of Management Managing Caravan and Camping Parks on Crown Land*.

In preparing for the expiry of the 21 year leases, Council undertook a public Expression of Interest (EOI) for the parks to be privately managed under a new lease. At the 24 April 2013 Council meeting it was determined that suitable EOIs had not been received and as a result Council resolved to bring the parks back under direct management.

Over four years of direct management Council has committed a total of \$1.32M toward capital improvements and operations of the Long Jetty and Yanakie caravan parks. Capital contributions of \$991,700 and operational costs of \$335,826. A number of extraordinary operational expenses incurred over the four years prevented a small return. These included legal advice (\$163,770), provision of bad debt (\$163,706) and consultancy costs (\$52,668) to develop a draft masterplan and business case for each park.

Following receipt of the draft masterplans in June 2016, Council decided to refer the following strategic considerations to the incoming Council:

- What business development has occurred and what is the most appropriate management model?
- What level of investment and control is required?
- What level of reporting and accountability is required?

It is recommended that Council establish a caravan and camping park committee to provide strategic advice on Council's future caravan park management and investment options.

In addition to the above considerations, the Committee could oversee the review of Council's Recreational Vehicle (RV) Strategy and investigations into caravan and camping options for Sandy Point as per the adopted Council Plan 2017-2021.

### **RECOMMENDATION**

That Council:

1. Receive the report detailing Council's financial contribution to the Long Jetty and Yanakie caravan parks since taking direct management in 2013/14.
2. Establish a Caravan and Camping Park Committee to provide strategic advice to Council on the future management and investment options for the Long Jetty and Yanakie caravan parks.
3. Nominate the following Councillors to be representatives on the Caravan and Camping Park Committee.
4. The Caravan and Camping Park Committee prepare a draft terms of reference for Council adoption.

**Cr Brunt made a request to separate the Motion so that it can be voted on in separate parts, the Mayor allowed the Motion to be voted in separate parts.**

**MOVED:** Cr Brunt

**SECONDED:** Cr Hill

**THAT COUNCIL:**

- 1. RECEIVE THE REPORT DETAILING COUNCIL'S FINANCIAL CONTRIBUTION TO THE LONG JETTY AND YANAKIE CARAVAN PARKS SINCE TAKING DIRECT MANAGEMENT IN 2013/14.**

**CARRIED UNANIMOUSLY**

**MOVED:** Cr Rich

**SECONDED:** Cr Hill

**The Mover and Seconder agreed for the additional word 'all' be included in motion number 3.**

- 2. ESTABLISH A CARAVAN AND CAMPING PARK COMMITTEE TO PROVIDE STRATEGIC ADVICE TO COUNCIL ON THE FUTURE MANAGEMENT AND INVESTMENT OPTIONS FOR THE LONG JETTY AND YANAKIE CARAVAN PARKS.**
- 3. NOMINATE ALL COUNCILLORS TO BE REPRESENTATIVES ON THE CARAVAN AND CAMPING PARK COMMITTEE.**
- 4. THE CARAVAN AND CAMPING PARK COMMITTEE PREPARE A DRAFT TERMS OF REFERENCE FOR COUNCIL ADOPTION.**

**CARRIED UNANIMOUSLY**

## REPORT

Council is the Committee of Management (CoM) for the land comprising the Long Jetty and Yanakie caravan parks. Prior to taking back direct management of the caravan parks, they were privately operated under a 21 year lease agreement entered into by Commissioners appointed during the Victorian Local Government reform in 1993/94.

These lease agreements failed to adequately address future capital needs and ongoing performance measures. Over the duration of the 21 year leases the caravan parks fell into a state of disrepair requiring capital investment to address electrical, fire and public health and safety requirements.

The majority of annual permit holder caravans were in a state of disrepair and/or not in compliance with current legislative requirements. Over the 21 years a range of private structures were unlawfully erected. These practices among others are contrary to Council's obligations under the State Government's *Best Practice Guidelines (2011) for Committees of Management Managing Caravan and Camping Parks on Crown Land (the guidelines)*.



The guidelines set out the various legal obligations and Government expectations for CoMs. The guidelines seek to ensure that all current and future Victorians have equal access and enjoyment of Crown Land.





Under the 21 year leases the caravan parks were predominantly occupied by annual site holders with very limited short stay accommodation options. An estimated 236 annual site holders occupied the parks at the expiry of the 21 year leases. This represented between 80-90 per cent of all available sites. Whilst providing an efficient business model, this is clearly inconsistent with the State Government's policy direction of providing equity of access to Crown Land for all Victorians. It is worth noting, Wilsons Promontory National Park receives over half a million visitors each year and such is the demand, camping sites are allocated under ballot during peak times. Council's caravan parks now provide overflow camping alternatives to the Prom that were not previously available.

In preparing for the expiry of the 21 year leases, it was incumbent upon Council to address the failings of the previous leases and uphold its legal obligations as CoM for the Parks. This was considered when undertaking a public EOI for the parks to be privately managed under a new lease.

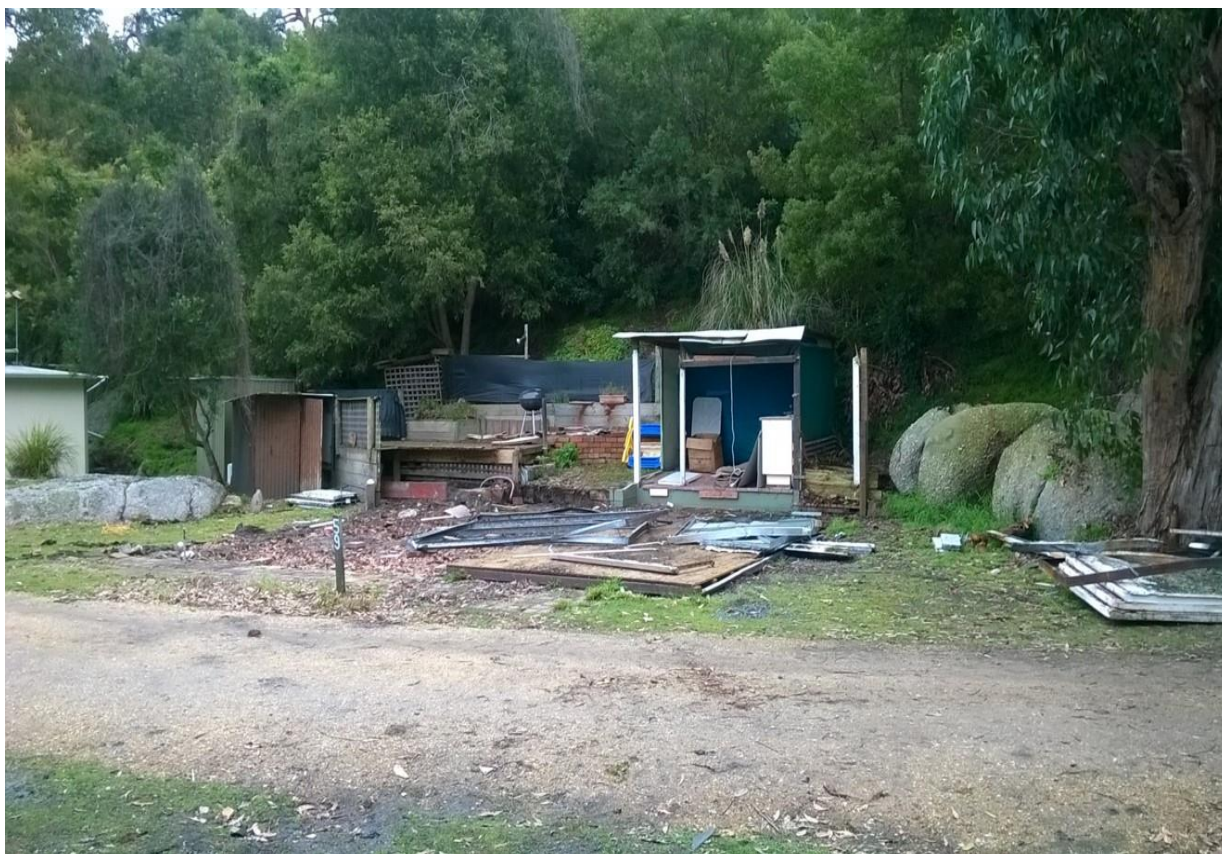
Submissions to the EOI were considered by Council in a closed session at the 24 April 2013 Ordinary Council meeting. At the meeting Council determined that there were no suitable submissions which would adequately address the parks' needs and meet Council's obligations as CoM. Council resolved to bring the parks back under direct management and restore the parks to reflect its obligations under the guidelines.





The general poor condition of caravans meant that achieving compliance for many permit holders would be challenging and in some cases impossible. Many caravans no longer had adequate draw bars, wheels or axles capable of towing a caravan. Over time caravans had become permanent structures complemented by other illegal and inappropriate structures. To overcome this, Council sought to work with permit holders to achieve compliance in a staged approach over a two year period. Council is still working with some permit holders to achieve compliance.

Council's decision to increase annual permit fees in conjunction with the compliance challenges was the likely reason many permit holders vacated the parks. Action against Council's decisions was initiated through the Supreme Court. The action was later settled and withdrawn. Both parties covered their own costs. Subsequently a small number of annual permit holders have enquired about returning to the parks. Other annual permit holders vacated the parks with unsettled accounts and left behind a variety of construction debris.



## Financial Results

### 2013/14

Council commenced direct management of the Long Jetty and Yanakie caravan parks in 2013/14. The parks were operated in a similar manner as they had been under the 21 year leases while Council communicated its future management intentions to annual site holders. The full capital expense incurred was the transfer of asset costs associated with the end of lease agreement (\$477,549).

Income minus operational expenses for the financial year was (\$507).

<b>Caravan Parks 2013/14</b>	<b>Actuals (\$)</b>	<b>Budgets (\$)</b>
<b>Income</b>		
Yanakie Caravan Park	(486,821)	(501,483)
Long Jetty Caravan Park	(250,040)	(251,711)
<b>Income Total</b>	<b>(736,862)</b>	<b>(753,194)</b>
<b>Operational Expenditure</b>		
Yanakie Caravan Park	502,301	496,612
Long Jetty Caravan Park	235,075	225,206



**Capital Expenditure**

Yanakie Caravan Park Capital	252,593	257,000
Long Jetty Caravan Park Capital	224,956	228,845
<b>Expenditure Total</b>	<b>1,214,925</b>	<b>1,207,663</b>
<b>Total</b>	<b>478,063</b>	<b>454,469</b>

**2014/15**

Council made a capital investment totalling \$154,361. Significant investments included a cabin purchase, solar hot water service and commencement of power head replacement program to improve electrical safety and compliance at the parks.



The increase in income comparative to the 2013/14 result can be largely attributed to the increase to annual permit fees. Actuals are less than original budgets as annual site holders began to vacate the park as a result of the increased fees and compliance obligations. Many caravans and annexes had been permanently located on sites, without useable wheels or axles. A number were in a dilapidated state with no feasible ability to comply with contemporary standards.

Capital budgets were underspent as capital improvements were prioritised on a health, safety or compliance need until masterplans were developed.

Income minus operational expenses for the financial year was \$117,852.

<b>Caravan Parks 2014/15</b>	<b>Actuals (\$)</b>	<b>Budget (\$)</b>
<b>Income</b>		
Yanakie Caravan Park	(674,418)	(775,937)
Long Jetty Caravan Park	(402,850)	(494,465)
<b>Income Total</b>	<b>(1,077,268)</b>	<b>(1,270,402)</b>
<b>Operational Expenditure</b>		
Yanakie Caravan Park	538,012	495,041
Long Jetty Caravan Park	421,404	389,644
<b>Capital Expenditure</b>		
Yanakie Caravan Park Capital	66,088	178,374
Long Jetty Caravan Park Capital	88,273	182,239
<b>Expenditure Total</b>	<b>1,113,778</b>	<b>1,245,298</b>
<b>Total</b>	<b>36,509</b>	<b>(25,104)</b>

## 2015/16

Council invested \$233,195 in capital works, which included playground renewals, cabin purchase, upgrade to fire-fighting equipment at Yanakie and the power head replacement program. Replacement of the toilet block at Long Jetty (\$376,419) was deferred until Council considered master plans for the parks. A consultant was appointed to develop draft caravan park masterplans.

Operational costs were greater than previous years attributed to masterplan consultancy costs, bad debt provisions and legal costs associated with the appeal against Council's decision to directly manage the parks. The number of annual permit holders reduced and were replaced in part by short stay visitors. This is reflected in the actuals where Yanakie exceeded income projections and Long Jetty returned an unfavourable income result. Favourable weather conditions during the holiday period provided greater than anticipated short stay visitation.

Income minus operational expenses for the financial year was (\$137,980).

<b>Caravan Parks 2015/16</b>	<b>Actuals (\$)</b>	<b>Budget (\$)</b>
<b>Income</b>		
Yanakie Caravan Park	(632,291)	(527,653)
Long Jetty Caravan Park	(347,597)	(410,776)
<b>Income Total</b>	<b>(979,888)</b>	<b>(948,429)</b>
<b>Operational Expenditure</b>		
Yanakie Caravan Park	633,582	494,146
Long Jetty Caravan Park	484,286	396,304
<b>Capital Expenditure</b>		
Yanakie Caravan Park Capital	152,438	127,446
Long Jetty Caravan Park Capital	80,757	594,880
<b>Expenditure Total</b>	<b>1,351,062</b>	<b>1,612,776</b>
<b>Total</b>	<b>371,175</b>	<b>664,347</b>



## 2016/17

Income budgets decreased significantly to reflect the number of annual site holders at the park. A number of works were completed from operational and capital budgets to remediate sites to provide additional short stay accommodation. The parks started to attract interest for new annual and seasonal permits. Yanakie exceeded short stay income expectations. Significant capital works include construction of an equipment/machinery shed at Long Jetty and tree removal at Yanakie.

Higher operational expenses were incurred due to site remediation, legal costs and provision of bad debts. Legal matters were finalised following settlement of the matter. The action was settled and withdrawn with each party covering its own legal costs.

Income minus operational expenses was (\$315,184).



<b>Caravan Parks 2015/16</b>	<b>Actuals (\$)</b>	<b>Budget (\$)</b>
<b>Income</b>		
Yanakie Caravan Park	(533,178)	(373,957)
Long Jetty Caravan Park	(288,567)	(298,502)
<b>Income Total</b>	<b>(821,745)</b>	<b>(672,459)</b>
<b>Operational Expenditure</b>		
Yanakie Caravan Park	637,954	566,864
Long Jetty Caravan Park	498,975	385,331
<b>Capital Expenditure</b>		
Yanakie Caravan Park Capital	80,667	90,669
Long Jetty Caravan Park Capital	45,928	211,667
<b>Expenditure Total</b>	<b>1,263,524</b>	<b>1,254,532</b>
<b>Total</b>	<b>441,780</b>	<b>582,073</b>



## Four Year Overview

Council's net investment into the renewal and operation of the Long Jetty and Yanakie caravan parks over the four years was \$1.32M.

This includes a capital investment of \$991,700, of which \$477,549 was transfer of asset costs in the first year. A total of \$551,786 capital was invested at Yanakie and \$439,914 at Long Jetty.



Income minus operational expenses for the period was (\$335,827). This equates to an average operational contribution of approximately \$42,000 per park per annum.

Operational expenses over the four years that adversely impacted the final operational result included legal advice (\$163,770), provision of bad debt (\$163,706) and consultancy costs (\$52,668). Council obtained commercial and civil advice to support caravan park operations and defend the matters brought before the Supreme Court. The legal matters before the Supreme Court have since been settled and withdrawn. Each party covered its own legal costs. To date Council has recovered approximately \$32,000 through debt recovery services.

Income or profits that Council receives from caravan park operations on Crown Land are unable to be added to consolidated revenues. They must be used to meet CoM obligations or returned to uses that are consistent with the land's reservation status. Council operates a separate Caravan Parks reserve, which allows future profits to balance previous capital expenses and/or operational losses. The reserve is currently (\$724,206).

<b>Financial Summary</b>	<b>13/14 Actuals (\$)</b>	<b>14/15 Actuals (\$)</b>	<b>15/16 Actuals (\$)</b>	<b>16/17 Actuals (\$)</b>
<b>Income</b>				
Yanakie Caravan Park	(486,821)	(674,418)	(632,291)	(533,178)
Yanakie Caravan Park Capital	0	0	0	0
Long Jetty Caravan Park	(250,040)	(402,850)	(347,597)	(273,567)
Long Jetty Caravan Park Capital	0	0	0	(15,000)
<b>Income Total</b>	<b>(736,862)</b>	<b>(1,077,268)</b>	<b>(979,888)</b>	<b>(821,745)</b>
<b>Expenditure</b>				
Yanakie Caravan Park	502,301	538,012	633,582	637,954
Yanakie Caravan Park Capital	252,593	66,088	152,438	80,667
Long Jetty Caravan Park	235,075	421,404	484,286	498,975
Long Jetty Caravan Park Capital	224,956	88,273	80,757	45,928
<b>Expenditure Total</b>	<b>1,214,925</b>	<b>1,113,778</b>	<b>1,351,062</b>	<b>1,263,524</b>
<b>Total</b>	<b>478,063</b>	<b>36,509</b>	<b>371,175</b>	<b>441,780</b>

### Yanakie Caravan Park

Council has made a capital investment of \$551,786 into the Yanakie caravan park over the last four years. Income minus operational expenses for the same period was \$14,859.

Despite a range operational challenges associated with vacating annuals, the park provided a small return. Expenses incurred in 2015/16 and 2016/17 were higher as a result of extraordinary expenses associated with masterplan development, bad debt provisions and legal expenses. These costs were shared across the two parks. With the appropriate level of investment and marketing, Yanakie has the potential to provide consistent annual operational returns.



<b>Yanakie Caravan Park</b>	<b>Actuals (\$)</b>	<b>Budgets (\$)</b>
<b>Income</b>		
2013/14	(486,821)	(501,483)
2014/15	(674,418)	(775,937)
2015/16	(632,291)	(527,653)
2016/17	(533,178)	(373,957)
<b>Income Total</b>	<b>(2,326,708)</b>	<b>(2,179,030)</b>
<b>Expenditure</b>		
Opex 2013/14	502,301	496,612
Opex 2014/15	538,012	495,041
Opex 2015/16	633,582	494,146
Opex 2016/17	637,954	566,864
4yr Capital Investment	551,786	625,334
<b>Expenditure Total</b>	<b>2,863,635</b>	<b>2,677,997</b>
<b>Total</b>	<b>536,927</b>	<b>498,967</b>

### Long Jetty Caravan Park

Council has made a capital investment of \$439,914 into the Long Jetty caravan park over the last four years. Income minus operational expenses for the same period was (\$350,686).

Due to its location the Long Jetty caravan park is less frequented than Yanakie and more reliant on recurrent income. Cabins are the most popular product and patronage is impacted by weather and fishing conditions.

Following a number of infrastructure and amenity improvements the park is now more marketable. Completion of the Great Southern Rail Trail and construction of the Long Jetty present future marketing opportunities.

Council will need to consider its future capital commitments and management arrangements with respect to the modest income generated.

<b>Long Jetty Caravan Park</b>	<b>Actuals (\$)</b>	<b>Budgets (\$)</b>
<b>Income</b>		
2013/14	(250,040)	(251,711)
2014/15	(402,850)	(494,465)
2015/16	(347,597)	(410,776)
2016/17	(273,567)	(298,502)
<b>Income Total</b>	<b>(1,274,054)</b>	<b>(1,455,454)</b>
<b>Expenditure</b>		
Opex 2013/14	235,075	225,206
Opex 2014/15	421,404	389,644
Opex 2015/16	484,286	396,304
Opex 2016/17	498,975	385,331
4yr capital investment	439,914	1,217,631
<b>Expenditure Total</b>	<b>2,079,654</b>	<b>2,614,116</b>
<b>Total</b>	<b>805,600</b>	<b>1,158,662</b>

### Establishing a Committee

Caravan park infrastructure and amenity improvements are ongoing, however there are capital investment decisions such as the Long Jetty caravan park toilet block that remain outstanding. The required level of investment is dependent upon Council's preferred strategic intent and future management model for caravan parks. The parks could be maintained as basic facilities or further capital expenditure could be allocated to improve their amenity and marketability.

The parks were placed under direct management to ensure that they were transitioned to a state consistent with Council's CoM obligations. Now that park improvements have occurred it is appropriate that Council consider the preferred future management model. Alternative management models to direct management include lease, company, contract, partnership or alternate CoM arrangements.

A consultant was appointed to develop masterplans and a business case to support the proposed level of investment. The previous Council received the consultant's report in June 2016. Due to the timing of the electoral term, the previous Council considered it more appropriate to refer the following strategic considerations to the incoming Council.

- What business development has occurred and what is the most appropriate management model?
- What level of investment and control is required?
- What level of reporting and accountability is required?

It is recommended that Council establish a Caravan and Camping Park Committee to address these strategic considerations and provide advice on the masterplans, preferred management model and future capital needs.

In addition to the above considerations, the Committee could consider and oversee the review of Council's Recreational Vehicle (RV) Strategy and investigations into caravan and camping options for Sandy Point as per the adopted Council Plan 2017-2021.

Following appointment of Councillors to the Caravan and Camping Park Committee, it is recommended that the committee draft terms of reference which consider the Committee remit and membership. The Committee terms of reference should be adopted at a future Council meeting. The Committee may consider external skills based appointments.

## **CONSULTATION**

Council may consider establishing a committee that includes external skills-based or community appointments.

## **RESOURCES**

The annual budget provides the necessary capital and operational resources to operate the parks on an annual basis. Council will need to consider the impact of its decisions on future resource allocations and the long term financial plan.

## **RISKS**

Council has a variety of reputational, financial and operational risks associated with the management of Crown land and direct or indirect management of caravan parks. Council's decision to take direct management of the caravan parks and transition them into compliance with the guidelines seeks to mitigate many of Council's risks.

## **STAFF DISCLOSURE**

<b>Name:</b>	Paul Stampton,
<b>Title:</b>	Acting Director Development Services
<b>Conflict of Interest:</b>	Indirect Interest - Conflict Duty (Part 3.7)
<b>Reason:</b>	Member of Walkerville Foreshore Committee

## **REFERENCE DOCUMENTS**

### **Council Policy**

*Documents are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

Crown Land Equity of Access Policy

Economic Development and Tourism Strategy

### **Legislative Provisions**

Local Government Act 1989

Crown Land (Reserves) Act 1978

Residential Tenancies (Caravans Parks and Moveable Dwellings Registration and Standards) Regulations 2010

Leasing Policy for Crown Land in Victoria 2010 (Department of Environment Land Water and Planning (DELWP))

Improving Equity of Access to Crown Land Caravan Parks 2011 Policy (DELWP)

Best Practice Guidelines for Management of Crown Land Caravan Parks (DELWP)

## **5.2. PROPOSED ADOPTION: DOMESTIC ANIMAL MANAGEMENT PLAN - 2017-2021**

Development Services Directorate

### **EXECUTIVE SUMMARY**

Council is required to prepare a Domestic Animal Management Plan (DAMP) under s.68A of the Domestic Animals Act 1994 (the Act). The DAMP outlines the services, programs and policies Council has established to address the administration of the Act and the management of dog and cat issues in the community.

Council agreed at its May 2017 meeting to endorse the South Gippsland Shire Council draft DAMP 2017-2021 for the purpose of public exhibition for a four week community consultation period. The four week community consultation period ended on 28 June 2017. Council received six submissions on the draft DAMP. As a result of the submissions an additional action has been added to the DAMP. The additional action is for Council to investigate the introduction of a 'Cat Curfew Order' pursuant to ss.25 and 26 of the Act by June 2018.

It is proposed Council adopt the Domestic Animal Management Plan 2017-2021 (refer **Attachment [5.2.1]** – Domestic Animal Management Plan 2017-2021).

### **RECOMMENDATION**

That Council adopts the South Gippsland Shire Council Domestic Animal Management Plan 2017-2021 (Attachment [5.2.1]).

**Cr Skinner moved the Motion with a change.**

**MOVED:** Cr Skinner

**SECONDED:** Cr Hill

### **THAT COUNCIL**

- 1. ADOPTS THE SOUTH GIPPSLAND SHIRE COUNCIL DOMESTIC ANIMAL MANAGEMENT PLAN 2017-2021 (ATTACHMENT [5.2.1]); AND**
- 2. RECEIVES A REPORT BY 30 JUNE 2018 ON THE INTRODUCTION OF A LEASH ORDER AND A CAT CURFEW ORDER.**

**Cr McEwen left the Council Meeting at 4.17pm and returned at 4.20pm**

**Cr Brunt left the Council Meeting at 4.18pm and returned at 4.20pm**

**Cr Rich left the Council Meeting at 4.18pm and returned at 4.22pm**

**A proposed AMENDMENT to the Motion was moved by Cr Brunt.**

**MOVED:** Cr Brunt

**SECONDED:** Cr Edwards

**THAT COUNCIL:**

- 1. ADOPTS THE SOUTH GIPPSLAND SHIRE COUNCIL DOMESTIC ANIMAL MANAGEMENT PLAN 2017-2021 (ATTACHMENT [5.2.1]); AND**
- 2. RECEIVES A REPORT BY 30 JUNE 2018 ON THE PROS AND CONS OF THE INTRODUCTION OF A LEASH ORDER AND A CAT CURFEW ORDER.**

**The AMENDMENT was CARRIED UNANIMOUSLY, the AMENDMENT is now the Motion before the Chair.**

**MOVED:** Cr Brunt

**SECONDED:** Cr Skinner

**MOVED:** Cr Hill

**THAT THE MOTION BE NOW PUT.**

- 1. ADOPTS THE SOUTH GIPPSLAND SHIRE COUNCIL DOMESTIC ANIMAL MANAGEMENT PLAN 2017-2021 (ATTACHMENT [5.2.1]); AND**
- 2. RECEIVES A REPORT BY 30 JUNE 2018 ON THE PROS AND CONS OF THE INTRODUCTION OF A LEASH ORDER AND A CAT CURFEW ORDER.**

**CARRIED UNANIMOUSLY**

## REPORT

Council is required to prepare a DAMP under s.68A of the Act. The DAMP outlines the services, programs and policies Council has established to address the administration of the Act and the management of dog and cat issues in their community. Section 68A requires a DAMP to be prepared every four years.

The current DAMP was adopted in 2013 and therefore a new DAMP is required to be adopted by Council prior to 3 November 2017.

The DAMP 2017-2021 has been prepared using a template recommended by the Department of Primary Industries, which prescribes the specific contents a DAMP should have. This template is widely used by other councils.

Council resolved at its meeting on 24 May 2017 to place the draft DAMP 2017-2021 on public exhibition for a four week community consultation period. The draft DAMP was placed on public exhibition during June 2017. As a result of public exhibition, Council received six submissions from the public on the draft DAMP 2017-2021. A summary of the submissions and proposed actions are detailed in **Attachment [5.2.2] – Summary of Public Submissions and Recommendations**

A number of the comments made in the submissions raise items that will be or can be addressed under actions already detailed in the draft DAMP. Therefore only one change has been made to the DAMP as result of the community consultation. An additional action has been added requiring Council to investigate the introduction of a 'Cat Curfew Order' pursuant to ss.25 and 26 of the Act by June 2018.

The new action has been added as four of the submissions raised concerns about the nuisance caused by unconfined cats. Concerns included cats causing nuisance to allergy sufferers, defecating in gardens/sand pits, attacking native wildlife, spreading diseases such as feline AIDS and toxoplasmosis and cats being hit by vehicles. The submissions recommend Council adopt a Cat Curfew Order.

A number of Gippsland councils have introduced a Cat Curfew Order over the past few years with only Wellington and South Gippsland Shire Councils not having a curfew in place. On 1 April 2017 Bass Coast Shire Council introduced an order requiring cats to be confined from sunset to sunrise.

The investigation of a Cat Curfew Order would be undertaken in conjunction with considering the introduction of a Dog Leash Order under s.26 of the Act. Along with determining whether a Cat Curfew order is required, the investigation would consider areas of the Shire where the order may apply and

hours that cats may be required to be confined. A future report to Council would be required for a Cat Curfew Order to be made.

## **CONSULTATION**

Council was briefed on the preparation of the DAMP 2017-2021 on 5 April 2017. A report was provided to Council on 24 May 2017 recommending placing the draft DAMP 2017-2021 on public exhibition. The draft DAMP was placed on public exhibition during June 2017. Council was briefed on feedback received during the public exhibition period on 16 August 2017.

Officers have attended seminars provided by the Bureau of Animal Welfare to be informed of the DAMP template and content requirements.

## **RESOURCES**

The DAMP 2017-2021 has been prepared based on current service levels. Areas identified within the plan that may require financial considerations in the future such as the dog and cat pound service post 2018, will be referred to Council for specific decisions.

## **RISKS**

Council is required to adopt a new DAMP by 3 November 2017. Therefore if Council does not adopt the DAMP 2017-2021, there is a risk that Council may not have a DAMP in place by 3 November 2017.

## **ATTACHMENTS**

*Attachments are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

1. Domestic Animal Management Plan 2017-2021 **[5.2.1]**
2. Domestic Animal Management Plan 2017-2021 - Summary of Public Submissions and Recommendations **[5.2.2]**

## **REFERENCE DOCUMENTS**

### **Council Policy**

*Documents are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*  
Domestic Animal Management Plan 2013-2017

### **Legislative Provisions**

Domestic Animals Act 1994



### **5.3. PROPOSED ADOPTION: 2017 TENNIS FACILITIES PLAN**

Sustainable Communities and Infrastructure Services Directorate

#### **EXECUTIVE SUMMARY**

Over the last 30 years there have been significant changes in tennis participation across the municipality. Historically, participation was initially very strong, with many small communities developing tennis courts in isolated rural areas, often as their only community facility. This has resulted in over 101 public tennis courts within the municipality at 39 different locations.

Funding was secured from Sport and Recreation Victoria to undertake consultation and investigation into the viability and need for each of these tennis facilities. The Tennis Facilities Plan 2017 has been developed based on a court audit conducted at each facility.

The Draft Tennis Facilities Plan (Draft Plan) was distributed to the community for comment in April 2017. Ten submissions have been received responding to the directions proposed in the Draft Plan.

This report provides the submissions for review and identifies changes that have been made to the Draft Plan as a result of community feedback.

#### **RECOMMENDATION**

That Council:

1. Adopts the Tennis Facilities Plan 2017 (Attachment [5.3.1]).
2. Provide all submitters with a copy of the adopted Tennis Facilities Plan 2017 and thank them for their contribution.
3. Considers the allocation of funds towards implementation of the recommendations of the Tennis Facilities Plan 2017 in future budget processes.

**Cr Skinner left the Council Meeting at 4.35pm and returned at 4.36pm.**

**MOVED:** Cr Edwards

**SECONDED:** Cr Rich

**THAT COUNCIL:**

- 1. ADOPTS THE TENNIS FACILITIES PLAN 2017 (ATTACHMENT [5.3.1]).**
- 2. PROVIDE ALL SUBMITTERS WITH A COPY OF THE ADOPTED TENNIS FACILITIES PLAN 2017 AND THANK THEM FOR THEIR CONTRIBUTION.**
- 3. CONSIDERS THE ALLOCATION OF FUNDS TOWARDS IMPLEMENTATION OF THE RECOMMENDATIONS OF THE TENNIS FACILITIES PLAN 2017 IN FUTURE BUDGET PROCESSES.**

**CARRIED UNANIMOUSLY**

## REPORT

The 2007 South Gippsland Shire Council Recreation Plan identified the need to complete further strategic planning on tennis facilities within the Shire. A short-term action was to:

*“Work with Tennis Victoria and Sport and Recreation Victoria to roll out a strategic upgrading of tennis courts across the Shire and review options to provide cost effective tennis opportunities in small towns.”*

In 2014, Council applied to Sport and Recreation Victoria for funding to complete a review on the provision of public Tennis Facilities within the Shire.

The key tasks of the review were for a consultant to:

- Consult with Tennis Victoria, local clubs, associations, and community groups to identify current usage of facilities and discuss the needs of tennis into the future.
- Undertake an audit of all of the identified public tennis facilities within the municipality.
- Identify the land ownership / management arrangements at each location.

The funding application was successful and following a quotation process, consultants *Hands on Community Solutions* was engaged to undertake the review and develop the Tennis Facilities Plan.

## CONSULTATION

The Draft Plan was distributed to all active South Gippsland tennis clubs, Tennis Victoria, Gippsport, and all township and community development associations.

A media release was published in local newspapers and the Draft Plan was available and promoted on Council’s website and social media pages.

Ten submissions were received responding to the directions proposed in the Draft Plan. **Table 1** below briefly summarises the submissions and identifies if changes were made to the Draft Plan. Full copies of all the submissions are available in **Attachment [5.3.2]** – Draft Tennis Facilities Plan – Submissions.

**Table 1 | Summary of Submissions Received**

Submissions	Key Issues	Plan Revised
Submission 1 All sites	Identified sites provide adequate courts to support current participation.	No
	Courts are important community facilities.	Not required.
	Issues with Tennis Victoria Affiliation Model.	No.
	Concern with suggestions to alter current association structure.	Yes – Comments around changes to association structure removed.
	Clubs require support to maintain courts in playable condition.	Yes – Recommendation included to develop maintenance program and consider allocation of funds as part of the 2018/19 budget process.
Submission 2 Trida	Seeking support to bring Trida court to a condition that they are usable by the community.	No – Court is currently unused by the community and therefore does not justify support to bring back to usable condition.
Submission 3 Trida	Seeking support to bring Trida court to a condition that they are usable by the community.	No – Court is currently unused by the community and therefore does not justify support to bring back to usable condition.

Submissions	Key Issues	Plan Revised
Submission 4 Trida	Not consulted in preparation of draft plan.	No.
	Seeking support to bring Trida court to a condition that they are usable by the community.	No – Court is currently unused by the community and therefore does not justify support to bring back to usable condition.
Submission 5 Bena	Proud that they are an active and successful club.	Not required.
	Wanting to remove grass around the courts and replace with asphalt estimated at \$12,000 GST.	Yes – Recommendation included to develop renewal program and consider allocation of funds as part of the 2018/19 budget process.
Submission 6 Toora	Suggested potential alternative uses for Toora courts.	Yes – Toora downgraded from “recreation” to “excess to requirements”.
Submission 7 Welshpool	Hall committee have endeavoured to keep courts available for community use.	Yes – Facility upgraded from “excess to requirements” to “recreation”.
	Future development of a court at recreation reserve may better service community.	No.

Submissions	Key Issues	Plan Revised
Submission 8 Mardan and Mirboo North	Mirboo North and District Junior Association not listed in draft.	Yes – Association added.
	Courts are a valued community facility and they would like support to preserve facility for the future.	Yes – Recommendation included to develop maintenance program and consider allocation of funds as part of the 2018/19 budget process.
Submission 9 Nyora	Identifies work done by the Committee of Management to support participation and maintain the facility.	Not required.
Submission 10 Mardan and Mirboo North	Acknowledge some courts are no longer required.	Not required.
	Council should support communities in maintenance of courts.	Yes – Recommendation included to develop maintenance program and consider allocation of funds as part of the 2018/19 budget process.

In addition to the formal feedback provided, there is evidence of growing interest from the Port Franklin community to reinvigorate their courts. Community members have spoken to Council officers on a number of occasions for advice on how this can be achieved. As a result of these discussions, it is proposed the facility be upgraded from “excess to requirements” to “recreation”.

Tennis Victoria has supplied current membership data that has been utilised to update information contained in the Draft Plan.

### **Excess to Requirements**

The following facilities are considered “excess to requirements” in the final plan.

TENNIS COURT S / FACILITY	OWNER
1. Allambee South	Council
2. Berrys Creek	Freehold
3. Buffalo	Crown Land
4. Dumbalk East	Council
5. Dumbalk Recreation Reserve	Crown Land
6. Fish Creek Town	Crown Land
7. Loch Memorial Reserve	Freehold
8. Meeniyah Recreation Reserve	Crown Land
9. Middle Tarwin	Freehold
10. Mt Best	Freehold
11. Nichols Road	Crown Land
12. Port Welshpool	Crown Land
13. Ruby Hall	Freehold
14. Stony Creek	Crown Land - 1 Court, Council - 1 Court
15. Strzelecki	Freehold
16. Toora	Council
17. Trida	Council
18. Turtons Creek	Crown Land
19. Yanakie	Crown Land

These sites provide the opportunity for the community to consider alternative uses or activities that could be conducted at these facilities. In most instances Council is not the land owner or manager for these facilities and therefore has little control over the future of these sites. Where Council is the land owner no action will be undertaken unless there is a risk to public safety or alternative options are available that are supported by the local community and Council.

## RESOURCES

Feedback on the Draft Plan indicates that the community is seeking greater support from Council towards the maintenance of tennis facilities. There is currently no funding dedicated to the maintenance and renewal of tennis facilities in either operational or capital budgets. Without an allocation of funding from Council the condition of the facilities will continue to decline.

The final Draft Tennis Facilities Plan recommends the following actions to address the future infrastructure needs of tennis facilities.

- Develop and cost a maintenance program for; a) Council owned tennis facilities b) Remaining tennis facilities listed as viable for competition and consider funding for a tennis court maintenance program during the 2018/19 budget process.

- Develop and cost a renewal program for; a) Council owned tennis facilities b) Remaining tennis facilities listed as viable for competition and consider funding for a tennis court renewal program during the 2018/19 budget process.

## **RISKS**

As seen in the submissions from the community (**Attachment [5.3.2]**), there is a clear expectation for Council to provide additional support for the maintenance of tennis facilities.

Without this additional support the condition of tennis facilities, particularly those in small communities, will continue to decline to the point they are no longer usable. Allowing these facilities that are valued by the community to decline will have a negative impact on the reputation of Council.

## **ATTACHMENTS**

*Attachments are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

1. SGSC Tennis Facilities Plan - August 2017 - Final Draft **[5.3.1]**
2. Tennis Facility Plan 2017 - Submissions **[5.3.2]**



**Councillor Andrew McEwen left the Council Meeting at 4.35pm with a declared Conflict of Interest on agenda item 5.5 FORMALISE ROAD NAME CHANGE IN MEENIYAN (MCILWAINE ST) RECONSULTATION as he is a property owner on the subject Street, McIlwaine Street, Meeniyán.**

#### **5.4. FORMALISE TWO NEW ROAD NAMES IN FOSTER (OFF ELPHICKS / DEVLIN) RECONSULTATION**

Sustainable Communities and Infrastructure Services Directorate

##### **EXECUTIVE SUMMARY**

At the Ordinary Council Meeting on 28 June 2017, Council determined the new road names in Foster including the re-numbering of affected properties as follows:

- a. Road 1 – Formalise the naming of the road running off Elphicks Road, Foster as ‘Hendras Road’.
- b. Road 2 – Formalise the naming of the road running off Devlin Road, Foster as ‘Stapleton Lane’.

This Council decision was met with concern from some residents regarding the proposal for Road 1, due to the final Council decision being different from the original proposal and the community not being adequately consulted.

Council has contacted the Registrar of Geographic Place Names and the advice received was for Council to re-consult with those property owners directly affected by the road name/address change and advise them of Council's decision of 28 June 2017 meeting. These property owners were given the opportunity to appeal Council's decision.

Five submissions were received during the 30 day re-consultation process.

This report details the outcome of the submission process and recommends Council finalises the road naming.

##### **RECOMMENDATION**

**That Council:**

- 1. Considers the five submissions from the outcome of the re-consultation.**
- 2. Rescinds Council's decision at the Ordinary Council Meeting held on 28 June 2017 as follows;**

- a. Road 1 – Formalise the naming of the road running off Elphicks Road, Foster as 'Hendras Road'.
  - b. Road 2 – Formalise the naming of the road running off Devlin Road, Foster as 'Stapleton Lane'.
3. Determines the new road names in Foster and re-numbering of affected properties as follows:
  - a. Road 1 – Formalise the naming of the road running off Elphicks Road, Foster as 'Stapleton Road' and numbering of affected properties.
  - b. Road 2 – Formalise the naming of the road running off Devlin Road, Foster as 'Hendras Lane' and numbering of affected properties.
4. Write to all objectors advising them of Council's decision and that they have an opportunity to appeal the South Gippsland Shire Council decision with the Registrar of Geographic Place Names.
5. Forward the proposed new road names to the Registrar of Geographic Place Names for final consideration and approval.
6. Subject to Geographic Place Names approval of the proposed road names, place a notice in local newspapers and advise abutting land owners, local organisations, and local stakeholders of the new road names.

**MOVED:** Cr Brunt

**SECONDED:** Cr Hill

**THAT THE RECOMMENDATIONS IN AGENDA ITEMS 5.4 AND 5.5 BE ADOPTED**

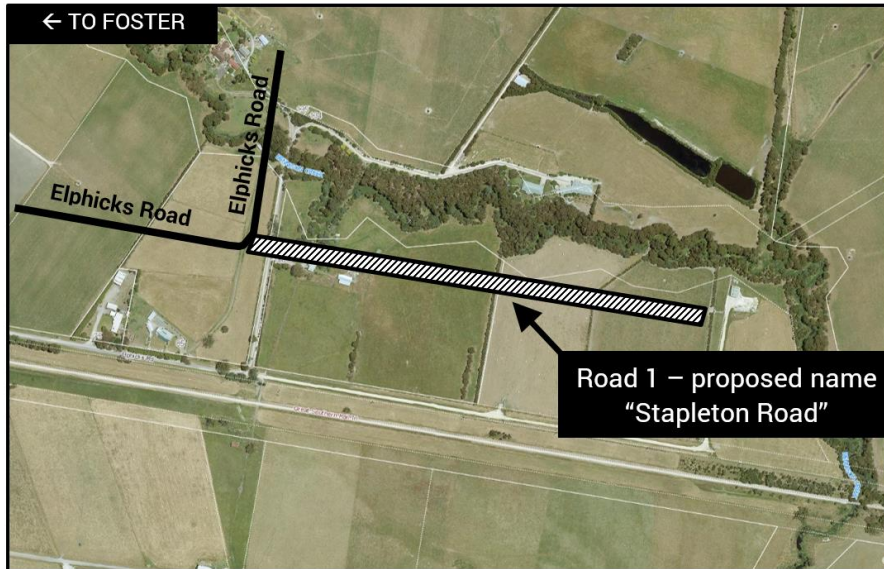
**CARRIED UNANIMOUSLY**

**Cr McEwen was not present for the vote due to a conflict of interest.**

## REPORT

Road 1 off Elphicks Road has been created as part of a road opening to access properties along this road reserve and has been added to Council's Public Road Register. Naming the road will allow these properties to have an official address. Refer to **Figure 1** below.

**Figure 1 – Locality Map - Road 1**



Road 2 off Devlin Street is identified on Council's Public Road Register as access to the Foster Bowling Club. Refer to **Figure 2** below.

**Figure 2 – Locality Map – Road 2**



Appropriate naming of roads is essential to identify locations for emergency services, for the delivery of goods and services and for the general public.

In line with Council's Road Naming Procedure, the Foster and District Historical Society (FDHS) and Foster Returned Soldiers League (RSL) were asked to provide names for the two unnamed roads in Foster.

### **Road 1 – Stapleton Road**

#### **Private Stapleton**

The proposed road name 'Stapleton', recognises Private Stapleton who passed away in the landing at Gallipoli on 25 April 1915 and had been the Minister of the Methodist Church in Foster.

### **Road 2 – Hendras Lane**

#### **Hendra family**

The proposed road name is in recognition of the Hendra family who have been in Foster since the early 1900s, owning property from the South Gippsland Highway through to the Lower Franklin Road.

## **CONSULTATION**

### **1. First Round of Consultation**

#### **a. Council Report - 22 February 2017**

Council determined to commence a public consultation process to allow the community to comment on the proposed road names as follows;

- Road 1 – off Elphicks Road, Foster – proposed name 'Stapleton Road'.
- Road 2 – off Devlin Road, Foster – proposed name 'Hendras Lane'.

Refer to **Attachment [5.4.1]** – Council Minutes 22 February 2017 – Public Consultation – Two New Road Names in Foster.

#### **b. Outcome Public Submission Process – 27 February to 30 March 2017**

On conclusion of the public consultation period resulting from the Ordinary Council Meeting 22 February 2017, two submissions were received in response to the proposal.

1. Submitter 1 – Believed that the road names should be reversed as follows;

- a. Name Road 1 – off Elphicks Road, Foster as 'Hendras Road', as the Hendra family owned property from the South Gippsland Highway through to the Lower Franklin Road, property on which this road may well have been constructed.
  - b. Name Road 2 – off Devlin Road, Foster as 'Stapleton Lane', as Private Stapleton, being a minister of the Methodist Church, would have lived in the Township.
2. Submitter 2 – in favour of the names proposed to Council and supplied historical information as follows;
  - a. Private Stapleton died in action on 25 April 1915, not in 1916 as reported.

**c. Council Report – 28 June 2017**

Based on the historical information made known during the first round consultation period, it is proposed to name Road 1 off Elphicks Road as 'Hendras Road' and Road 2 off Devlin Road as 'Stapleton Lane'. This was due to the historical connection that the Hendra family had to the area of Road 1. Road 2 would be more suited to the recognition of Private Stapleton.

Please refer to **Attachment [5.4.2]** – Council Minutes 28 June 2017 – Formalise Two New Road Names in Foster.

As a result of Council's decision at this meeting, Council received a letter from a resident abutting Elphicks Road that they were not advised of the change of road names from the original proposal and strongly objected to this decision. Information was provided by the resident and an extract is below:

*"The name Stapleton was put forward after consultation with the Foster RSL, in the lead up to the ANZAC Centenary about the opportunities that a newly constructed road would allow. Over 100 Oak Trees were planted along the length of the Road, creating an "Avenue of Honour" for fallen soldiers from WW1 and WW2."*

**2. Second Round Re-consultation**

**a. July to August 2017**

Council consulted Geographic Place Names regarding this objection and the registrar advised as per the Naming Rules for Naming Places in

Victoria 2016 - Statutory requirements for naming roads, features and localities - Section 7-2-7 and Section 8, *"if the naming authority decides to refine and/or change the proposal it must then undertake another round of community consultation to determine community support"*.

Council then re-consulted with those property owners directly affected by the road name/address change, advising them of Council's decision at its meeting held on 28 June 2017, with the opportunity to appeal Council's decision as this had changed from the original proposal at the 22 February 2017, Council Meeting.

As a result of this re-consultation, five Objections were received.

Refer to **Attachment [5.4.3]** – Objections - Road Naming off Elphicks Rd, Foster – 2nd Round Re-consultation.

**b. Outcome Re-consultation (Objections)**

**Objection 1** – initial correspondence with Councillor Keil objecting to Council's decision on 28 June 2017, regarding the road names adopted and recommends that they be reviewed.

**Objection 2** – objects to the current recommendation by Council on 28 June 2017 and requests Council to re-instate as per the original proposal from the 22 February 2017 Ordinary Council Meeting.

**Objection 3** – Foster RSL Sub Branch strongly supports "Stapleton" for Road 1 and "Hendras" for Road 2.

**Objection 4** – Foster Historical Society strongly support "Stapleton" for Road 1 and "Hendras" for Road 2.

**Objection 5** – objects to the current recommendation by Council on 28 June 2017 and support the name of "Stapleton" for Road 1.

**CONCLUSION**

As a result of the re-consultation process, it is considered that the objectors have demonstrated valid reason for Council to rescind its decision at the 28 June 2017 Ordinary Council Meeting. Therefore, the roads should be named as per original recommendation:

- Road 1 – off Elphicks Road, Foster – proposed name 'Stapleton Road'.
- Road 2 – off Devlin Road, Foster – proposed name 'Hendras Lane'.

## RESOURCES

### Financial Considerations

The cost to Council will be for the erection of new signage at approximately \$150 each which is accommodated in Council's signage budget. This will include the new signage with the ANZAC emblem for Stapleton Road.

### RISKS

Council's risk is minimal as the methodology for the road naming has followed the Naming Rules for Naming Places in Victoria 2016.

Refer to **Attachment [5.4.4]** – Naming Rules for Places in Victoria - Statutory Requirements (Roads, Features, Localities).

### ATTACHMENTS

*Attachments are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

1. Council Minutes 22 February 2017 - Public Consultation - Two New Road Names in Foster **[5.4.1]**
2. Council Minutes 28 June 2017 - Formalise Two New Road Names In Foster **[5.4.2]**
3. Objections - Road Naming off Elphicks Rd, Foster - 2nd Round Re-consultation **[5.4.3]**
4. Naming Rules for Places in Victoria - Statutory Requirements (Roads, Features, Localities) **[5.4.4]**

### REFERENCE DOCUMENTS

#### Council Policy

*Documents are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*  
Road Naming Procedure

#### Legislative Provisions

Geographic Place Names Act 1998

Local Government Act 1989

Naming Rules for Places in Victoria - Statutory Requirements for Naming Roads, Features and Localities – 2016

Road Management Act 2004

AS/NZS4819: 2011 Rural and Urban Addressing



## **5.5. FORMALISE ROAD NAME CHANGE IN MEENIYAN (MCLLWAINE ST) RECONSULTATION**

Sustainable Communities and Infrastructure Services Directorate

### **EXECUTIVE SUMMARY**

At its Ordinary Meeting on 22 March 2017, Council resolved to rename section 1 of Mcllwaine Street, Meeniyan as "Hewett Street" and section 2 of Mcllwaine Street as "Livingstone Lane", renumber any affected properties accordingly, and forward the proposal to the Registrar of Geographic Place Names for final consideration and approval.

The Registrar of Geographic Place Names received one submission during its deliberations in regards to the road name adopted for section 2 ("Livingstone Lane").

The advice received from the Registrar of Geographic Place Names is for Council to re-consult with those property owners directly affected by the road name/address change and advise them of Council's decision of 22 March 2017 meeting. These property owners are to be given the opportunity to appeal Council's decision if the objector can demonstrate that either:

- the naming authority did not consider the objections during its deliberations; or
- the proposal does not reasonably conform to the principles and statutory requirements as detailed in the *Naming Rules for Places in Victoria - Statutory Requirements for Naming Roads, Features and Localities 2016*.

Three submissions were received during the 30 day re-consultation process.

This report details the outcome of the submission process and recommends Council finalises the road name change for sections one and two of Mcllwaine Street, Meeniyan.

### **RECOMMENDATION**

**That Council:**

- 1. Considers the submissions resulting from the re-consultation.**
- 2. Determines the renaming of sections 1 and 2 of Mcllwaine Street, Meeniyan and renumbering any affected properties as per Council's decision at its Ordinary Meeting held on 22 March 2017:**



- a. **Section 1 – rename and renumber section 1 of McIlwaine Street, Meeniyan, traversing in a westerly direction off Meeniyan Promontory Road as “Hewett Street”.**
  - b. **Section 2 – rename and renumber section 2 of McIlwaine Street, Meeniyan, traversing in an easterly direction off Morgans Road as “Livingstone Lane”.**
3. **Write to all objectors advising them of Council's decision and that they have an opportunity to appeal the South Gippsland Shire Council decision with the Registrar of Geographic Place Names.**
4. **Forward the proposed name changes to the Registrar of Geographic Place Names for final consideration and approval.**
5. **Subject to the Registrar of Geographic Place Names approval of the proposed name change, place a notice in local newspapers and advise abutting land owners, local organisations, and local stakeholders of the new road names.**

**NOTE: The recommendations was CARRIED UNANIMOUSLY as part of a single motion, refer to page 99.**

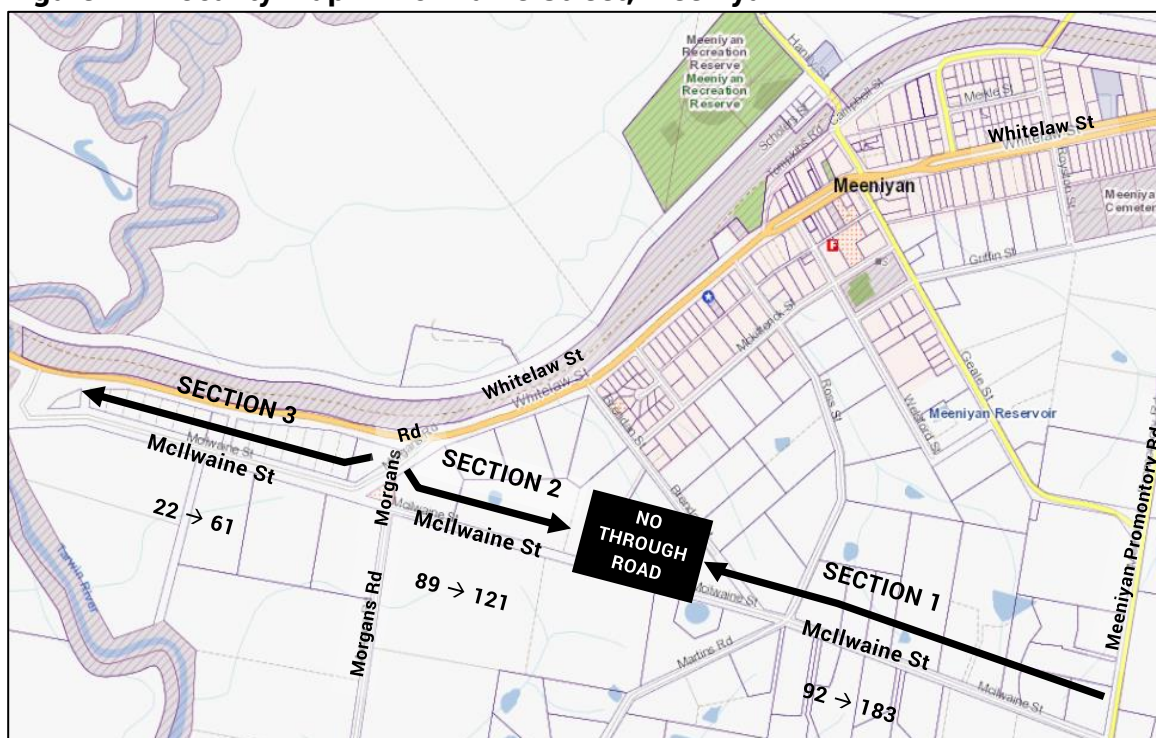
## REPORT

Council officers have had numerous requests from residents to look into the confusing issues relating to the three sections of Mcllwaine Street, Meeniyan as follows:

- Section 1: The first section is west off Meeniyan Promontory Road;
- Section 2: The second section is east off Morgans Road; and
- Section 3: The third section is west off Morgans Road.

The first and second sections are divided by a "no through road" restriction. A locality map and the current road numbering of Mcllwaine Street, Meeniyan is provided in **Figure 1** below.

**Figure 1 – Locality Map – Mcllwaine Street, Meeniyan**



## CONSULTATION

### Consultation (October 2012 to August 2017)

#### First Round of Consultation – submissions closed 16 November 2012

Consultation commenced with all Mcllwaine Street properties, the Leongatha and District Historical Society (Historical Society), and the Meeniyan Returned Services League (RSL) on the proposed renaming of two sections of Mcllwaine Street, Meeniyan.

The original proposal was to rename sections 2 and 3 (off Morgans Road), as this would have the least impact to households. However, objections received from the public informed that section 3 should remain as 'McIlwaine Street' due to the historical connection with the McIlwaine family farm.

#### Second Round Consultation – August 2015

Consultation commenced with the adjoining properties on sections 1 and 2, proposing these two sections of McIlwaine Street be renamed (section 3 to remain as 'McIlwaine').

As a result of the first and second rounds of public consultation, twelve alternate road names were put forward to Council for all sections, and six of these (shown bold in **Table 1** below) conformed with the statutory naming rules, with no duplicates or similar sounding names found in the Vicnames 15km duplicate search.

#### **Ordinary Council Meeting Minutes – 27 July 2016**

##### Third Round Consultation – submissions closed 30 August 2016

The compliant names were tabled at the 27 July 2016 Ordinary Council Meeting where Council resolved to commence a 30 day public consultation process as detailed in **Attachment [5.5.1]** – Council Minutes 27 July 2016 – Proposed Road Name Change in Meeniyar (Two Sections of McIlwaine St).

Eight submissions were received during this public consultation. Two of the submitters were heard at the Special Meeting of Council on 1 February 2017.

#### **Ordinary Council Minutes Meeting - 22 March 2017**

##### Fourth Round Consultation - submissions closed 1 May 2017

Council forwarded the proposal to the Registrar of Geographic Place Names for final consideration and approval as per Council resolution detailed in **Attachment [5.5.2]** – Council Minutes 22 March 2017 – Formalise Road Name Change in Meeniyar (Two Sections of McIlwaine St).

As per Geographic Place Name Guidelines, Council advised all submitters that had previously made an appeal to Council in regards to the proposed road name changes, that they had the opportunity to appeal Council's decision. All appeals were to be made in writing and sent by mail to the Registrar of Geographic Names, Office of Geographic Names. One submission was received during this 30 day consultation process.

Council received a letter on 15 May 2017 from the Meeniyar Progress Association after submissions had closed and a response has been provided

to their letter – refer to **Attachment [5.5.3]** – Submission - Fourth Round Consultation - Meeniyar Progress Association - 15 May 2017.

*Fifth Round Consultation - submissions closed 8 August 2017*

The Registrar of Geographic Place Names has advised Council to re-consult with those property owners directly affected by the road name/address change and advise them of Council's decision from the 22 March 2017 meeting. These property owners were given the opportunity to appeal Council's decision if the objector could demonstrate that either:

- the naming authority did not consider the objections during its deliberations; or
- the proposal does not reasonably conform to the principles and statutory requirements of the *"Naming Rules for Places in Victoria – Statutory requirements for naming roads, features and localities – 2016"*.

As a result of this re-consultation, three submissions were received including one phone conversation as detailed below:

1. Submission 1 – is strongly opposed to the name change for section 2 as "Livingstone Lane" and prefer "Rosella Lane".

Refer to the two pieces of correspondence details in **Attachment [5.5.4]** – Appeal No. 1 - McIlwaine Street Name Change - 20 April and 14 July 2017.

2. Submission 2 – is strongly opposed to the name change and renumbering for section 1 as "Hewett Street" and prefers that McIlwaine Street be constructed all the way through.

Refer to **Attachment [5.5.5]** – Appeal No. 2 - McIlwaine Street Name Change – 2 August 2017.

3. One phone conversation – resident is unhappy about the change of road name of section 1 and prefers that the road be constructed all the way through. Also concerns that they run a business and having to change business cards and notifications of change of address.

It is noted that Submitter 1 has previously made similar submissions during the public consultation rounds, whereas Submitter 2 has not made any prior submissions during the consultation process. Submitter 2 has suggested retaining the name "McIlwaine Street" for section 1 which would not resolve the current configuration from having different sections of road with the same name.

**Table 1** below summarises the proposed names resulting from the first and second round of consultations with adjoining landowners, the Historical Society, and the RSL.

**Table 1 – Summary of Submissions (October 2012 to August 2017) – Compliant Names Bolded**

SECTION 1 <i>west off Meeniyar-Prom Rd</i>	SECTION 2 <i>east off Morgans Rd</i>	SECTION 3 <i>west off Morgans Road</i>
<b>Hewett Street<sup>1</sup></b>	Bullock Rise Bushy Lane <b>Gumtree Rise<sup>2</sup></b> <b>Livingstone Lane<sup>3</sup></b> Magpie Lane McIlwaine Street West <b>Nugget Lane</b> <b>Rosella Lane</b> <b>Tween Lane</b> Ti Tree Lane	<b>McIlwaine Street</b> (retain) McIlwaine Street East

The statutory requirements for naming roads, features, and localities is detailed in **Attachment [5.5.6]** – Naming Rules for Places in Victoria - Statutory Requirements (Roads, Features, Localities).

## CONCLUSION

As a result of the re-consultation process, it is considered that the objectors have not been able to demonstrate that either:

- the naming authority did not consider the objections during its deliberations; or
- the proposal does not reasonably conform to the principles and statutory requirements of the *Naming Rules for Places in Victoria – Statutory*

<sup>1</sup> **Hewett Street** was proposed by the Historical Society.

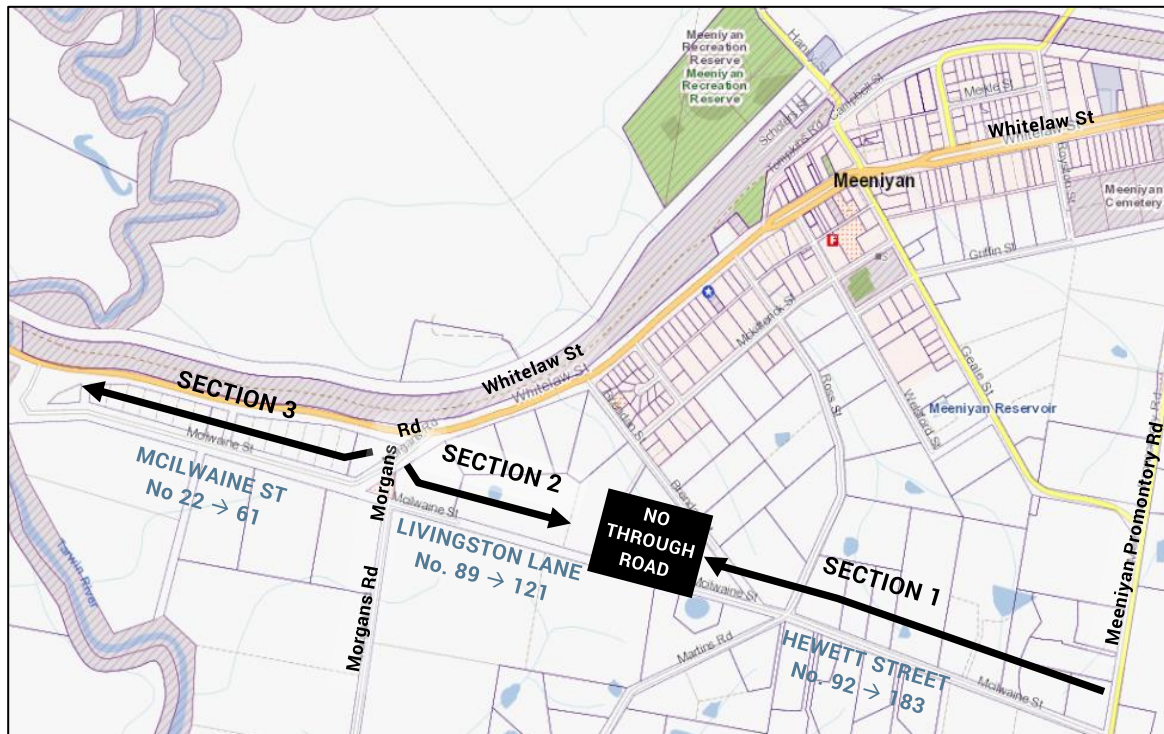
<sup>2</sup> **Gum Tree** as submitted by the community was considered as potentially ambiguous or confusing for road users therefore **Gumtree** (as one word) was proposed.

<sup>3</sup> **Livingstone Lane** was deemed not compliant in the 27 July 2016 Council Minutes as it was thought the proposal was based on the submitters surname (Vicnames does not allow the use of people's names who are still alive) however, historical information sourced during third round consultations found that the late Ewen and Hester Livingstone farmed in this area off Morgans Road

*requirements for naming roads, features and localities – 2016 (Attachment [5.5.6]).*

Therefore, renaming sections 1 and 2 of McIlwaine Street and providing unique numbering on all three sections as per the recommendation at the Ordinary Council Meeting held on 22 March 2017 will remove the confusion for emergency services and the general public – refer to **Figure 2** below.

**Figure 2 – Locality Map – New Road Names for Section 1 and Section 2**



## RESOURCES

### Financial Considerations

The cost to Council will be for the supply and installation of new signage for the affected roads at approximately \$450, and this can be accommodated in Council's signage budget.

### RISKS

Council's risk is minimal as the methodology for the road naming has followed the *Naming Rules for Places in Victoria – Statutory requirements for naming roads, features and localities – 2016 (Attachment [5.5.6])*.

## ATTACHMENTS

*Attachments are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

1. Council Minutes 27 July 2016 - Proposed Road Name Change in Meeniyen (Two Sections of McIlwaine St) **[5.5.1]**
2. Council Minutes 22 March 2017 - Formalise Road Name Change in Meeniyen (Two Sections of McIlwaine St) **[5.5.2]**
3. Submission - Fourth Round Consultation - Meeniyen Progress Association - 15 May 2017 **[5.5.3]**
4. Appeal No. 1 - McIlwaine Street Name Change - 20 April and 14 July 2017 **[5.5.4]**
5. Appeal No. 2 - McIlwaine Street Name Change - 2 August 2017 **[5.5.5]**
6. Naming Rules for Places in Victoria - Statutory Requirements (Roads, Features, Localities) **[5.5.6]**

## REFERENCE DOCUMENTS

### **Council Policy**

Road Naming Procedure

### **Legislative Provisions**

Local Government Act 1989

Road Management Act 2004

Geographic Place Names Act 1998

Naming Rules for Places in Victoria - Statutory Requirements for Naming Roads, Features and Localities - 2016

AS/NZS4819: 2011 Rural and Urban Addressing

## **5.6. PROPOSED ROAD DISCONTINUANCE IN MEENIYAN (PART TOMPKINS RD)**

Sustainable Communities and Infrastructure Services Directorate

### **EXECUTIVE SUMMARY**

Council has planned to provide car parking and construct Tompkins Road, Meeniyán that is used as a service road behind 82 to 140 Whitelaw Street, Meeniyán. As part of the design phase, it was determined that there were encroachments on the road reserve that affected three properties.

The encroached area is not required for the formed road and the adjoining property owners are interested in acquiring the land.

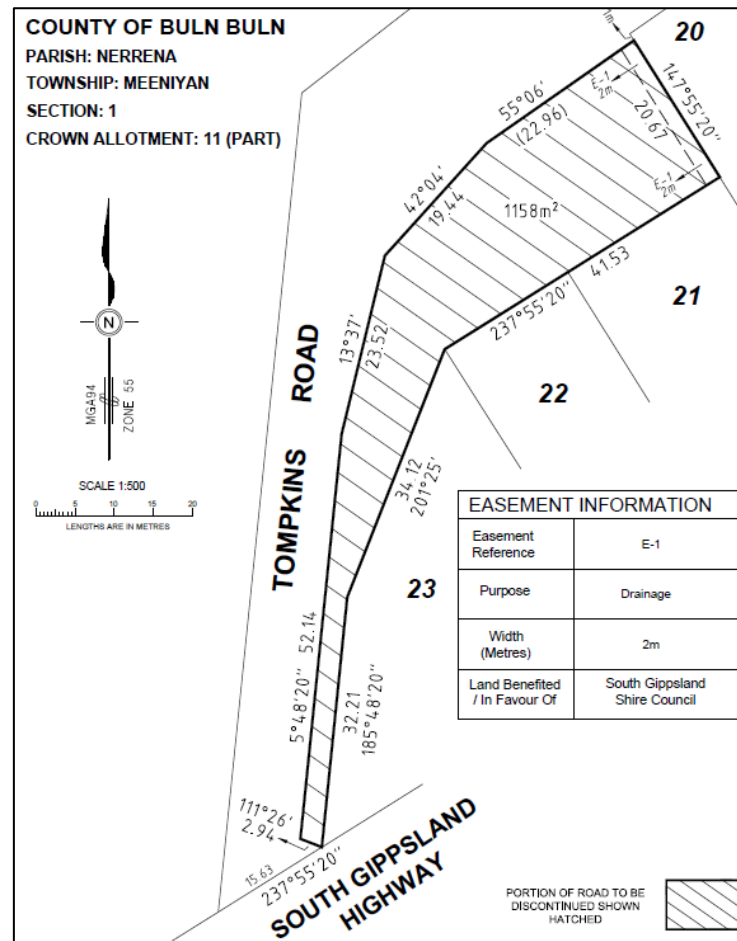
As the road is a government road, Council can facilitate the rectification of the road reserve by discontinuing the part road reserve not required for public traffic allowing the Department of Environment, Land, Water and Planning (DELWP) to sell the land from the road to the adjoining landowners.

This report is presented to Council so that it may consider to commence the statutory process to discontinue part of Tompkins Road Meeniyán shown hatched in **Figure 1**.



**RECOMMENDATION****That Council:**

1. Commence the statutory procedures in accordance with s.206 and schedule 10 clause (3) to discontinue 1,158m<sup>2</sup> of government road being part Crown Allotment 11 Section 1 Township of Meeniyen known as part Tompkins Road Meeniyen (as shown hatched in the plan below) as this area of road is not required for public traffic (the Proposal).



2. Give public notice in its Noticeboard section of the local newspapers in the week commencing 2 October 2017 in accordance with s.223 of the Local Government Act 1989 on the Proposal inviting written submissions by 5.00pm, Tuesday 31 October 2017.
3. Authorise the Chief Executive Officer to undertake the administrative procedures necessary to enable the Council to carry out its functions under s.223 of the Local Government Act 1989 in respect of the Proposal.
4. If submissions are received to the public notice:

- a. Authorise the Chief Executive Officer to fix the time, date, and place of a meeting for the s.223 hearing for persons who wish to be heard in support of their submission.**
  - b. Appoint a Special Committee of Council comprising of all Councillors, but not fewer than three Councillors, present at the meeting to hear and consider all submissions.**
  - c. Receive a further report from the Special Committee of Council at the next appropriate Council meeting to determine the Proposal.**
- 5. If no submissions are received to the public notice:**
  - a. Implement the Proposal.**
  - b. Publish the road discontinuance notice in the Victoria Government Gazette.**
  - c. Notify the Department of Environment, Land, Water and Planning.**

Cr McEwen returned to the Council Meeting at 4.43pm.

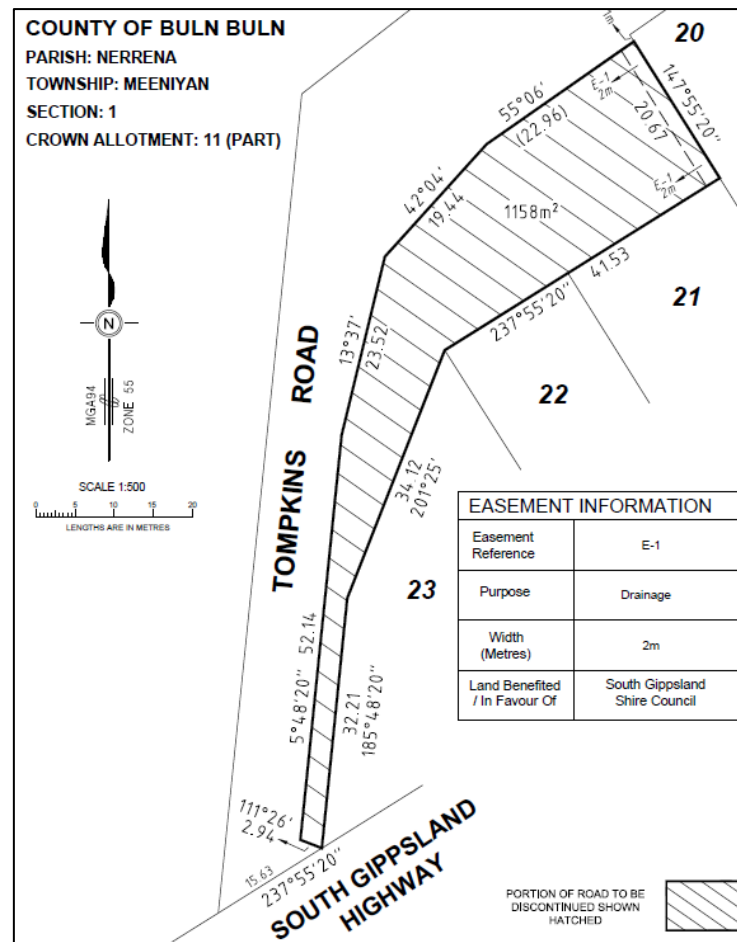
Cr Brown left the Council Meeting at 4.40pm with a declared direct Conflict of Interest on Agenda Item 5.6 PROPOSED ROAD DISCONTINUANCE IN MEENIYAN (PART TOMPKINS RD) as he has commercial property that adjoins to the subject road, Tomkins Road, Meeniyana.

MOVED: Cr McEwen

SECONDED: Cr Brunt

THAT COUNCIL:

1. COMMENCE THE STATUTORY PROCEDURES IN ACCORDANCE WITH S.206 AND SCHEDULE 10 CLAUSE (3) TO DISCONTINUE 1,158M<sup>2</sup> OF GOVERNMENT ROAD BEING PART CROWN ALLOTMENT 11 SECTION 1 TOWNSHIP OF MEENIYAN KNOWN AS PART TOMPKINS ROAD MEENIYAN (AS SHOWN HATCHED IN THE PLAN BELOW) AS THIS AREA OF ROAD IS NOT REQUIRED FOR PUBLIC TRAFFIC (THE PROPOSAL).



2. GIVE PUBLIC NOTICE IN ITS NOTICEBOARD SECTION OF THE LOCAL NEWSPAPERS IN THE WEEK COMMENCING 2 OCTOBER 2017 IN

**ACCORDANCE WITH S.223 OF THE LOCAL GOVERNMENT ACT 1989 ON THE PROPOSAL INVITING WRITTEN SUBMISSIONS BY 5.00PM, TUESDAY 31 OCTOBER 2017.**

- 3. AUTHORISE THE CHIEF EXECUTIVE OFFICER TO UNDERTAKE THE ADMINISTRATIVE PROCEDURES NECESSARY TO ENABLE THE COUNCIL TO CARRY OUT ITS FUNCTIONS UNDER S.223 OF THE LOCAL GOVERNMENT ACT 1989 IN RESPECT OF THE PROPOSAL.**
- 4. IF SUBMISSIONS ARE RECEIVED TO THE PUBLIC NOTICE:**
  - a. AUTHORISE THE CHIEF EXECUTIVE OFFICER TO FIX THE TIME, DATE, AND PLACE OF A MEETING FOR THE S.223 HEARING FOR PERSONS WHO WISH TO BE HEARD IN SUPPORT OF THEIR SUBMISSION.**
  - b. APPOINT A SPECIAL COMMITTEE OF COUNCIL COMPRISING OF ALL COUNCILLORS, BUT NOT FEWER THAN THREE COUNCILLORS, PRESENT AT THE MEETING TO HEAR AND CONSIDER ALL SUBMISSIONS.**
  - c. RECEIVE A FURTHER REPORT FROM THE SPECIAL COMMITTEE OF COUNCIL AT THE NEXT APPROPRIATE COUNCIL MEETING TO DETERMINE THE PROPOSAL.**
- 5. IF NO SUBMISSIONS ARE RECEIVED TO THE PUBLIC NOTICE:**
  - a. IMPLEMENT THE PROPOSAL.**
  - b. PUBLISH THE ROAD DISCONTINUANCE NOTICE IN THE VICTORIA GOVERNMENT GAZETTE.**
  - c. NOTIFY THE DEPARTMENT OF ENVIRONMENT, LAND, WATER AND PLANNING.**

**CARRIED UNANIMOUSLY**

## **REPORT**

A request for the car parking and construction of Tompkins Road was initiated by the Meeniyar Progress Association. A concept design has been developed in consultation with the Meeniyar Progress Association and their input incorporated into the design.

Officers met with adjoining land owners to determine vehicular access and car parking positions. It was identified that there were encroachments on the road reserve at the rear of 132 to 140 Whitelaw Street. After discussions with the affected businesses and landowners, it was clear that the area of road reserve was required for use by those businesses and not for road purposes.

As Tompkins Road is a government road, Officers met with DELWP for consent to discontinue the road and receive an undertaking that DELWP would sell the land from the road to the adjoining land owners. Refer to **Figure 1** at the end of this report for a plan of the proposed area of road to be discontinued.

## **CONSULTATION**

### **Internal**

Engineering officers discussed the project and encroachments with Property officers.

### **External**

Officers have met with the Meeniyar Progress Association, DELWP, adjoining landowners / businesses, and affected parties of the encroached area.

## **RESOURCES**

Administration, Public notice, and Government Gazette notice

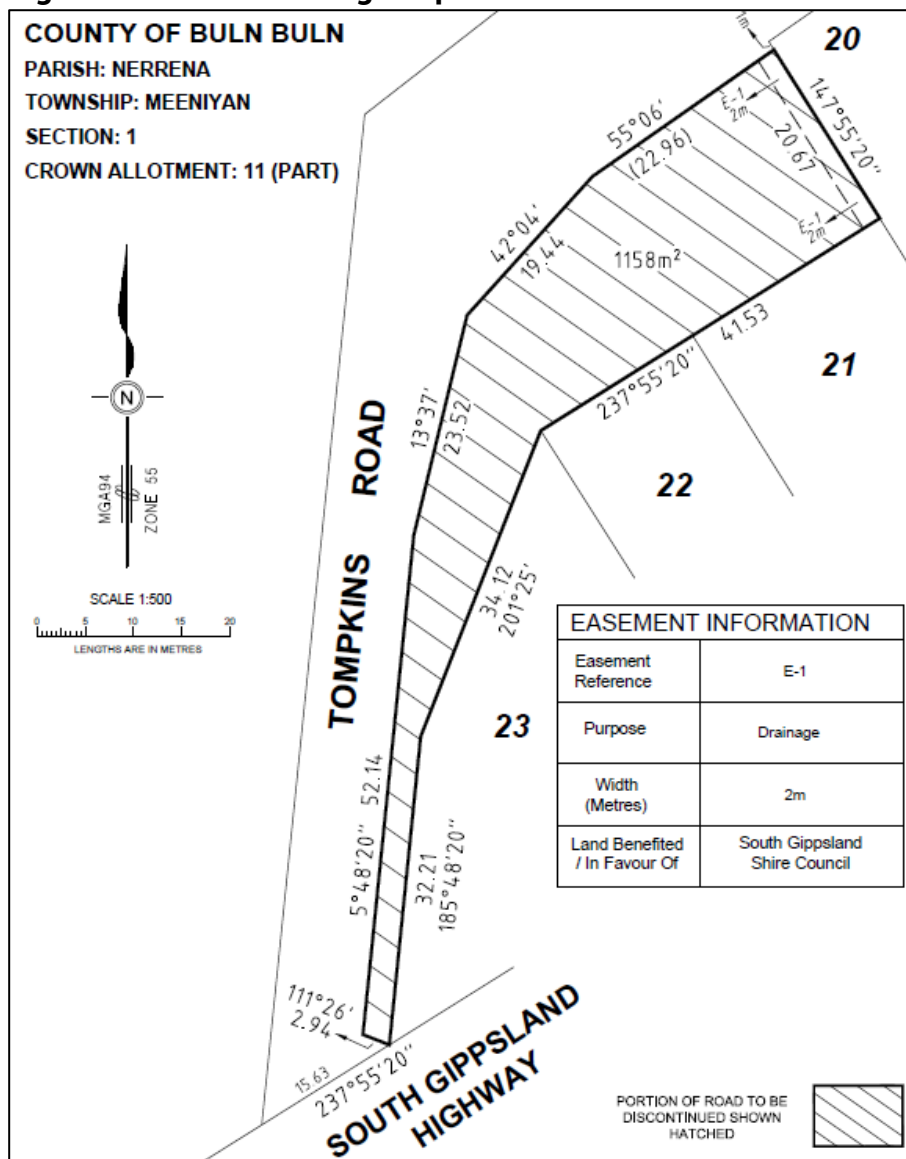
## **RISKS**

If the encroachments are not rectified Council may be liable for the actions undertaken by the businesses on its road reserve.

### **Legislative Provisions**

Local Government Act 1989

**Figure 1 – Plan Showing Proposed Road Discontinuance**



**Cr Brown returned to the Council Meeting at 4.48pm.**

**5.7. AWARD CONTRACT CON/146 CONSTRUCTION OF FOOTPATH AND KERB  
AND CHANNEL RENEWALS - VARIOUS LOCATIONS**

Sustainable Communities and Infrastructure Services Directorate

**EXECUTIVE SUMMARY**

Council requires the provision of contractor services for footpath and kerb & channel renewals in various locations around the Shire in order to deliver the Footpath Renewal Program and Kerb & Channel Renewal Program as part of the 2017/18 Capital Works Program.

In accordance with Council's Procurement Policy and Procedures, Council is required to follow an open tender process for the construction of footpath and kerb & channel renewals.

In response to Council's Request for Tender RFT/146 Construction of Footpath and Kerb & Channel Renewals (Various Locations) for 2017/18, two tenders were received. It is recommended that Council award separate portions of the contract to each tenderer as allowed under the Conditions of Tendering. It is also noted that projects from the Footpath Extension Program have been incorporated into this contract.

**RECOMMENDATION**

**That Council:**

- 1. Award CON/146 Construction of Footpath and Kerb & Channel Renewals (Various Locations) for 2017/18 to:**
  - a. M. Mileto and B. A. Whale t/a M & M Paving for the lump sum amount of \$343,299.44 (excluding GST but including contingency amount) for the following works:**
    - i. Howard Street, Leongatha (footpath renewal);**
    - ii. Ogilvy Street, Leongatha (footpath renewal);**
    - iii. Jumbunna Road, Korumburra (footpath renewal);**
    - iv. Williams Street, Korumburra (footpath renewal); and**
    - v. Hassett Street Leongatha (footpath extension).**

- b. ADA Construction Services Pty Ltd for the lump sum amount of \$240,421.56 (excluding GST but including contingency amount) for the following works:**
    - i. Reserve Street, Port Franklin (kerb & channel renewal);**
    - ii. Couper Street, Mirboo North (footpath extension); and**
    - iii. Ranceby Road, Poowong (footpath extension).**
- 2. Authorise the Chief Executive Officer to sign and affix the Common Seal of the Municipality to the Contract documents.**
- 3. The contingency amount will only be utilised at the discretion of the Superintendent.**
- 4. Authorise the Manager Engineering & Assets to approve any variations within the limit of the contingency amount.**

**MOVED:** Cr Hill

**SECONDED:** Cr Skinner

**THAT THE RECOMMENDATIONS IN ITEMS 5.7 AND 5.8 BE ADOPTED.**

**CARRIED UNANIMOUSLY**



## REPORT

On 8 July 2017, Council invited contractors to tender for RFT/146 Construction of Footpath and Kerb & Channel Renewals (Various Locations).

The works involved within this program are the removal and replacement of sections of footpath and kerb & channel in nominated locations provided within the tender schedules. As noted above, footpath extension projects have also been incorporated into this contract.

Tender submissions closed on the 1 August 2017. The tender submissions received were from M & M Paving and ADA Construction Services.

## CONSULTATION

Tender specifications were developed in consultation with all relevant officers involved in the delivery of footpath and kerb & channel renewals and extensions.

The tenders were assessed in accordance with the criteria specified in the contract documentation by an evaluation panel.

The evaluation panel met on 16 August 2017 to assess the tenders and consisted of the Manager Engineering & Assets (as a representative for the Director of Sustainable Communities and Infrastructure), Coordinator Engineering, Asset Technical Officer, and Contract Administrator.

After the initial panel evaluation, both tenderers were either just under or over Council's budget. The panel then decided to evaluate the tender by splitting the works into individual projects. The Conditions of Tendering state that Council reserves the right to award works separately.

This provided the outcome of ADA Constructions being recommended for three projects totaling \$240,421.56 (including contingency excluding GST) and M & M Paving being recommended for five projects totaling \$343,299.44 (including contingency excluding GST). By awarding two separate contracts under this option, it brings the total lump sum under Council's budget allocation with significant savings compared to awarding to a single company.

A summary of the tender evaluation has been included in **Confidential Attachment [15.4.1]** – Tender Evaluation Summary – RFT/146 Footpath and Kerb & Channel Renewals.

A breakdown of the projects and cost of works is available in **Confidential Attachment [15.4.2]** - Project Cost Breakdown - RFT/146 Footpath and Kerb & Channel Renewals.

Awarding CON/146 to both contractors will enable Council to successfully complete all nominated footpath and kerb & channel renewal projects plus the footpath extension projects within the 2017/18 financial year at a reduced overall price.

## RESOURCES

Council's adopted budget for the projects listed within the tender total of \$583,721.00 (excluding GST but including contingency amount) are made up of three different programs:

Footpath Renewal Program (includes Kerb & Channel).....	(\$319,130.00)
Footpath Extension Program .....	(\$221,450.00)
Footpath Extension, Couper Street, Mirboo North <sup>4</sup> .....	(\$100,000.00)

## RISKS

The expenditure associated with this contract is accommodated within Council's 2017/18 Capital Works Budget.

By completing the footpath and kerb & channel renewals for the 2017/18 financial year, Council mitigates tripping hazards for pedestrians and the potential risk for future claims against Council.

## CONFIDENTIAL ATTACHMENTS

**Confidential Attachments [15.4.1]** - Tender Evaluation Summary – RFT/146 Footpath and Kerb & Channel Renewals and **[15.4.2]** - Project Cost Breakdown - RFT/146 Footpath and Kerb & Channel Renewals have been provided in accordance with s.77(2)(c) of the Local Government Act 1989, the Chief Executive Officer designates this Agenda Item as confidential information on the grounds that it relates to s.89(2)(d) - contractual matters.

These items are deemed confidential to protect the privacy of the contractor names, tender scores, and tendered amounts.

## REFERENCE DOCUMENTS

### Council Policy

*Documents are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

Long Term Financial Plan

Procurement Policy

---

<sup>4</sup> Couper Street, Mirboo North footpath extension funded as part of the Community Capital Works Allocation project.

**Legislative Provisions**

Local Government Act 1989

Local Government Procurement Best Practice Guidelines

## **5.8. AWARD CONTRACT CON/147 SUPPLY AND INSTALLATION OF GUARDRAIL – VARIOUS LOCATIONS**

Sustainable Communities and Infrastructure Services Directorate

### **EXECUTIVE SUMMARY**

Council requires the provision of contractor services for the supply and installation of guardrail at various locations in order to deliver the Guardrail Replacement Program as part of the 2017/18 Capital Works Program.

In accordance with Council's Procurement Policy and Procedures, Council is required to follow an open tender process for the supply and installation of guardrail.

In response to Council's Request for Tender RFT/147 Supply and Installation of Guardrail (Various Locations), two tenders were received. It is recommended that Council award Contract CON/147 Supply and Installation of Guardrail (Various Locations) for 2017/18 to Safety Barrier Solutions Pty Ltd.

### **RECOMMENDATION**

**That Council:**

- 1. Award CON/147 Supply and Installation of Guardrail (Various Locations) for 2017/18 to Safety Barrier Solutions Pty Ltd for a lump sum amount of \$316,704.00 (excluding GST but including contingency amount).**
- 2. Authorise the Chief Executive Officer to sign and affix the Common Seal of the Municipality to the Contract documents.**
- 3. Authorise that the contingency amount will only be utilised at the discretion of the Superintendent.**
- 4. Authorise the Manager Engineering & Assets to approve any variations within the limit of the contingency amount.**

**NOTE: The recommendations was CARRIED UNANIMOUSLY as part of a single motion, refer to page 121.**

## REPORT

On 8 July 2017, Council invited contractors to tender for RFT/147 Supply and Installation of Guardrail (Various Locations).

The works involved within this program are the removal and installation of guardrail in the nominated locations provided within the tender schedules.

Tender submissions closed on the 1 August 2017. The tender submissions were received from Safety Barrier Solutions Pty Ltd and GBM Contractors Pty Ltd.

## CONSULTATION

Tender specifications were developed in consultation with all relevant officers involved in the delivery of guardrail installations.

The tenders were assessed in accordance with the criteria specified in the contract documentation by the evaluation panel.

The evaluation panel met on 16 August 2017 to assess the tenders and consisted of the Manager Engineering & Assets (as a representative for the Director of Sustainable Communities and Infrastructure), Coordinator Engineering, Asset Technical Officer, and Contract Administrator.

Safety Barrier Solutions Pty Ltd was the highest scoring tenderer with the tender bid of \$316,704.00.

A summary of the tender evaluation has been included in **Confidential Attachment [15.5.1] – Tender Evaluation Summary – RFT/147 Supply and Installation of Guardrail.**

Awarding CON/147 to Safety Barrier Solutions for the sum of \$316,704.00 (excluding GST but including contingency amount) will enable Council to successfully complete all nominated 2017/18 guardrail projects within Council's adopted budget.

## RESOURCES

Council's adopted budget for the projects listed within the tender total of \$316,704.00 (excluding GST but including contingency amount) is made up of three different programs:

Guardrail Replacement Program ..... (\$173,907.00)

Blackspot Program (Farmers Road, Dumbalk) ..... (\$360,728.00)

Sealed Road Rehabilitation Program ..... (\$1,137,348)

## **RISKS**

The expenditure associated with this contract is accommodated within Council's Capital Works Program budgets detailed above.

Awarding this contract allows Council to deliver the projects within Council's adopted budget and allows timely completion of the program.

By completing the installation of guardrails for the 2017/18 financial year, Council mitigates the risk of road users running off the road in high risk areas.

## **CONFIDENTIAL ATTACHMENT(S)**

**Confidential Attachment [15.5.1]** – Tender Evaluation Summary – RFT/147 Supply and Installation of Guardrail – has been provided in accordance with s.77(2)(c) of the Local Government Act 1989, the Chief Executive Officer designates this Agenda Item as confidential information on the grounds that it relates to s.89(2)(d) - contractual matters.

This item is deemed confidential to protect the privacy of the contractor names, tender scores, and tendered amounts.

## **REFERENCE DOCUMENTS**

### **Council Policy**

*Documents are available on Council's website:* [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)

Long Term Financial Plan

Procurement Policy

### **Legislative Provisions**

Local Government Act 1989

Local Government Procurement Best Practice Guidelines

## **5.9. WALKERVILLE NORTH FORESHORE DEVELOPMENT PROJECT - INCREASE COUNCIL CONTRIBUTION - AWARD CONTRACT UNDER CEO DELEGATION**

Sustainable Communities and Infrastructure Services Directorate

### **EXECUTIVE SUMMARY**

The Walkerville North Foreshore Development Project (the Foreshore Project) involves the reconstruction of approximately 350m of the existing seawall north of the boat ramp and adjacent civil infrastructure works, including rehabilitation of the existing road, construction of new car and boat trailer parking, retaining walls, and footpaths.

In regards to the civil infrastructure component of the project, works were originally estimated at \$292,880.13 based on schematic plans. However, project costs have been revised based on the final detailed designs and are estimated at \$490,856 equating to an increase of approximately \$200,000.

The Walkerville Foreshore Reserve Committee of Management (Foreshore CoM) have indicated that they have the capacity to fund this increase, however, considering the assets will be Council's, it is proposed that Council increase its current contribution of \$130,650 by a further \$61,850 to \$192,500. The breakdown of Council's contribution is as follows:

50 per cent of renewal costs (\$173,000) .....	\$86,500 <sup>5</sup>
33 per cent of the civil works cost (\$318,000) .....	\$106,000 <sup>6</sup>

Council's contribution will free up the Committees funds for other foreshore projects in Walkerville.

In order to expedite the contract process and enable the delivery of the Foreshore Project in a timely manner, it is recommended that Council delegate to the Chief Executive Officer (CEO) the power to award the contract for the civil infrastructure works element of this project as the total value exceeds the CEO's financial delegation of \$250,000 including GST. This recommendation is in accordance with Council's Instrument of Delegation to the CEO dated 22 February 2017.

---

<sup>5</sup> Renewal cost component is proposed at 50 percent as the existing road pavement is approximately half way through its useful life.

<sup>6</sup> The civil works component is proposed at 33 percent (one third) of the total civil works component which is in line with Council's Special Charge Scheme Policy and Blueprint.

## **RECOMMENDATION**

### **That Council:**

- 1. Approves an increased contribution of \$61,850 over and above the current contribution of \$130,650 (total \$192,500).**
- 2. Subject to the recommended tender being within the allowed budget of \$500,000 and complying with Council's Procurement Policy, delegate to the Chief Executive Officer the power to award the Walkerville North Foreshore Development Project (civil works) which exceeds the Chief Executive Officer financial delegation of \$250,000 (including GST).**
- 3. Delegate to the Manager Engineering and Assets the power to approve variations up to the contingency allowance within the contract.**

**Cr Hill made a request to separate the Motion so that it can be voted on in separate parts, the Mayor allowed the Motion to be voted in separate parts.**

**MOVED:** Cr Brunt

**SECONDED:** Cr Edwards

### **THAT COUNCIL:**

- 1. APPROVES AN INCREASED CONTRIBUTION OF \$61,850 OVER AND ABOVE THE CURRENT CONTRIBUTION OF \$130,650 (TOTAL \$192,500).**
- 2. SUBJECT TO THE RECOMMENDED TENDER BEING WITHIN THE ALLOWED BUDGET OF \$500,000 AND COMPLYING WITH COUNCIL'S PROCUREMENT POLICY, DELEGATE TO THE CHIEF EXECUTIVE OFFICER THE POWER TO AWARD THE WALKERVILLE NORTH FORESHORE DEVELOPMENT PROJECT (CIVIL WORKS) WHICH EXCEEDS THE CHIEF EXECUTIVE OFFICER FINANCIAL DELEGATION OF \$250,000 (INCLUDING GST).**
- 3. DELEGATE TO THE MANAGER ENGINEERING AND ASSETS THE POWER TO APPROVE VARIATIONS UP TO THE CONTINGENCY ALLOWANCE WITHIN THE CONTRACT.**



**Councillor Skinner proposed the Motion including the three parts to be deferred.**

**MOVED:** Cr Skinner

**SECONDED:** Cr McEwen

**THAT COUNCIL AGENDA ITEM 5.9 WALKERVILLE NORTH FORESHORE DEVELOPMENT PROJECT - INCREASE COUNCIL CONTRIBUTION - AWARD CONTRACT UNDER CEO DELEGATION BE DEFERRED UNTIL SUCH TIME AS COUNCILLORS HAVE RECEIVED AN BRIEFING ON THE MATTER DETAILING PROJECT SPECIFICS AND BACKGROUND INFORMATION FROM ALL STAKEHOLDERS RELATING TO THE PROPOSED INCREASED CONTRIBUTION OF SHIRE FUNDS TO THE WALKERVILLE FORESHORE COMMITTEE PROJECT BE PROVIDED. THE BRIEFING TO INCLUDE INFORMATION ON CONSULTATION UNDERTAKEN BY THE COMMITTEE. THIS MATTER BE TABLED AT COUNCIL'S 25 OCTOBER 2017 ORDINARY COUNCIL MEETING.**

**For:** Cr McEwen, Skinner, Brown, Rich, Hill, Kiel, Brown

**Against:** Cr Edwards, Brunt

**CARRIED**

## **REPORT**

### **Background**

The Foreshore Project forms part of the 2017/18 Capital Works Program and involves the reconstruction of approximately 350m of the existing seawall north of the boat ramp and adjacent civil works including rehabilitation of the existing road, construction of new car and boat trailer parking, retaining walls, and footpaths.

### **Timing of works**

The seawall works commenced mid-August and are expected to be completed by mid-September 2017. The seawall works is a separate contract to the civil works and is being managed by the Foreshore Committee. The Foreshore Committee is keen to have as much of the works as possible completed prior to the coming summer season.

In order to meet the Foreshore Committee's desired timeframe and enable the delivery of the project in a timely manner, it is recommended that Council delegate to the CEO the power to award the contract for the civil infrastructure works element of this project as the total value exceeds the CEO's financial delegation of \$250,000 including GST. This is subject to the recommended tender being within the allowed budget, the contract complying with Council's Procurement Policy, and the awarding being reported to the next appropriate Ordinary Council Meeting in accordance with Council's Instrument of Delegation to the CEO dated 22 February 2017.

The Foreshore Committee have sent a letter to Council advising that there has been an increase from \$292,880.13 based on schematic plans in the civil infrastructure works component of the project to \$490,856.10 based on the final detailed design. A copy of their correspondence is available in **Attachment [5.9.1] – Correspondence – Walkerville Foreshore Committee of Management**.

Given that all the works to be constructed under this contract will become Council assets, there is a reasonable argument that Council's contribution should be increased.

### **CONSULTATION**

Consultation has been carried out with the Foreshore Committee on how these works should be delivered.

## RESOURCES

The majority of the project is being funded by the Foreshore Committee with contributions from Council (\$130,650) and the Department of Economic Development, Jobs, Transport and Resources (DEDJTR) of \$130,020 under the *Boating Safety and Facilities Program*.

The revised total cost of the project is in the vicinity of \$900,000 with approximately \$410,000 of this amount being directed towards the construction of the seawall, leaving approximately \$490,000 for the civil infrastructure works – refer to **Table 1** for the revised overall project cost.

**Table 2 - Revised Overall Project Cost**

	Original Estimate	Current Estimate
Seawall	\$410,000.00	\$410,000.00
Civil Infrastructure	\$292,880.13	\$490,856.10
<b>Revised Overall Project Cost</b>	<b>\$702,880.13</b>	<b>\$900,856.10</b>

The renewal component is \$173,000 of the total civil infrastructure works (\$490,856.10) and the new civil infrastructure works is \$317,856. Renewal of existing assets is clearly a Council responsibility. As the pavement is approximately half way through its life, it is recommended that Council fund 50 percent of this component.

There is also an argument for Council to contribute a third of the value of the new civil infrastructure works<sup>1</sup> which is a similar to the approach adopted in the Special Charge Scheme Policy and the Social Community Infrastructure Blueprint. If this approach is followed, Council's contribution would increase from \$130,650 to \$192,650, being an additional \$62,000 approximately. The breakdown of the revised contribution from Council is detailed in **Table 2** below.

**Table 3 - Revised Council Contribution (Civil Infrastructure \$490,856.10)**

Breakdown	Proposed Contribution
Renewal works @ 50 percent	\$86,500
Plus 33 percent of additional works	\$106,000
<b>Revised Council Contribution</b>	<b>\$192,500</b>
Less Council's current contribution	\$130,650
<b>Required Council Contribution Increase</b>	<b>\$61,850</b>

The Foreshore Committee has the capacity to pay (**Attachment [5.9.1]**) if Council determines not to increase the contribution.

## **RISKS**

If Council does not increase its contribution for the civil infrastructure works element of this project, the Foreshore Committee will have reduced financial capacity to carry out further planned works on sections of the seawall towards the camp ground. This may negatively impact on Council's road asset which is already vulnerable to tidal action in some areas.

Providing delegation to the CEO will reduce the risk of as much of these works as possible not being completed before the upcoming summer season as requested by the Foreshore Committee.

Without the power delegated to the CEO to award this contract, there would be a delay of at least one month in order to present the report to the next available Council meeting which would mean these works would be delayed by at least one month.

## **ATTACHMENTS**

*Attachments are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

1. Correspondence – Walkerville Foreshore Committee of Management  
[5.9.1]

## **REFERENCE DOCUMENTS**

### **Council Policy**

Council Instrument of Delegation to the CEO dated 22 February 2017

Long Term Financial Plan

Procurement Policy

Social Community Infrastructure Blueprint

Special Charge Scheme Policy

### **Legislative Provisions**

Local Government Act 1989

**Councillor Jeremy Rich left the Council Meeting at 5.11pm with a declared direct Conflict of Interest on Agenda Item 5.9 WALKERVILLE NORTH FORESHORE DEVELOPMENT PROJECT - INCREASE COUNCIL CONTRIBUTION - AWARD CONTRACT UNDER CEO DELEGATION as he is a Director of Ansevata.**

## **6. OTHER COUNCIL REPORTS**

### **6.1. WALKERVILLE RETARDING BASIN – CAPACITY MAINTENANCE OPTIONS**

Executive Office

#### **EXECUTIVE SUMMARY**

In 1990 the Shire of Woorayl entered into a water taking agreement with Ansevata Nominees Pty Ltd to facilitate a retarding basin for the stormwater management of the Prom Views Estate. Under the agreement Council is obliged to maintain the capacity of the basin. Currently the basin is under capacity due to silt build up.

#### **RECOMMENDATION**

That Council:

1. Note that clause 2.2 and 3.1 of the Agreement for Taking of Water (Attachment [6.1.1]) requires Council to maintain the capacity of Walkerville retarding basin at not less than 13.5 megalitres.
2. Direct the officers to prepare a report for Council detailing the methodology, timing, cost and source of funding to restore the capacity of the Walkerville retarding basin.
3. Receive the report at the 25 October 2017 Ordinary Meeting of Council.

**Councillor McEwen left the Council Meeting at 5.21pm and returned at 5.22pm**

**MOVED:** Cr Brunt

**SECONDED:** Cr Skinner

**THAT COUNCIL:**

- 1. NOTE THAT CLAUSE 2.2 AND 3.1 OF THE AGREEMENT FOR TAKING OF WATER (ATTACHMENT [6.1.1]) REQUIRES COUNCIL TO MAINTAIN THE CAPACITY OF WALKERVILLE RETARDING BASIN AT NOT LESS THAN 13.5 MEGALITRES.**
- 2. DIRECT THE OFFICERS TO PREPARE A REPORT FOR COUNCIL DETAILING THE METHODOLOGY, TIMING, COST AND SOURCE OF FUNDING TO RESTORE THE CAPACITY OF THE WALKERVILLE RETARDING BASIN.**
- 3. RECEIVE THE REPORT AT THE 25 OCTOBER 2017 ORDINARY MEETING OF COUNCIL.**

**CARRIED**

**FOR:** Cr Brunt, Skinner, Brown, Hill, Argento, Edwards, Kiel

**AGAINST:** Cr McEwen

**Councillor Rich returned to the Council Meeting at 5.30pm.**

## REPORT

The Walkerville retarding basin was built in 1988 with a maximum capacity of 15ML. Due to the build-up of silt the capacity has reduced to 13ML. It is implicit in the water taking agreement that the retarding basin maintain a capacity of 13.5ML. Clause 2.2 and 3.1 of the Agreement for Taking of Water (**Attachment [6.1.1]**) refer to the capacity of the basin.

Council now requires a report to recommend the most suitable option to restore the capacity of the basin and the cost and timing of that option.

## CONSULTATION

Consultation will be undertaken with Ansevata Nominees Pty Ltd if Council endorses a preferred methodology.

## RESOURCES

Resources required to undertake these works will be addressed in the forthcoming report.

## RISKS

If Council does not undertake these works to rectify the capacity of the Walkerville retarding basin it will be in breach of the conditions implied in the 1990 Agreement for Taking of Water with Ansevata Nominees Pty Ltd.

## STAFF DISCLOSURE

<b>Name:</b>	Paul Stampton,
<b>Title:</b>	Acting Director Development Services
<b>Conflict of Interest:</b>	Indirect Interest - Conflict Duty (Part 3.7)
<b>Reason:</b>	Member of Walkerville Foreshore Committee

## ATTACHMENTS

*Attachments are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

1. Agreement For Taking of Water 1990 - Walkerville Retarding Basin **[6.1.1]**

## **7. NOTICES OF MOTION AND/OR RESCISSION**

### **7.1. NOTICE OF MOTION 706 - AGNES FALLS TOORA**

#### **MOTION**

I, Councillor Ray Argento, advise that I intend to submit the following motion to the Ordinary Meeting of Council scheduled to be held on 27 September 2017.

#### **That Council:**

- 1. Rescind any previous motions in regard to the Toora Dredging project.**
- 2. Redirect sufficient funds from the Toora Dredging project to complete the Agnes Falls Scenic Reserve Development project.**
- 3. Commence work on the Agnes Falls Scenic Reserve Development project by completing the cantilever viewing platform.**
- 4. Commence discussions with Parks Victoria to identify funding to complete the car park upgrade and associated road works.**

**MOVED:** Cr Brunt

**SECONDED:** Cr Edwards

**A proposed AMENDMENT to the Motion was moved by Cr Argento.**

**Cr Hill left the Council Meeting at 5.36pm and returned at 5.41pm.**

**MOVED:** Cr Argento

**SECONDED:** Cr Skinner

#### **THAT COUNCIL:**

- 1. RESCIND ANY PREVIOUS MOTIONS IN REGARD TO THE TOORA DREDGING PROJECT.**
- 2. REALLOCATE A \$170,000 FROM THE TOORA DREDGING PROJECT TO THE AGNES FALLS PROJECT TO CONSTRUCT THE CANTILEVER PLATFORM MAKING THE TOTAL BUDGET \$520,000.**
- 3. ALLOCATE REMAINING \$130,000 TO THE 2018/19 BUDGET, FOOTPATH EXTENSION PROGRAM.**



- 4. RECEIVE A FURTHER REPORT TO AWARD THE CONTRACT FOR THE DESIGN AND CONSTRUCTION OF THE AGNES FALLS SCENIC CANTILEVER PLATFORM.**
- 5. COMMENCE DISCUSSIONS WITH PARKS VICTORIA TO IDENTIFY FUNDING TO COMPLETE CAR PARK UPGRADE AND ASSOCIATED ROAD WORKS FOR AGNES FALLS.**

**CARRIED UNANIMOUSLY**

## **BACKGROUND**

### **Agnes Falls Scenic Reserve Development Project**

As Victoria's highest single span waterfall (at 59 metres), Agnes Falls is a strategic asset for attracting tourists. Currently, Agnes Falls is the second most visited attraction in South Gippsland during the winter months. It is estimated that visitation to the falls reached approximately 32,910 in the 2016/2017 financial year. Though popular with tourists, infrastructure at Agnes Falls presently suffers from poor signage, lack of an appropriate viewing deck, poor car parking and limited recreational opportunities at the falls, thereby restricting the potential for increased visitation.

Managed by Parks Victoria, Agnes Falls is classified as a Scenic Reserve, not a State or National Park. The reserve is also supported by a Friends of Agnes Falls group. Although not an identified priority for Parks Victoria they are fully supportive of the development and committed to the ongoing maintenance of the reserve, including any upgrades to infrastructure.

### **Benefits**

Visitation numbers to Agnes Falls directly aids in the support of our smaller Corner Inlet communities such as Port Franklin, Toora, Welshpool, Port Welshpool and neighboring communities.

Construction of works at Agnes Falls will link in other projects such as the Long Jetty, Great Southern Rail Trail whilst complementing South Gippsland's Wilsons Promontory National Park enabling the start of a Tourism Trail for our Shire.

### **Toora Dredging**

To date only \$50,000 in funding has been able to be secured for the Toora channel dredging project. State Government requirements to enable dredging within Corner Inlet have significantly increased, reducing the likelihood of this project being achievable. With no extra funding forthcoming, Council recently – with State Government approval – re-allocated that funding to a boat washing facility at Port Welshpool.

Ongoing costs to sustain a clear channel will also impact on future budgets.

The community is now of the realisation that improved facilities at Port Welshpool will accommodate their requirements, while Toora Jetty will remain a tidal jetty.

## **REFERENCES**

### **Council Plan 2017-2012**

- 1. Strengthen Economic Growth & Prosperity
  - 1.2 Develop a strategy to grow the Shire, attract investment and promote Tourism consistent with the Vision.
- 2. Build Strong Partnerships, Strengthen Arts & Culture & Deliver Equitable Outcomes
  - 2.1 Where appropriate support community groups to achieve projects they have ownership of and want to progress.
- 3. Improve South Gippsland's Built Asset's & Value our Natural Environment

### **Council Annual Budget**

Ordinary Meeting of Council - 23 November 2016 - Minutes – Item 5.4

Proposed Application Tourism Demand Driver Infrastructure Program – Agnes Falls Scenic Reserve

Corner Inlet Tourism Development Project – Economic Impact Study.

Friends of Agnes Falls Presentation 23 November 2016

## **REFERENCE DOCUMENTS**

Confidential Briefing Report on the Proposed Application to the Tourism Demand Driver Infrastructure Program Agnes Falls

Annual Budget 2017/18

Council Plan 2017-2021

## **8. PROCEDURAL REPORTS**

### **8.1. FINANCIAL PERFORMANCE REPORT JULY TO AUGUST 2017**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

This Report provides an overview of Council's financial performance for the period July to August 2017, in summary:

- Operating result: \$0.36 million deficit which is \$0.18 million favourable when compared with the year to date budget projection of a \$0.54 deficit.
- Capital works: \$0.66 million expenditure which is \$0.53 million behind a year to date budget of \$1.19 million.
- Cash assets: Projected 30 June \$9.94 million, against a budget of \$7.74 million.
- Underlying working capital ratio: Projected 30 June 1.53 to 1 against a budget of budget 1.65 to 1.
- The projected financial outcome for 2017/18 is a \$2.29 million surplus. This is \$0.53 million favourable compared to the originally budgeted surplus of \$1.76 million.
- The Minister for Local Government on 19 December 2016 reduced the rate cap for 2017/18 to 2.00 per cent. This situation requires careful and strategic management as the forthcoming 2018/19 Annual Budget / LTFP is developed.

#### **RECOMMENDATION**

**That Council receive and note the Financial Performance Report (Attachment [8.1.1]) for the period July to August 2017.**

**MOVED:** Cr Hill

**SECONDED:** Cr Brown

**THAT THE RECOMMENDATIONS IN ITEMS 8.1, 8.2 AND 8.3 BE ADOPTED.**

**CARRIED UNANIMOUSLY**

## REPORT

Council each year sets an Annual Budget within the framework of a 15 year Long Term Financial Plan. Guidance is provided by the Long Term Financial Strategies when developing annual and longer term budgets. The financial integrity of the budgeted financial statements in the annual and forward budgets can be assessed by reference to financial performance indicators.

Throughout the course of the financial year the actual financial performance is managed by:

- Comparing year-to-date actual financial performance with the year-to-date budgets.
- Monitoring the financial impact of changes made to budget projections on the forecast financial results at year end; and
- Monitoring the longer term financial ramifications against the originally adopted Long Term Financial Plan.

The financial performance indicators that were used to develop the annual and long term budgets are used to monitor projected financial outcomes at year-end as well as the longer term financial ramifications.

The Financial Performance Reports are intentionally prepared outside traditional quarterly cycles. The timelines better align with strategic events that occur throughout the financial year. This enables important financial updates to be provided to Council and the community in a timely manner.

The reporting timelines include:

- August: Report identifies financial implications of previous year's financial results as well the budget impact of funding projects carried forward that were not completed by 30 June.
- November: Report identifies financial implications of any changes made to operational or capital budgets prior to the commencement of the development of the annual budget for the following financial year.
- February: Report aligns with annual budget process.
- May: Report provides Council with an anticipated financial outcome for year-end including identifying budgets being carried forward for projects that are not expected to be completed by 30 June.

At the end of the financial year, comprehensive financial statements and performance statements are produced, subject to external audit and included in the Annual Report.

## **DISCUSSION**

**Attachment [8.1.1] - Financial Performance Report contains detailed reporting on:**

**Section 1** – Year-to-date financial performance and projected financial results.

This section discusses variations in year to date performance and budget projections. The information is presented in the budgeted financial statements format.

**Section 2** – Annual year-to-date financial analysis.

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

**Section 3** – Long Term Financial Plan analysis.

This section benchmarks and strategically analyses the financial impact of the projected financial results for the year against the adopted Annual Budget, Long Term Financial Plan and the Long Term Financial Strategies key performance indicators.

## **RISKS**

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

Council can not only assess year-to-date performance, but can also understand the annual and longer term financial implications.

## **ATTACHMENTS**

*Attachments are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

1. Financial Performance Report **[8.1.1]**

## **REFERENCE DOCUMENTS**

### **Council Policy**

*Documents are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

Annual Budget Incorporating 15 Year Long Term Financial Plan and Annual Plan Initiatives

### **Legislative Provisions**

Local Government Act 1989

## **8.2. ASSEMBLY OF COUNCILLORS: 18 JULY 2017 TO 21 AUGUST 2017**

Corporate and Community Services Directorate

### **EXECUTIVE SUMMARY**

As part of Council's ongoing efforts to enhance community engagement in Council processes, matters discussed at Councillor Briefing Sessions (other than those matters designated to be of a confidential nature) are reported 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 between 18 July and 21 August 2017.

### **RECOMMENDATION**

**That Council receives and notes this report.**

**NOTE: The recommendations was CARRIED UNANIMOUSLY as part of a single motion, refer to page 141.**

## REPORT

Meeting Title	Details
<b>Tuesday 18 July 2017</b>	
<b>South Gippsland Towns and Districts Associations Network Meeting</b>	<p><b>Councillors Attending:</b> Councillor Edwards</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Relay for Life in South Gippsland Value of partnership with Prom Country Regional Tourism (PCRT) for township websites.</p>
<b>Wednesday 26 July 2017</b>	
<b>Council Agenda Topics Discussion 26 July 2017</b>	<p><b>Councillors Attending:</b> Councillors Skinner, Argento, Brown and Kiel.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were provided information on Council Agenda items for the Ordinary Council Meeting 26 July 2017.</p>
<b>Public Presentations</b>	<p><b>Councillors Attending:</b> Councillors Skinner, Argento, Brown, Kiel, Brunt and McEwen.</p>
<b>Open Session</b>	<p><b>Conflict of Interest:</b> Nil disclosed.</p>
<p><b>Presentations were made to Council by the following community members:</b>  <b>Sue Shergold</b>, addressed Council regarding Council Agenda Item 4.1. WARATAH BAY CARAVAN PARK - PROPOSED LEASE.  <b>Ross Garner</b>, addressed Council regarding Council Agenda Item 5.1. COUNCIL RESPONSE TO RESOLUTION 6.4.2 2017/18 STAFF COSTS.</p>	
<b>Proposed Offshore Wind Farm</b>	<p><b>Councillors Attending:</b> Councillors Skinner, Brunt, McEwen, Argento, Brown and Kiel.</p>
<b>Open Session</b>	<p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Council were provided information from 'Offshore Energy' on an Australia's first proposed offshore wind farm off the coast of South Gippsland.</p>



Meeting Title	Details
<b>Wednesday 26 July 2017</b>	
<b>Baromi Park Masterplan Community Forum</b>	<p><b>Councillors Attending:</b> Councillor Kiel</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b></p> <ul style="list-style-type: none"> <li>• History of Baromi Park</li> <li>• Community Capital Works Allocation process</li> <li>• Ideas for additional projects for inclusion in masterplan</li> </ul>
<b>Council Agenda Topics Discussion 26 July 2017</b>	<p><b>Councillors Attending:</b> Councillors Skinner, Brunt, McEwen, Argento, Brown, Kiel and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were provided information on Council Agenda items for the Ordinary Council Meeting 26 July 2017.</p>
<b>Wednesday 2 August 2017</b>	
<b>Leongatha Railway Site Transformation – Draft Concept Plan</b>	<p><b>Councillors Attending:</b> Councillors Kiel, Argento and Edwards.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were provided an update following the initial public consultation on the project.</p>
<b>VicRoads Briefing: Realignment of South Gippsland Hwy Koonwarra (Black Spur)</b>  <b>Open Session</b>	<p><b>Councillors Attending:</b> Councillors Kiel, Argento, Edwards and Rich.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> VicRoads provided Council with a briefing regarding the realignment of the Black Spur section of the South Gippsland Shire Council Highway, south of Koonwarra. The briefing was for VicRoads to update Council prior to a Community Information session held in Koonwarra on the 9 August about the status of the realignment.</p>

Meeting Title	Details
<b>Wednesday 2 August 2017</b>	
<b>Councillor / CEO</b>	<p><b>Councillors Attending:</b> Councillors Kiel, Edwards, Rich, Skinner and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b></p> <ul style="list-style-type: none"> <li>• Common Law Resolutions – recent correspondence</li> <li>• Councillor Workshop on 9 August 2017</li> <li>• July 2017 Council report 5.1. COUNCIL RESPONSE TO RESOLUTION 6.4.2 2017/18 STAFF COSTS.</li> </ul>
<b>Public Transport Ombudsman</b>	<p><b>Councillors Attending:</b> Councillors Kiel, Argento, Edwards, Rich, Hill and Skinner.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> The Public Transport Ombudsman discussed with Council opportunities for the department to directly engage with the South Gippsland community and work with Council to raise awareness of its services.</p>
<b>Planning Briefing</b>	<p><b>Councillors Attending:</b> Councillors Edwards, Skinner, Kiel, Rich and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Planning Briefing is a monthly session where Council is provided with an update on planning matters of community interest.</p> <ul style="list-style-type: none"> <li>• Planning Permit Fees</li> <li>• Strategic Planning Project List</li> <li>• Planning Applications of Interest</li> <li>• Decisions for June 2017</li> <li>• VCAT Decisions</li> </ul>
<b>Antidiscrimination, Bullying and Harassment Policy</b>	<p><b>Councillors Attending:</b> Councillors Edwards, Skinner, Kiel, Rich and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were provided the recently reviewed and adopted Antidiscrimination, Bullying and Harassment Policy. In addition Councillors considered their own behaviours in accordance with the Policy.</p>

Meeting Title	Details
<b>Wednesday 9 August 2017</b>	
<b>Councillor Teamwork Workshop - What Works Best for Us?</b>	<p><b>Councillors Attending:</b> Councillors Skinner, Brunt, Brown, McEwen, Argento, Hill, Rich, Kiel and Edwards.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors took part in a Workshop that focused on teamwork, information flow and determining what methods work best for Council.</p>
<b>Foster Stockyard Gallery – Special Committee of Council, section 86 Annual General Meeting (AGM)</b>	<p><b>Councillors Attending:</b> Councillor Skinner</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b></p> <ul style="list-style-type: none"> <li>• Nominations of committee members</li> <li>• AGM documentation</li> <li>• Quality of stock</li> <li>• Floor replacement</li> </ul>
<b>Wednesday 16 August 2017</b>	
<b>Executive Update</b>	<p><b>Councillors Attending:</b> Councillors Skinner, Brunt, Brown, McEwen, Argento, Kiel and Edwards.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b></p> <ul style="list-style-type: none"> <li>• Korumburra supermarket site development and next steps to pursue options for temporary accommodation.</li> <li>• Councillor Workshop Action Items from 9 August 2017.</li> <li>• Reissuing of Agenda to include the Item 6.1 VCAT DETERMINATION - CR HILL V. COUNCILLOR CONDUCT PANEL</li> </ul>

Meeting Title	Details
<b>Wednesday 16 August 2017</b>	
<b>Ordinary Council Agenda Topics Discussion</b>	<p><b>Councillors Attending:</b> Councillors Skinner, Brunt, Brown, McEwen, Argento, Rich, Kiel and Edwards.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were provided information on Council Agenda items for the Ordinary Council Meeting 23 August 2017.</p>
<b>Planning Process 2018/19: Council Plan and Annual Initiatives</b>	<p><b>Councillors Attending:</b> Councillors Skinner, Brunt, Hill, Brown, McEwen, Argento, Rich, Kiel and Edwards.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors discussed and commenced the process for scheduling initiatives over the following year.</p>
<b>Leongatha Railway Site Transformation – Leongatha Secondary College Presentation</b>  <b>Open Session</b>	<p><b>Councillors Attending:</b> Councillors Skinner, Brunt, Hill, Brown, McEwen, Argento, Rich, Kiel and Edwards.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Students from Leongatha Secondary College presented to Council on their ideas for the Leongatha Railway Site Transformation project.</p>
<b>Domestic Animal Management Plan 2017-2021</b>  <b>Open Session</b>	<p><b>Councillors Attending:</b> Councillors Skinner, Brunt, Hill, Brown, McEwen, Argento, Rich, Kiel and Edwards.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were provided the outcomes of the community engagement phase of the Domestic Animal Management Plan 2017-2021. The Plan is proposed to be adopted at the 27 September Council Meeting.</p>

Meeting Title	Details
<b>Wednesday 16 August 2017</b>	
<b>Public Presentations</b>	<b>Councillors Attending:</b> Councillors Skinner, Brunt, Hill, Brown, McEwen, Argento, Rich, Kiel and Edwards.
<b>Open 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><i>Presentations @ 2pm</i></b></p> <p><b>Clive Hope</b>, representing the Meeniyen Progress Association addressed Council regarding Council's Policy towards towns with Community Plans</p> <p><b>Kylie Laing</b>, Wildlife Shelter Operator regarding Council's Domestic Animal Management Plan 2017-2021.</p> <p><b><i>Presentation @ 5pm</i></b></p> <p><b>Steve Wilson</b>, representing Leongatha Cycling Club Strategic Plan regarding the Leongatha Cycling Club Strategic Plan.</p>	
<b>Draft Tennis Facilities Plan – Outcome Community Consultation</b>	<b>Councillors Attending:</b> Councillors Skinner, Brunt, Hill, Brown, McEwen, Argento, Rich, Kiel and Edwards.
<b>Open Session</b>	<b>Conflict of Interest:</b> Nil disclosed. <b>Matters Discussed:</b> Councillors were provided information on the Draft Tennis Facilities Plan that was distributed to the community for comment in April 2017. The submissions received have informed the changes in the proposed Draft Plan.
<b>Councillor/CEO</b>	<b>Councillors Attending:</b> Councillors Skinner, Brunt, Hill, Brown, McEwen, Argento, Rich and Kiel. <b>Conflict of Interest:</b> Nil disclosed. <b>Matters Discussed:</b> <ul style="list-style-type: none"> <li>Council's obligations under the Occupational, Health and Safety Act 2004</li> </ul>

Meeting Title	Details
<b>Thursday 17 August 2017</b>	
<b>Active Retirees Advisory Committee</b>	<b>Councillors Attending:</b> Councillor Andrew McEwen <b>Conflict of Interest:</b> Nil disclosed. <b>Matters Discussed:</b> <ul style="list-style-type: none"><li>• Active Retirees Advisory Committee Terms of Reference review</li><li>• Seniors Festival 2017</li><li>• Proposed presentation to Council – 20 September 2017</li></ul>

**REFERENCE DOCUMENTS****Legislative Provisions**

Local Government Act 1989

### **8.3. DOCUMENTS SEALED, AWARDED OR EXTENDED BY CEO 22 JULY TO 25 AUGUST 2017**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

This document reports to Council the following actions undertaken by the Chief Executive Officer (CEO) which occurred during the period from 22 July to 25 August 2017, 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 or extended by the CEO which exceeded the CEO's delegation.

#### **RECOMMENDATION**

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

**NOTE: The recommendations was CARRIED UNANIMOUSLY as part of a single motion, refer to page 141.**

## **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 that is an official sanction of that Council.

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

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

In accordance with the Local Law and Instrument of Delegation, the following are presented to Council as documents sealed during the period from 22 July to 25 August 2017:

1. CON/140-AA Annual Supply – Plant Hire and Cartage Contractors between South Gippsland Shire Council and Quality Roads Pty Ltd – Seal applied 24 July 2017;
2. Contract CON/140-F Annual Supply – Plant Hire and Cartage Contractors between South Gippsland Shire Council and Coates Hire Operations Pty Limited – Seal applied 24 July 2017;
3. Contract CON/140-H Annual Supply – Plant Hire and Cartage Contractors between South Gippsland Shire Council and David Harris Earthmoving Pty Ltd – Seal applied 31 July 2017;
4. Contract CON/140-BB Annual Supply – Plant Hire and Cartage Contractors between South Gippsland Shire Council and Sure Constructions (Vic) Pty Ltd – Seal applied 12 July 2017;
5. Contract CON/140-N Annual Supply – Plant Hire and Cartage Contractors between South Gippsland Shire Council and Fowlers Asphalting Pty Ltd – Seal applied 9 August 2017;
6. Contract CON/141-I Annual Supply / Delivery – Quarry Products and Road Making Materials between South Gippsland Shire Council and David Harris Earthmoving Pty Ltd – Seal applied 31 July 2017;



7. Contract CON/141 Annual Supply / Delivery – Quarry Products and Road Making Materials between South Gippsland Shire Council and K & R J Matthews Quarries Pty Ltd – Seal applied 31 July 2017;
8. Contract CON/134 Management and Operation of the Toora Outdoor Swimming Pool between South Gippsland Shire Council and E C & C A Bennett – Seal applied 14 August 2017;
9. Section 173 Agreement between South Gippsland Shire Council and the owner of 4 Crichton Crescent, Venus Bay in relation to the development of a dwelling and the removal of native vegetation – Seal applied 24 July 2017;
10. Section 173 Agreement between South Gippsland Shire Council and the owner of 50 McIndoe Avenue, Venus Bay in relation to the development of a dwelling and the removal of native vegetation – Seal applied 2 August 2017;
11. Section 173 Agreement between South Gippsland Shire Council and the owner of 832 Lees Road, Venus Bay in relation to the development of a dwelling, native vegetation removal and works within a road reserve – Seal applied 2 August 2017;
12. Section 173 Agreement between South Gippsland Shire Council and the owner of 26 Banksia Avenue, Venus Bay in relation to development of a dwelling – Seal applied 8 August 2017;
13. Section 173 Agreement between South Gippsland Shire Council and the owner of 305 Clancys Road, Korumburra in relation to Subdivision of the land into 2 lots – Seal applied 8 August 2017;
14. Section 45 *Transfer of Land Act 1958* Execution of Sale of 52 Shellcot Road Korumburra – Seal applied 8 August 2017; and
15. Section 173 Agreement between South Gippsland Shire Council and the owner of 12 Cumberland Court, Tarwin Lower in relation to develop land with a single dwelling and domestic outbuilding.

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

The CEO's delegation from Council allows the CEO to award contracts up to the value of \$250,000 (inclusive of GST), with the exception of Annual WorkCover and Council insurance premiums.

Council's Procurement Policy requires recording 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 contract's purpose, the successful tenderer, contract length and the total contract price.

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

The following contracts awarded were awarded during the period 22 July 2017 to 25 August 2017 under the CEO's financial delegation of \$250,000 (inclusive of GST) following a public tender that were not specified in the 28 June 2017 resolution (refer to the paragraph below).

1. Nil.

Council resolved on 28 June 2017 to delegate to the CEO the power to award contracts specified in the resolution, subject to the preferred tenders being within budget and that Council receive a report detailing the contracts awarded. The following contracts were awarded during the period 22 July 2017 to 25 August 2017 that were specified in the 28 June 2017 resolution and that were within budget:

1. RFT/145 Reconstruction and Upgrade of Tompkins Road Meeniyen – Awarded by the Chief Executive Officer on 31 July 2017 to South Gippsland Quarries Pty Ltd for the lump sum amount of \$421,787.30 (including GST, Provisional Items and Contingency amount).

#### **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 and to ensure delays to key projects are avoided, following consultation with the Mayor and subject to this variation being reported to the next practicable Council Meeting.

The following variations to a contract which exceeds the CEO's delegation, approved by the CEO during the period 22 July to 25 August 2017:

1. Nil.

#### **Contract extensions approved by the CEO**

Council's Procurement Policy authorises the CEO to enter into any contract extensions subject to the satisfactory performance of the contractor and the extension being reported to Council for any contracts which in total exceeds the CEO's delegation.

The following contract extensions approved by the CEO during the period 22 July to 25 August 2017:

1. Nil.

#### **REFERENCE DOCUMENTS**

##### **Council Policy**

*Documents are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

Local Law No. 3 2010, Processes of Municipal Government (Meeting Procedures and Common Seal)

Procurement Policy, 28 June 2017

Instrument of Delegation to the Chief Executive Officer, 22 February 2017

##### **Legislative Provisions**

Local Government Act 1989 (the Act), ss.5 and 186

## 9. COUNCILLOR REPORTS

### 9.1. REQUESTS FOR LEAVE OF ABSENCE

Nil

### 9.2. COUNCILLOR UPDATES

<b>Cr Skinner</b>		
<b>Date</b>	<b>Event</b>	<b>Comments</b>
August 2017	West Gippsland Regional Library Board meeting	I am very impressed with new CEO Leanne Williams and look forward to working with this board to promote the library services our community hold dear. There are certainly some both challenging and exciting times ahead for our library service in South Gippsland.
August 2017	AGM Sandy Point Community Group	Where their annual report was presented. to reflect on the achievements of the group over the past year which have included a successful grant application of nearly \$50,000 from the Victorian State Government for a biodiversity project over the next 3 years.
August 2017	Foster Showgrounds Section 86 committee	Annual General Meeting held. They are looking at undertaking a significant project of upgrading the basketball stadium and are looking forward to the benefit of the recycled water project which was determined through the community capital works funding allocation project and sees \$400k invested in this community determined project.
August 2017	Advisory Group for the Venus Bay Environment project	Some great ideas being generated from the community members to enhance Van Cleef Reserve and look at interpretive signage in the park and in the town to promote the protection of our native wildlife. The project may also include environmental sculpture/s as a way of promoting a shared understanding of people and place. This project forms part of the \$400k capital infrastructure funding for Venus Bay; and exciting project for our coastal area.

<b>Cr Kiel</b>		
<b>Date</b>	<b>Event</b>	<b>Comments</b>
August 2017	Daffodil Festival	Complimented the success of the event.
August 2017	Coal Creek	Generational Learning event at Coal Creek.
August 2017	Mirboo North	Advocated regarding the logging in Mirboo North.
August 2017	Various	Digital Conference, Community Grant at RSL, establishing of U3A, Meenyian Art Gallery opening ceremony. Attended the PCRT meeting.

<b>Cr Edwards</b>		
<b>Date</b>	<b>Event</b>	<b>Comments</b>
August 2017	Various	Attended Gippsland Digital Conference, Community Grant, PCRT Meeting, Meenyian Art Gallery opening, Chamber of Commerce and Walkerville Foreshore Committee this coming Saturday, encouraging support.

<b>Cr Brown</b>		
<b>Date</b>	<b>Event</b>	<b>Comments</b>
15 September 2017	Workshop	Attended a Bullying presentation and Youth Strategy Development Workshop with secondary school students from many schools on 15 September 2017.

<b>Cr McEwen</b>		
<b>Date</b>	<b>Event</b>	<b>Comments</b>
September	Rail Freight Alliance	Rail Freight Alliance Meeting.

<b>Cr Brunt</b>		
<b>Date</b>	<b>Event</b>	<b>Comments</b>
September	Coal Creek	Chinese Delegate Conference at Coal Creek along with Councillor McEwen.

<b>Cr Argento</b>		
<b>Date</b>	<b>Event</b>	<b>Comments</b>
September	Port Welshpool	Attended Port Welshpool for a commission of a new vessel.

### **9.3. COMMITTEE UPDATES**

**Nil**

## **10. 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 No. 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 and coming event or the outcomes of a recent meeting with a Minister etc.

## **10.1. 2030 GREATER VICTORIA COMMONWEALTH GAMES BID PROJECT PRE-FEASIBILITY STUDY CONTRIBUTION**

Corporate and Community Services Directorate

### **EXECUTIVE SUMMARY**

Council has been approached by Cr Dinny Adem, Mayor of Greater Shepparton City Council seeking support for the 2030 Greater Victoria Commonwealth Games Bid project.

The State Government has indicated a pre-feasibility study is required to progress the project. The study will cost \$80,000. The State will contribute \$30,000 and has indicated that they would like regional Councils to fund the remaining \$50,000, as a sign of commitment to the project.

The co-contribution sought from Council is \$3,000.

### **RECOMMENDATION**

**That Council:**

- 1. Indicates initial support for the 2030 Greater Victoria Commonwealth Games Bid project, by co-contributing \$3,000 for the pre-feasibility study, on the proviso that the Victorian State Government and other Victorian Councils co-contribute the remaining funds for the study to proceed.**
- 2. Await the outcomes of the pre-feasibility study before considering if any further support will be provided for the 2030 Greater Victoria Commonwealth Games Bid project.**
- 3. Under the Mayor's signature, respond in writing to Mr Peter Harriott, Chief Executive Officer of Greater Shepparton City Council, advising of Council's decision.**



**MOVED:** Cr Edwards

**SECONDED:** Cr Skinner

**THAT COUNCIL CONSIDER ITEM 10.1 2030 GREATER VICTORIA COMMONWEALTH GAMES BID PROJECT PRE-FEASIBILITY STUDY CONTRIBUTION AS AN URGENT ITEM OF BUSINESS AS THE APPLICATION DATE CLOSES BEFORE THE NEXT ORDINARY COUNCIL MEETING.**

**CARRIED UNANIMOUSLY**

**MOVED:** Cr Edwards

**SECONDED:** Cr Skinner

**THAT COUNCIL:**

- 1. INDICATES INITIAL SUPPORT FOR THE 2030 GREATER VICTORIA COMMONWEALTH GAMES BID PROJECT, BY CO-CONTRIBUTING \$3,000 FOR THE PRE-FEASIBILITY STUDY, ON THE PROVISIO THAT THE VICTORIAN STATE GOVERNMENT AND OTHER VICTORIAN COUNCILS CO-CONTRIBUTE THE REMAINING FUNDS FOR THE STUDY TO PROCEED.**
- 2. AWAIT THE OUTCOMES OF THE PRE-FEASIBILITY STUDY BEFORE CONSIDERING IF ANY FURTHER SUPPORT WILL BE PROVIDED FOR THE 2030 GREATER VICTORIA COMMONWEALTH GAMES BID PROJECT.**
- 3. UNDER THE MAYOR'S SIGNATURE, RESPOND IN WRITING TO MR PETER HARRIOTT, CHIEF EXECUTIVE OFFICER OF GREATER SHEPPARTON CITY COUNCIL, ADVISING OF COUNCIL'S DECISION.**

**CARRIED UNANIMOUSLY**

## **REPORT**

The Mayor received a letter on 20 September 2017 from Cr Dinny Adem, Mayor of Greater Shepparton City Council, seeking support for the 2030 Greater Victoria Commonwealth Games Bid project. The letter, in Attachment [10.1.1], outlines details of the request and the contribution scale created by Project Taskforce. The contribution scale is based on population and indicates a contribution of \$6,000 for Councils with populations over 50,000, \$3,000 from Councils with a population between 20,000 and 50,000 people, and \$1,000 from Councils with fewer than 20,000. South Gippsland Shire's contribution would be \$3,000.

The letter indicates that Councils not in a position to financially contribute would not be precluded from the project.

The State Government is hoping that the study will serve a dual purpose – to determine the validity of the Greater Victoria Commonwealth Games model and also to inform the Regional Liveability Strategy; a piece of work it has been wanting to undertake for a period of time.

A copy of the Draft Prefeasibility Study Scope is provided in Attachment [10.1.2]. This document outlines a range of aspects to be covered in the study to determine the potential capability and expected benefits that may result from a Regional Victoria bid to host the Commonwealth Games in 2030.

## **CONSULTATION**

Horsham Rural City Council and Greater Shepparton Council have/are formalising their support for the bid via a Council resolution. They are seeking other regional councils to support the bid and provide a co-contribution to cover the study costs.

## **RESOURCES**

It is unclear beyond the initial co-contribution of \$3,000 sought, what resourcing requirements may be required for the project beyond the pre-feasibility study stage. The study aims to investigate costs, finding sources and an overall cost-benefit analysis. A full feasibility study would form the next stage of the project.

## **RISKS**

It will be important for Council to consider the pre-feasibility study outcomes to determine expected benefits for the Shire and Gippsland Region, before considering and providing full support or further financial commitments to the project. This approach will avoid the risk of committing Council to an unknown level of funding contribution to a project that may have limited or no on-going benefits for the Shire and Gippsland region.

It is possible that insufficient councils will commit funding to co-contribute to fund the pre-feasibility study. It is proposed that Council include a proviso in its decision that the \$3,000 co-contribution will be provided on the basis that the remainder of the study is funded by the State Government and other Victorian Councils.

#### **STAFF DISCLOSURE**

Nil

#### **ATTACHMENTS**

*Attachments are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

1. Letter regarding 2030 Commonwealth Games Bid **[10.1.1]**
2. 2030 GVCG Draft Prefeasibility Study Scope **[10.1.2]**

#### **REFERENCE DOCUMENTS**

##### **Council Policy**

There are no specific Council policy positions specifically relevant to responding to this request.

##### **Legislative Provisions**

There are no legislative provision specifically relevant to responding to this request.

## **11. PUBLIC QUESTIONS**

### **11.1. PETITIONS AND JOINT LETTERS**

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 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 a Public Presentation session speak briefly to its contents. At the following Ordinary Meeting of Council, 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**

## **11.2. ANSWERS TO PREVIOUS QUESTIONS ON NOTICE**

This is an opportunity for the community members to ask questions, in accordance with clause 99 of the Local Law No. 3 2010. Members of the public addressing the Council must extend due courtesy and respect to the Council and must take direction from the Chair whenever called upon to do so.

Questions should be in writing and provided to the Council Business Department at South Gippsland Shire Council. If a response cannot be provided at the Meeting a response will be provided and included in the minutes of the next appropriate Ordinary Meeting of Council.

**Nil**

### 11.3. SUBMITTED PUBLIC QUESTIONS

All community member questions for Ordinary Council Meetings are to be written and submitted to the Council Business Team by close of business on the Friday preceding the meeting to allow time for a response to be prepared, where possible, for the Council Meeting.

Public Question Time in Ordinary Council Meetings is to be used for matters that are generally political in nature or that cannot be addressed by other means. This session should not be used for questions on routine works or operational matters, planning (application) matters or for repeating previously answered questions.

*Source: Public Participation in Meetings with Council Policy (C65) – adopted 23 May 2017.*

**The CEO addressed Council informing them that he had received three written questions from Steve Finlay.**

#### **Question 1**

**Can Council advise the number of Council owned or leased vehicles (including on-call) permitted to be taken to private residences?**

The CEO provided a response by indicating that the information that he is seeking is 41 vehicles.

#### **Question 2**

**Can Council advise the number of those vehicles permitted to be taken to private residences outside the South Gippsland Shire boundaries?**

The CEO provided a response by indicating that the information that he is seeking is 17 vehicles.

#### **Question 3**

**Can Council advise the number of Officers permitted personal use of Council owned or leased vehicles?**

The CEO provided a response by indicating that the information that he is seeking is 31 officers.

**The CEO addressed Council informing them that he had received one written questions from Megan Knight.**

**Question 1**

**Why has Council decided to withdraw from being an accredited HACC Service Provider?**

The CEO provided a response by indicating at this time Council has not made a decision to withdraw from the Home and Community Care Service and no decision will be made this calendar year. Council is however reviewing options for the future of Home and Community Care services in South Gippsland due to a number of changes, to service provision and funding models, planned or proposed by both the State and Commonwealth governments:

- It is anticipated that both the Commonwealth and State Governments will no longer provide funding directly to Council for the provision of HACC services.
- Future funding will be delivered directly to clients under Consumer Directed Care.
- This redirection of funding will occur progressively from June 2019 for some programs.
- Options are being investigated by Council to continue the service in-house or to potentially transition services to a local health care provider.
- Council's priorities are:
  - To ensure continuity of service provision to all clients throughout South Gippsland Shire;
  - Local employment opportunities for affected staff.

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

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

**Nil**



### **13. MEETING CLOSED**

#### **NEXT MEETING**

The next Ordinary Meeting of Council open to the public will be held on Wednesday, 25 October 2017 commencing at 2pm in the Council Chambers, Leongatha.

**The Ordinary Council Meeting Closed at 6.16pm**

**Confirmed this                      25<sup>th</sup> day of October 2017.**

.....  
**Mayor Cr Ray Argento**