



South Gippsland
Shire Council

Come for the beauty, Stay for the lifestyle

COUNCIL MINUTES

**ORDINARY MEETING NO. 404
WEDNESDAY 27 JULY 2016
COUNCIL CHAMBERS, LEONGATHA
COMMENCED AT 2PM**

PRESENT:

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

APOLOGY: Councillor Kieran Kennedy

OFFICERS:

Mr Tim Tamlin	Chief Executive Officer
John Moylan	Acting Director Sustainability and Infrastructure Services
Bryan Sword	Director Development Services
Jan Martin	Director Community and Corporate Services
June Ernst	Coordinator Corporate Planning and Council Business
Natasha Berry	Corporate and Council Business Officer
Jodi Cumming	Corporate and Council Business Officer
Rick Rutjens	Coordinator Media & Communications

MISSION

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

SOUTH GIPPSLAND SHIRE COUNCIL

ORDINARY MEETING NO. 404 WEDNESDAY 27 JULY 2016 COUNCIL CHAMBERS, LEONGATHA COMMENCED AT 2PM

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Tim Tamlin
Chief Executive Officer

SECTION A - PRELIMINARY MATTERS

A.1 WELCOME

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

A.2 OPENING PRAYER

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

Amen

A.3 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

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

A.4 REQUESTS FOR LEAVE OF ABSENCE

Nil

A.5 APOLOGIES

Councillor Kieran Kennedy

A.6 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the South Gippsland Shire Council Ordinary Meeting No. 403, held on 22 June 2016 in the Council Chambers, Leongatha be confirmed.

MOVED: Cr Harding

SECONDED: Cr Davies

**THAT THE MINUTES OF THE SOUTH GIPPSLAND SHIRE COUNCIL
ORDINARY MEETING NO. 403, HELD ON 22 JUNE 2016 IN THE COUNCIL
CHAMBERS, LEONGATHA BE CONFIRMED.**

CARRIED UNANIMOUSLY

A.7 DECLARATION OF CONFLICT OF INTEREST FOR COUNCILLORS

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

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

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

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

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

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

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

Councillor Don Hill declared a direct conflict of interest in respect of Council Reports Item E.11 PROPOSED ROAD OPENING / DECLARATION OF A SECTION OF UNUSED GOVERNMENT ROAD OFF GILES STREET IN THE TOWNSHIP OF MIRBOO NORTH, PARISH OF MIRBOO as he is the applicant and owns land adjoining the unused road.

Cr McEwen declared a direct conflict of interest with Council Agenda Item E.12 PROPOSED ROAD NAME CHANGE FOR TWO SECTIONS OF MCILWAINE STREET, MEENIYAN as he is a resident on this street.

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

Privacy

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

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

A.8 DECLARATION OF CONFLICT OF INTEREST FOR STAFF

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

The Chief Executive Officer, Tim Tamlin declared a direct interest with Council Agenda Item Closed Session with respect of a personnel matter (Local Government Act, section 89(2)(a)) as he is the subject of the matter.

A.9 PETITIONS

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

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

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

Councillor Newton presented a Petition to Council (the prayer is outlined below), containing approximately 666 signatures from the residents of Venus Bay, Tarwin Lower and various surrounding areas in relation to the proposed land sale of 29 Riverside Drive, Tarwin Lower.

'We object to the sale of our craft shop and land. Council should not sell the land'.

RECOMMENDATION

That Council:

1. Receive and note the petition; and,
2. Consider the petition as part of its consideration of Council Agenda item PROPOSED SALE OF LAND 2016-2017 DETERMINATION OF SUBMISSIONS at Council's Ordinary Council Meeting 24 August 2016.

MOVED: Cr Davies

SECONDED: Cr Fawcett

THAT COUNCIL:

1. **RECEIVE AND NOTE THE PETITION; AND,**
2. **CONSIDER THE PETITION AS PART OF ITS CONSIDERATION OF COUNCIL AGENDA ITEM PROPOSED SALE OF LAND 2016-2017 DETERMINATION OF SUBMISSIONS AT COUNCIL'S ORDINARY COUNCIL MEETING 24 AUGUST 2016.**

CARRIED UNANIMOUSLY

A.10 COUNCILLOR REPORTS

Cr Davies addressed Council regarding attendance at the Regional Future Summit in Bendigo. Cr Davies commented that the summit helped to understand the drivers for population growth and how State Government is going to manage this in the future. Cr Davies attended as the Gippsland Representative for Rural Councils of Victoria.

Cr Hill addressed Council regarding attendance at a Municipal Association of Victoria (MAV) workshop held in Melbourne. Cr Hill mentioned that he will be participating in this workshop alongside twelve other councils.

Cr Brunt addressed Council by mentioning the sad loss of one of Council's Access and Inclusion Advisory Committee members, Blair Donaldson and noted his inspiring work in the community and commitment to the committee.

Cr Harding addressed Council regarding attendance at local meetings in Welshpool, Venus Bay, Toora Railway Land meeting and Landcare Meeting at Franklin River Reserve. Cr Harding acknowledged the Shire for their immediate reaction and assistance provided to the properties and families in the Port Welshpool and Toora areas affected by recent flooding.

Cr Harding also mentioned Council's representation at meetings regarding Dairy Farmer Assistance.

SECTION B - NOTICES OF MOTION AND/OR RESCISSION

B.1 NOTICE OF MOTION NUMBER 698 – EXTENDING THE GREAT SOUTHERN RAIL TRAIL

BACKGROUND

The Great Southern Rail Trail in South Gippsland stretches just over 70km from Leongatha to Port Welshpool. The opening of the Koonwarra-Meenyan missing link has shown a significant increase in interest by local and visitors to explore this unique attraction and a growth in local business. This has been enabled by the surge in AirB&B accommodation options and new B&Bs catering for the lack of medium to high quality accommodation.

In discussions with local town associations and individuals, the potential for extending the trail has been raised by many people and canvassed. It was recognized that if this were to occur, there would need to be another committee to advocate for, design and manage the project and any future rail trail.

Trails have strong appeal with domestic and international travellers, who are seeking nature-based and adventure tourism experiences. They are a major drawcard for overseas tourists with the opportunity to see Australian wildlife in a natural environment. The Victorian Trails Strategy 2014-2024 has the following Vision:

“The vision is for Victoria to be recognised as a leading trail-based destination that provides a diverse range of quality trail experiences for visitors, while strengthening the State’s economy and improving the health, wellbeing and lifestyle of the community.”

Currently in Victoria there are 5 trails of International and National Significance and 17 trails of State Significance. The current Great Southern Rail Trail is ranked as a trail of State Significance. The extension of the trail would link both halves of the shire and Korumburra and Leongatha. A walking trail could link Coal Creek to both the rail trail and Korumburra. A trail of 100k across the length and heart of South Gippsland could grow to become of national and international significance. While there has been a dearth of economic benefits studies the following two are indicative of real benefits:

- Murray to Mountains Rail Trail of 100k links Wangaratta, Beechworth, Rutherglen, Bright to Milawa, and to Wandiligong. The trail contributed around \$26.2 million in regional output, and \$13.6 million in regional value, supporting 22.7 jobs. It is estimated that these figures from 2011 will double to and see a total regional output of \$52.5 million, a value-add to the region of \$27.1 million, with 45.4 jobs being supported.
- The Great Ocean Walk, opened in January 2006, the economic benefits of the trail are becoming evident. The impact of \$15 million (including marketing, visitor expenditure and flow-on expenditure) and more than 100 full-time jobs.

The total tourism contributes approximately 5.8% of Victoria's Gross State Product. Current estimates suggest that tourism contributes to some \$250M, 1900 jobs and represents 9% of our local economy. The current Victorian Tourism Strategy sees such trails as building on regional strengths and spreading benefits to communities and businesses along the trail. In times of economic difficulties positive action like this could add to local employment and attraction to the district.

CONCLUSION

Extending the Great Southern Rail Trail from Leongatha to Nyora and eventually to Cranbourne would aim to position it as one of the International and Nationally Significant Trails in Victoria. The opening of the section of the rail trail from Koonwarra to Meeniyah has already created great interest and a growing usage, which is having a very positive effect on businesses. The reality is that getting the original rail trail and its extension was based on strong community leadership, collaboration and dedicated work of many people. To achieve the envisaged extension is dependent on having people willing to work together with persistence and dedication to realise the vision. Holding a well publicised meeting in partnership with relevant community group will allow us to ascertain whether there is genuine interest and people willing to put their hands up to work towards the objective.

PURPOSE

The proposal is for Council to act as a facilitator and organiser of a meeting in partnership with relevant community groups. Council by itself does not have the resources to undertake the tasks. What is required is true shared leadership on behalf of the community, which can be ascertained and facilitated by council.

MOTION

We, **Councillor Andrew McEwen and Councillor Don Hill**, advise that we intend to submit the following motion to the Ordinary Council Meeting scheduled to be held on **27 July 2016**.

'That Council in conjunction with relevant community and business association and other stakeholder publicise and convene a public meeting to discuss the potential for extending the Great Southern Rail Trail from Leongatha to Nyora (and eventually to Cranbourne) and establishing a group if agreed with the aim to implement the extension of the trail and to position it as one of the International and National Significant Trails in Victoria.'

MOVED: Cr McEwen

SECONDED: Cr Hill

THAT COUNCIL IN CONJUNCTION WITH RELEVANT COMMUNITY AND BUSINESS ASSOCIATION AND OTHER STAKEHOLDER PUBLICISE AND CONVENES A PUBLIC MEETING TO DISCUSS THE POTENTIAL FOR EXTENDING THE GREAT SOUTHERN RAIL TRAIL FROM LEONGATHA TO NYORA (AND EVENTUALLY TO CRANBOURNE) AND ESTABLISHING A GROUP IF AGREED WITH THE AIM TO IMPLEMENT THE EXTENSION OF THE TRAIL AND TO POSITION IT AS ONE OF THE INTERNATIONAL AND NATIONAL SIGNIFICANT TRAILS IN VICTORIA.

LOST

For: Crs McEwen and Hill.

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

B.2 NOTICE OF MOTION NUMBER 699 – SMALL TOWN DISCRETIONARY CAPEX COMMUNITY BUDGETING PROGRAM

BACKGROUND

There is some disquiet about the equity of funding new capital works projects across the shire. Of 35 towns, villages and district only 12 will receive any discretionary capex funding between 2016 and 2031. Of those receiving funding only Leongatha, Korumburra and Foster are receiving significantly above the average returns on their rates paid in the form of discretionary capital works.

Arguably Waratah Bay, Meeniyah, Fish Creek, Kongwak, Loch, Mirboo North, Port Welshpool, Poowong, Tarwin Lower, Venus Bay, Walkerville and Waratah Bay are hard done by as also are district areas, such as the Buffalo district with 480 residents and no funding. Overall there are some 24 of our towns, villages and districts that are either underfunded or not funded at all. This represents some 50% of people and ratepayers in the shire.

Part of our particular distinctive local culture is our affiliation and association with our small towns. Most people relate primarily to their nearby towns and occasionally utilise larger towns for primary commercial or retail purposes and occasionally for higher order cultural and recreational purposes. The pattern of footy and netball teams, local halls and local pools reflects this culture and indeed a strong self-reliant culture. To a large extent local people and communities have built and maintained their own community infrastructure without significant help from Council. No-one begrudges that the large towns and main clusters should be accorded some high priority as they have. The question is the degree and the fairness of the pattern of allocations through time. No doubt most individual decisions are made on their merits, but we also under the Act council have a responsibility “*to ensure that the cumulative effects are equitable and fair*”. The reality is that many of the main towns already provide very similar services and facilities including pool, halls, child care, recreation centres, ovals, men’s sheds, galleries and libraries. Asset renewal in our Capex Budget covers the costs of pre-existing assets in our major towns; the real question is where the new assets go.

Council’s recent commitment to community budgeting is a move in the right direction of empowering communities to undertake their own planning and priority setting. The revised method of local decision making recently adopted shifts the process from an IPA2 level 2-3 (Consult and Involve) to level 4 (Collaborate), which is commendable. The issue of equity is of real concern. These towns account for only 33% of the shire and on this basis an additional \$3.2m would need to be allocated across the rest of the shire to maintain equity and fairness in our community budgeting. This currently is not budgeted for in council’s plans and budgets!

Foster, Korumburra and Leongatha account for 94% of all expenditures (adjusted to 2016 values) for discretionary capital work (new expenditure

not asset renewal) for 2016-2031. If it were not for the Community Budgeting allocations, Mirboo would have received nothing. Venus Bay accounts for some 7.5% of all rates collected, but will receive only 0.6% of discretionary capital works over the long terms financial capital plan; Mirboo North pays 4.8% of rates and will receive only 0.3% of discretionary capital works. Leongatha pays 15%, but will receive 77% of all discretionary capital works, Foster pays 6% and will receive 3.8% of discretionary capital works and Korumburra pays 9.9% and will receive 14% of discretionary capital works; Venus Bay pays 7.5% of rates, but will receive only 1.3%. A fair observer would say there is significant disparity in funding.

In short Foster, Korumburra and Leongatha account for some 31% of rates collected, but receive some 94% of currently allocated discretionary capital works over the long term 15 year capex expenditure.

We absolutely support the principles of community budgeting and planning, as endorsed by council in it June meeting E.8 COMMUNITY BUDGETING report in regard to it Community Budgeting initiative. Cr Hill and McEwen initiated the proposed approach back in 2012. We are pleased that our fellow councillors are now, after nearly 4 years, supporting such approaches. The IPA2 spectrum at level 5 (Empowerment), communities should be empowered to make decisions regarding local priorities and budgets.

IPA2 Spectrum

Inform	Consult	Involve	Collaborate	Empower
To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions	To obtain public feedback on analysis, alternatives and/or decisions	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and Considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the Preferred solution.	To place final decision making in the hands of the public.
Community Grants	Community Plans		Proposed Community Budgeting	Proposed Small Town Community Discretionary Capital Budgeting Program

Unless Council expands the community budgeting program for the whole Shire, it further entrenches the inequality in distribution of discretionary capital works.

Commonly accepted *Principles of Equity* implies the following principles should apply in an equitable approach:

1. Having a need's based approach:- transparency
2. Treating areas and interests fairly :-distributional justice
3. Being financially responsible in decision making:- prudence and efficacy
4. Recognising levels of specialisation may require some facilities being provided in larger towns:- discernment and judgement
5. Having clear and transparent policies:- transparency
6. Being transparent and accountable on allocations:- transparency in reporting
7. Taking into account the cumulative effect of allocation decisions:- accountability

Applying these principles, it is proposed that a report be prepared on developing a "Small Town and Districts Discretionary Capital Works Community Budget Program". The small towns and districts would need to be classified in appropriate categories, such as Small Towns (5), Villages (10) and hamlets/districts (10-13). Each could be allocated an amount annually for a local community budgeting exercise along the lines of the principles already adopted (say \$15k for small towns, \$8k for villages and \$4k for districts). The eligibility criteria for receiving funding could evolve from the current Community Grants. Each town in the community budgeting process could identify their own local priorities (e.g. seating, toilet, landscaping, hall repairs, recreational equipment etc). There would have to be a minimum standard for a fair and open consultation and decision making process. Council would be responsible for normal acquittal process and council and community could organise the community budgeting exercise.

Such a program, being IPA2 spectrum 5 or empowerment, could go a long way to restoring confidence in council and the cumulative fairness and equity across the shire.

The Proposed Small Town Community Discretionary Capital Budgeting Program could be funded for fourteen years through reallocation of the \$2.7M to currently approved budget items or through a new allocation.

CONCLUSION

This proposal suggests a way forward that can address multiple issues and develop stronger partnership between council and its communities. It has the capacity to address the all pervasive sense that capital funding is unfair and some town are favoured and others left to their own devices. There has been a strong culture of self reliance and partnership with local towns and districts over the past 140 year. This program would go back to the prevailing local self help culture by allowing resources to assist what local communities wish to do, rather than imposing decision on local

communities. The proposal offers one way of addressing equity issues, strengthening participation in local democracy & communities and improving the community's level of satisfaction with council.

Together we can do far more in a way that locals feel a real stake and ownership in projects as in the past.

MOTION

We, **Councillors Jeannette Harding, Andrew McEwen, Don Hill and Kieran Kennedy**, advise that we intend to submit the following motion to the Ordinary Council Meeting scheduled to be held on **27 July 2016**.

'That Council prepare a report for the new Council on the potential benefits, costs and design of a new Small Town Discretionary Capex Community Budgeting Program for implementation in 2017/18 using the principles of the agreed community budgeting program endorsed in E.8 COMMUNITY BUDGETING at the Ordinary Council Meeting 22 June 2016.'

MOVED: Cr Hill

SECONDED: Cr McEwen

THAT COUNCIL PREPARE A REPORT FOR THE NEW COUNCIL ON THE POTENTIAL BENEFITS, COSTS AND DESIGN OF A NEW SMALL TOWN DISCRETIONARY CAPEX COMMUNITY BUDGETING PROGRAM FOR IMPLEMENTATION IN 2017/18 USING THE PRINCIPLES OF THE AGREED COMMUNITY BUDGETING PROGRAM ENDORSED IN E.8 COMMUNITY BUDGETING AT THE ORDINARY COUNCIL MEETING 22 JUNE 2016.

LOST

For: Crs Harding, McEwen and Hill.

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

SECTION C - COMMITTEE REPORTS

Nil

SECTION D – PROCEDURAL REPORTS

D.1 REPORT ON ASSEMBLY OF COUNCILLORS: 22 MAY – 21 JUNE 2016

Corporate and Community Services Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

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

The matters listed in this report were presented or considered, at either an Advisory Committee Meeting, Councillor Strategic Briefing Session or Public Presentation Session in 2016.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

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

COUNCIL PLAN

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

REPORT

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Tuesday 24 May 2016		
Chief Executive Officer Review	Councillors Attending: Crs Newton, Davies and Fawcett.	Conflict of Interest: nil disclosed
	Topics Discussed:	Chief Executive Officer quarterly review.
Municipal Emergency Management Planning Committee (MEMPC)	Councillors Attending: Cr Hutchinson-Brooks.	Conflict of Interest: nil disclosed
	Topics Discussed:	<ul style="list-style-type: none">• New MEMPC appointments• Terms of Reference review• Response and Support Networking Group - dry conditions• Emergency Markers• Single Incident Notifications• Mobile Black Spot – Telstra roll out• Outcomes of CERA Risk Review assessment• Public Events• Review of Plans / Sub-Plans / Amendments• Review of Audit Recommendations• Training Opportunities and exercises• Emergency Management Planning Bill• Storm Event – 1 & 3 May 2016

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 25 May 2016		
Ordinary Council Agenda Topic Discussion – 25 May 2016	<p>Councillors Attending: Crs Fawcett, Kennedy, Brunt, Newton, Davies and Hutchinson-Brooks</p> <p>Conflict of Interest: nil disclosed</p> <p>Topics Discussed:</p>	<p>Councillors were provided information on Council agenda items for the Ordinary Council Meeting 25 May 2016.</p>
<p>Public Presentation</p> <p>OPEN SESSION</p>	<p>Councillors Attending:</p> <p>Crs Fawcett, Kennedy, Brunt, Newton, Davies and Hutchinson-Brooks.</p> <p>Conflict of Interest: nil disclosed</p>	
<p>Presentations were made to Council by the following community members:</p> <p>Neil Smith and Anita Harris addressed Council regarding Council Agenda item E6 PLANNING SCHEME AMENDMENT C81 - LAND SUBJECT TO INUNDATION OVERLAY – ADOPTION.</p>		
Ordinary Council Agenda Topic Discussion – 25 May 2016	<p>Councillors Attending: Crs Fawcett, Kennedy, Brunt, Newton, Davies, Hutchinson-Brooks, Hill and McEwen.</p> <p>Conflict of Interest: nil disclosed</p> <p>Topics Discussed:</p>	<p>Councillors were provided information on Council agenda items for the Ordinary Council Meeting 25 May 2016.</p>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Thursday 26 May 2016		
Access Inclusion Advisory Committee	Councillors Attending: Cr Newton. Conflict of Interest: nil disclosed. Topics Discussed:	<ul style="list-style-type: none">• Rural Access Report• GippSport Report• Bair Street – Reimagining Project Report
Korumburra Round Table	Councillors Attending: Cr McEwen. Conflict of Interest: nil disclosed. Topics Discussed:	<ul style="list-style-type: none">• Council Update: Council Meeting 25 May 2016:<ul style="list-style-type: none">○ Korumburra Streetscape Master Plan• Korumburra signage – decluttering of signage at town entries.• Community engagement and consultation – encouraging other community groups to identify projects to prepare a Community Direction Statement.• Membership protocols to be confirmed.• Community Engagement Conference 25 June• Active Ageing Survey• Shire Brand Review

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 1 June 2016		
Planning Briefing	Councillors Attending: Crs Newton, Davies, Harding, Kennedy and Fawcett. Conflict of Interest: nil disclosed. Topics Discussed:	<ul style="list-style-type: none">• Strategic Planning Project List• VCAT Appeal outcome• Planning Applications of Significance• Decisions for April 2016• VCAT Decisions
Economic Development and Tourism Steering Committee	Councillors Attending: Crs Hutchinson-Brooks, Davies, Harding and Kennedy. Conflict of Interest: nil disclosed. Topics Discussed:	<ul style="list-style-type: none">• Agriculture Industry Transformation – Gippsland• Priority Projects Updates• Economic Development and Tourism Strategy Updates• Strategic Investment Updates• Visitor Information Services Review Update
Strategic Direction for Aquatic Facilities 2015-2020: Pool Master Plans and Capital Works	Councillors Attending: Crs Fawcett, Harding, Newton, Davies, McEwen, Hill and Kennedy. Conflict of Interest: nil disclosed. Topics Discussed:	<p>Councillors were provided information on the progress of the implementation of the Strategic Direction for Aquatic Facilities in South Gippsland.</p>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 1 June 2016		
SG SPLASH Redevelopment Project Business Case	Councillors Attending: Crs Fawcett, Harding, Newton, Davies, McEwen, Hill and Kennedy. Conflict of Interest: nil disclosed. Topics Discussed: Councillors were provided information on an SG SPLASH Redevelopment Project business case developed to support an application for funding to Sport and Recreation Victoria.	
Agenda Discussion Topics – Special Meeting of Council 1 June 2016	Councillors Attending: Crs Fawcett, Harding, Newton, Davies, McEwen, Hill and Kennedy. Conflict of Interest: nil disclosed. Topics Discussed: Councillors were provided information on Council agenda items for the Special Meeting of Council 1 June 2016.	
Policy Review: C51 Councillor Support and Expenditure Policy 2016 – Draft	Councillors Attending: Crs Fawcett, Harding, Newton, Davies, McEwen, Hill and Kennedy. Conflict of Interest: nil disclosed. Topics Discussed: Councillors were provided the Councillor Support and Expenditure Policy for consideration.	

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 1 June 2016		
2017/18 Sport and Recreation Victoria - Proposed Projects	Councillors Attending: Crs Fawcett, Brunt, Harding, Newton, Davies, McEwen, Hill and Kennedy. Conflict of Interest: nil disclosed. Topics Discussed: Councillors reviewed proposed applications to the 2017/18 Sport and Recreation Victoria – Community Sports Infrastructure Fund.	
Soccer Facilities Plan	Councillors Attending: Crs Fawcett, Harding, Newton, Davies, McEwen and Hill. Conflict of Interest: nil disclosed. Topics Discussed: Councillors were provided the results of the review of soccer facilities in South Gippsland.	
Executive Update	Councillors Attending: Crs Fawcett, Harding, Newton, Davies and Hill. Conflict of Interest: nil disclosed. Topics Discussed: <ul style="list-style-type: none">• Community Satisfaction Survey• Caravan Park Update• CEO meeting with Russell Broadbent• Rail Freight Alliance	

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 15 June 2016		
Community Satisfaction Survey	Councillors Attending: Crs Fawcett, Harding, McEwen, Brunt, Newton, Davies, Hill and Hutchinson-Brooks. Conflict of Interest: nil disclosed. Topics Discussed: Councillors were provided results of the South Gippsland Shire Council Community Satisfaction Survey results for 2016.	
Leongatha Memorial Hall Complex Hire - Proposed 2016/17 Fees & Charges For Non-Commercial Groups	Councillors Attending: Crs Fawcett, Harding, McEwen, Brunt, Newton, Davies, Hill and Hutchinson-Brooks. Conflict of Interest: nil disclosed. Topics Discussed: Councillors were provided the proposed changes to the Leongatha Memorial Hall Complex 2016/17 Fees and Charges for non-commercial groups.	
Policy Review: C03 Arts and Culture Policy	Councillors Attending: Crs Fawcett, Harding, McEwen, Brunt, Newton, Davies, Kennedy, Hill and Hutchinson-Brooks. Conflict of Interest: nil disclosed. Topics Discussed: Councillors were provided an update on the review of the Arts and Culture Policy. The review was undertaken by a working party consisting of 5 members of South Gippsland's arts community, one councillor and two staff.	

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 15 June 2016		
Aquatic Facilities - 2015/16 End of Financial Year Snap Shot	Councillors Attending: Crs Fawcett, Harding, McEwen, Brunt, Newton, Davies, Kennedy, Hill and Hutchinson-Brooks. Conflict of Interest: nil disclosed. Topics Discussed:	Councillors were provided an update on the 2015/16 End of Season Report for Outdoor Pools.
Public Presentation OPEN SESSION	Councillors Attending: Crs Fawcett, Harding, McEwen, Brunt, Newton, Davies, Kennedy, Hill and Hutchinson-Brooks. Conflict of Interest: nil disclosed.	
<p>Presentations were made to Council by the following community members:</p> <p>David Amor, addressed Council regarding Council Agenda Topic 25 May 2016 - E.4 KORUMBURRA TOWN CENTRE STREETSCAPE MASTER PLAN – ADOPTION.</p> <p>Irene Adams, representing the Poowong Community Consultative Committee (PCCC) addressed Council regarding the PCCC who are facilitating the renovation and relocation of the Poowong Cenotaph requesting Council to submit an application for funding through the ‘Restoring Community War Memorial and Avenue of Honour’ grants program.</p> <p>Matt Sherry, addressed Council by raising concerns he has regarding the accuracy of figures that have been distributed by Council regarding Caravan Parks.</p>		

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 15 June 2016		
Ordinary Council Agenda Topic Discussion – 22 June 2016	<p>Councillors Attending: Crs Fawcett, Harding, Brunt, Newton, Davies, Kennedy and Hutchinson-Brooks.</p> <p>Conflict of Interest: Cr Moyha Davies left the room with a declared indirect conflict of interest by close association with respect of Council Agenda Item E3 Proposed Road Opening / Declaration – Wood Court as a relative has a home at Wood Court, Foster.</p> <p>Topics Discussed: Councillors were provided information on Council agenda items for the Ordinary Council Meeting 22 June 2016.</p>	
Executive Update	<p>Councillors Attending: Crs Fawcett, Harding, Brunt, Newton, Davies, Kennedy and Hutchinson-Brooks.</p> <p>Conflict of Interest: nil disclosed.</p> <p>Topics Discussed:</p> <ul style="list-style-type: none"> • Process to recover long term outstanding rates • Live streaming of Council Meetings • Legal proceedings update 	
Public Presentation OPEN EVENING SESSION	<p>Councillors Attending: Crs Fawcett, Newton, Davies, Hill and Hutchinson-Brooks.</p> <p>Conflict of Interest: nil disclosed.</p>	
<p>Presentations were made to Council by the following community members:</p> <p>Fred Couper, addressed Council regarding the Friends of Mirboo North Pool Community Survey and how the results inform the community’s priorities for the Mirboo North Pool Master Plan.</p>		

RECOMMENDATION

That Council:

- 1. Receive and note this report; and**
- 2. Make confidential pursuant to section 77(2)(b) of the Local Government Act 1989 (Act) all matters considered by the Planning Briefing at its meeting held on Wednesday 1 June 2016 on the basis that the meeting discussed:**
 - a. proposed developments Section 89(2)(e) of the Act; and**
 - b. matters which the Council considers would prejudice the Council or any person Section 89(2)(h) of the Act,**

until such time as the Council's Chief Executive Officer determines to include an individual matter on an Agenda for an Ordinary or Special Meeting of Council, or when required to undertake a statutory obligation, and this confidentiality then ceases to apply only to that individual matter.
- 3. Make confidential pursuant to section 77(2)(b) of the Local Government Act 1989 (Act) all matters considered by the Economic Development and Tourism Steering Committee at its meeting held on Wednesday 1 June 2016 on the basis that the meeting discussed:**
 - a. proposed developments Section 89(2)(e) of the Act; and**
 - b. matters which the Council considers would prejudice the Council or any person Section 89(2)(h) of the Act,**

until such time as the Council's Chief Executive Officer determines to include an individual matter on an Agenda for an Ordinary or Special Meeting of Council, or when required to undertake a statutory obligation, and this confidentiality then ceases to apply only to that individual matter.

MOVED: Cr Davies

SECONDED: Cr Fawcett

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

CARRIED UNANIMOUSLY

D.2 DOCUMENTS SEALED AND CONTRACTS AWARDED, VARIED OR EXTENDED BY THE CHIEF EXECUTIVE OFFICER - 21 MAY TO 24 JUNE 2016

Corporate and Community Services

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

This document reports to Council the following actions undertaken by the Chief Executive Officer (CEO) which occurred during the period from 21 May to 24 June 2016, 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.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

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

COUNCIL PLAN

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

REPORT

Documents Sealed

Under the Act, each Council is a body corporate and a legal entity in its own right. Each Council must have a common seal 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 21 May to 24 June 2016.

3. S173 Agreement between South Gippsland Shire Council and the owner of 196 Lees Road, Venus Bay in relation to the development of a dwelling – Seal Applied 1 June 2016.
4. S173 Agreement between South Gippsland Shire Council and the owner of 118 Atherton Drive, Venus Bay in relation to the development of a dwelling and ancillary works – Seal Applied 1 June 2016.
5. S173 Agreement between South Gippsland Shire Council and the owner of 41 Condon Crescent, Venus Bay in relation to the development of the land for a dwelling – Seal Applied 16 June 2016.
6. S173 Agreement between South Gippsland Shire Council and the owner of 750 Meeniyah Mirboo North Road, Dumbalk in relation to the subdivision of the land into two lots – Seal Applied 22 June 2016.

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; and
- Any contract which complies with Council's Procurement Policy and falls within the allocation in the Council adopted Annual Budget which exceeds the value of \$250,000 (inclusive of GST).

Council's Procurement Policy requires recording in the Council Minutes all contracts over the statutory threshold set out in the Act (\$150,000 inclusive of GST for goods and services and \$200,000 inclusive of GST for works) for a public tender which shows the contracts purpose, 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 contract was awarded between 21 May and 24 June 2016 under the CEO's delegation following a public tender.

1. Contract CON/106 Annual Supply of Concreting Services was awarded on 17 June 2016 to:
 - a. M Mileto and B A Whale (M & M Paving);
 - b. SR Excavations Pty Ltd; and
 - c. C & D Earthworks Pty Ltd.

Contract variations approved by the CEO

Council's Procurement Policy authorises the CEO to approve any necessary variations to a capital works contract, within the allocation of the Council adopted Annual Budget, 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.

There were no contract variations which exceeded the CEO's delegation, made by the CEO during the period from 21 May to 24 June 2016.

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.

1. Contract CON/71 (SGC16/02) Supply and Delivery of Quarry products and Road Making Materials - the first and final one year extension was approved by the Chief Executive Officer on 24 June 2016 to:
 - a. Allens Contracting;
 - b. Brenton Williams (BJ's Earthmoving);
 - c. Casacir Pty Ltd;

- d. David Harris Earthmoving Pty Ltd;
- e. Defor Pty Ltd t/a Evans Quarries;
- f. F & T Concrete Pty Ltd;
- g. Fulton Hogan Quarries Pty Ltd;
- h. Holcim Aust Pty Ltd;
- i. KRJ Matthews Quarries Pty Ltd;
- j. Kennedy Haulage Pty Ltd;
- k. S & L Riley; and
- l. South Gippsland Quarries Pty Ltd.

RECOMMENDATION

That Council receive and note this report.

NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 25.

SECTION E - COUNCIL REPORTS

E.1 COUNCILLOR CONDUCT PANEL REPORT DETERMINATION - INITIATED BY CR HILL REGARDING CR FAWCETT

Corporate and Community Services Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

Under Section 81M of the Local Government Act 1989, a copy of the decision of a Councillor Conduct Panel (Panel) must be tabled to the next Ordinary Meeting of Council and recorded in the Minutes for that meeting.

Council received a Councillor Conduct Panel Report (Panel Report) on 23 June 2016 in respect of the Councillor Conduct Panel initiated by Cr Hill, regarding Cr Fawcett, lodged on 11 October 2015.

The Panel Report is tabled for Council to receive, note and include in the Minutes of this meeting. The Panel Report is contained in two parts (refer **Attachment 1** and **Confidential Appendix 1**).

Document/s pertaining to this Council Report

- **Attachment 1** - Councillor Conduct Panel - Determination of the Panel
- **Confidential Appendix 1** - Councillor Conduct Panel - Reasons for Determination of the Panel.

Confidential Appendix 1 is confidential information on the grounds that it relates to a matter specified under Section 89(2)(h) that Council considers would prejudice the Council or any persons; respective of the Local Government Act 1989. It contains the names of third party witnesses who provided statements to the Panel Hearing, but are not parties to matter.

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

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Local Government Act 1989 (Act), specifically Sections 81J and 81M
- Local Law No. 3 2010 - Processes of Municipal Government

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Councillor Code of Conduct 2013 (note: this was the adopted version in place at the time of the Panel Hearing and referenced in the Panel Report)
- Councillor Code of Conduct 2016
- Anti-Discrimination, Bullying and Harassment Policy 2016

COUNCIL PLAN

Outcome:	4.0	A Leading Organisation
Objective:	4.2	Pursue best practice in organisational development and operations of the organisation.
Strategy:	4.2.1	We will monitor corporate governance processes, including risk management and skills development with the aim of ongoing improvement.

CONSULTATION

As required by the Local Government Act 1989 (Act), a copy of this report has been provided to the parties involved in the Councillor Conduct Panel, to Council and to the Minister for Local Government.

REPORT

Background

An application to form a Panel was received from Cr Hill on 11 October 2015. The Panel Hearing was held on 21 and 22 January 2016

The Panel Report outlining the Determinations and Findings of the Hearing was received on 23 June 2016.

In accordance with Section 81M of the Act the Panel Report must be tabled at the next Ordinary Meeting of Council.

Proposal

Council is required to note the Panel Report (**Attachment 1** and **Confidential Appendix 1**) and include it in the Council Minutes.

Council, in noting the report, should specifically consider the 'Reasons' (**Confidential Appendix 1**) and the 'Determinations' (**Attachment 1**) from the Panel Reports with the findings summarised as follows:

- Allegations 1: The complaint is dismissed;
- Allegation 2: The complaint is dismissed;

- Allegation 3: The complaint is substantiated;
- Allegation 4: The complaint is dismissed; and
- Allegation 5: The complaint is dismissed.

The 'Disposition' of the Panel in regard to Allegation 3 finds:

"10. For the reasons given in the statement of the Panel's Reasons for Determination, the Panel has determined in accordance with subsection 81J(2)(a) of the Act that Councillor Fawcett stand reprimanded for his conduct towards Councillor Harding as found by the Panel and set out above at Allegation 3 of the Findings of the Panel.

FINANCIAL CONSIDERATIONS

The Councillor Conduct Panel has incurred unplanned and unbudgeted expenditure and use of Council resources. The full cost of this Panel is \$11,000.

RISKS

Council's reputation can be negatively impacted when conflicts arise between Councillors that are not resolved at the earliest point of time. When a conflict escalates to the appointment of a Councillor Conduct Panel then both reputational risks and financial impacts may be compounded.

Demonstrating that an issue has been independently assessed provides transparency to the public in regard to management of Councillor conduct where internal resolution has not been possible.

CONCLUSION

No conclusions are drawn in respect of this Report, which has been provided to meet a legislative requirement.

RECOMMENDATION

That Council notes the Councillor Conduct Panel Report in Attachment 1 and Confidential Appendix 1 in respect of the Panel application lodged by Cr Hill regarding Cr Fawcett, specifically recognising the Panel has:

1. Dismissed complaint allegations numbered 1, 2, 4 and 5;
2. Substantiated complaint allegation number 3; and
3. Determined that in accordance with subsection 81J(2)9a) that Councillor Fawcett stand reprimanded for his conduct towards Councillor Harding in regard to complaint allegation number 3.

MOVED: Cr Fawcett

SECONDED: Cr Davies

THAT COUNCIL NOTES THE COUNCILLOR CONDUCT PANEL REPORT IN ATTACHMENT 1 AND CONFIDENTIAL APPENDIX 1 IN RESPECT OF THE PANEL APPLICATION LODGED BY CR HILL REGARDING CR FAWCETT, SPECIFICALLY RECOGNISING THE PANEL HAS:

- 1. DISMISSED COMPLAINT ALLEGATIONS NUMBERED 1, 2, 4 AND 5;**
- 2. SUBSTANTIATED COMPLAINT ALLEGATION NUMBER 3; AND**
- 3. DETERMINED THAT IN ACCORDANCE WITH SUBSECTION 81J(2)9A) THAT COUNCILLOR FAWCETT STAND REPRIMANDED FOR HIS CONDUCT TOWARDS COUNCILLOR HARDING IN REGARD TO COMPLAINT ALLEGATION NUMBER 3.**

AMENDMENT

MOVED: Cr Hill

SECONDED: Cr McEwen

Cr Hill verbalised his AMENDMENT.

That Council make the Councillor Conduct Panel Report in Confidential Appendix 1 not confidential and that the report be tabled into open council meeting along with the Councillor Conduct panel report in Attachment 1 in respect of the panel application lodged by Cr Hill regarding Cr Fawcett, specifically recognising the Panel has:

- 1. DISMISSED COMPLAINT ALLEGATIONS NUMBERED 1, 2, 4 AND 5;**
- 2. SUBSTANTIATED COMPLAINT ALLEGATION NUMBER 3; AND**
- 3. DETERMINED THAT IN ACCORDANCE WITH SUBSECTION 81J(2)9A) THAT COUNCILLOR FAWCETT STAND REPRIMANDED FOR HIS CONDUCT TOWARDS COUNCILLOR HARDING IN REGARD TO COMPLAINT ALLEGATION NUMBER 3.**

And that Council determine that the whole report produced after the VCAT hearing to be heard on August 18th and 19th 2016, of the complaint made by Cr Fawcett, Cr Brunt, and Cr Davies against Cr Hill also be included as an open council agenda item when it is received from VCAT after the hearing in August.

Cr Fawcett raised a point of order according to what's an amendment and what's not the amendment changes the intention of motion and quoted from the Local Law Clause 52 (b) an amendment cannot be a direct negative and (c) the substantive nature of the motion is retained.

The Mayor ruled that the AMENDMENT was out of order as it was a direct negative to the original Motion.

Cr Fawcett read out a statement where he publicly apologised to Cr Harding who accepted his apology.

The original Motion was CARRIED UNANIMOUSLY.

Attachment 1 Councillor Conduct Panel Decision

Local Government Act 1989

IN THE MATTER OF AN APPLICATION FOR A COUNCILLOR CONDUCT PANEL,
SOUTH GIPPSLAND SHIRE COUNCIL

BETWEEN:

COUNCILLOR DON HILL

Applicant

and

COUNCILLOR JAMES FAWCETT

Respondent

DETERMINATION OF THE PANEL

Summary of the Issues before the Panel

1. Alleged breach of paragraph 77(2)(b) of the *Local Government Act 1989* ("the Act").
The allegation being that Councillor Fawcett:

Read into an open council on March 25th 2015 comments made within the rating committee in an attempt to damage my reputation. An August 2013 resolution of Council made everything in the Committee confidential.

2. Alleged breaches of cl.4,3 and 6.1c of the Councillor Code of Conduct of the South Gippsland Shire Council ("the Code") the allegation being that:

Cr Fawcett coerced Cr McEwen and myself to change our vote at March 25th 2015 meeting. Cr McEwen and Cr Hill were forced to vote against own motion and this resulted in the motion being lost.

3. Alleged breaches of cl. 2.1c, 2.2c, 3.1b and 4.3b of the Code, the allegation being that:

Cr Fawcett threatened and bullied the Mayor between June 10th and June 24th 2015 when she voted against their 'block' at June 10th and refused to change her vote at the 24th 2015 budget meeting of Council.

4. Alleged breaches of cl. 2.1b, 2.2b and 3.2b of the Code and s.76BA of the Act, in that:

Cr Fawcett responded to a ratepayer at a council organized information session on 4th March 2014 by angrily stating to the ratepayer that "I do not represent the people. I represent my opinions and ideas".

5. Alleged breaches of cl. 2.1b, 2.1c, 2.2b, 2.2c, 2.2g, 3.1b, 3.1c, 3.1f, 3.2a, 3.2b, 4.3b, and 6.1c in that:

Cr Fawcett has conducted an ongoing bullying campaign against me since 2012 election using sophisms and sophistry to promulgate a campaign to discredit my

reputation, my reports, my notice of motions, and my ideas amongst councillors and the public.

Determination of the Issues before the Panel

6. With respect to each of the foregoing five grounds of application, the Panel determines as follows:

(1) Allegation 1

The Panel is not satisfied that Councillor Fawcett released confidential information in breach of paragraph 77(2)(b) of the Act.

The Panel is not satisfied that Councillor Fawcett's conduct in purporting to have read into the minutes of the meeting the "councillor comment" so far exceeded the bounds of acceptable conduct required by his obligation, under cl. 2.2c and 2.2g of the Code, to treat Councillor Hill with respect and secure and preserve public confidence in the office of councillor, amounted to a breach of the Code.

This complaint is dismissed.

(2) Allegation 2

The Panel is not satisfied that Councillor Fawcett either directed, attempted to direct, exercised or attempted to exercise undue influence upon Councillor Hill contrary to cl. 4.3b or 6.1c of the Code.

This complaint is dismissed.

(3) Allegation 3

The Panel is satisfied that Councillor Fawcett breached cl. 2.2c and 3.1b of the Code when he told her that he not to support Councillor Harding in respect of matters affecting her Ward with intent to induce her to change her vote.

This complaint is substantiated.

(4) Allegation 4

The Panel is not satisfied that Councillor Fawcett breached any provision of the Code or the Act when he stated at a public meeting words to similar effect that: "I do not represent the people, I represent my opinions and ideas" when regard is had to the context of the discussion.

This complaint is dismissed.

(5) Allegation 5

3

The Panel is not satisfied that Councillor Fawcett conducted, as alleged, an "ongoing bullying campaign" against Councillor Hill.
This complaint is dismissed.

7. Section 81A of the Act defines "misconduct". Relevantly, that definition is as follows:

Misconduct by a Councillor means –

(a) conduct by a Councillor that is in breach of the Councillor Code of Conduct

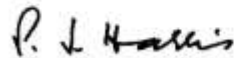
8. In view of the finding of the Panel as to Allegation 3, the Panel is obliged to find that Councillor Fawcett engaged in misconduct as defined.

9. In all other respects, Councillor Hill's Application is dismissed.

Disposition

10. For the reasons given in the statement of the Panel's Reasons for Determination, the Panel has determined in accordance with subsection 81(2)(a) of the Act that Councillor Fawcett stand reprimanded for his conduct towards Councillor Harding as found by the Panel and set out above at Allegation 3 of the Findings of the Panel.

Dated: 22 June 2016



PETER HARRIS
Legal Member and Chairperson



JANE NATHAN
Governance Member

E.2 AUDIT POLICY REVIEW

Corporate and Community Services Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

This report recommends that Council approve the revised Audit Policy (**Attachment 1**).

Document/s pertaining to this Council Report

- **Attachment 1** - Audit Policy

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Local Government Act 1989
- Audit Committee Charter - 16 December 2015

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Policy Review Framework

COUNCIL PLAN

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

CONSULTATION

The revised Audit Policy has been reviewed by Council's Strategic Risk Committee, Executive Leadership Team, Audit Committee and published in the Councillor internal newsletter InfoSum, with a request for feedback.

REPORT

Discussion

Council's current Audit Policy was developed and adopted on 26 June 2013 to provide a framework for and articulate Council's approach to audit and review processes. This enables Council to meet its compliance requirements

in undertaking its role, carrying out its functions and exercising its powers. It was due for review by 26 June 2016.

In reviewing the Policy, it is recommended to make only minor edits to the policy to update the IBAC acronym, update policy titles referenced and to reflect a recent Local Government Act 1989 amendment which enables the Audit Committee Chair to require any report prepared by the Audit Committee to be listed on the agenda for the next ordinary meeting of the Council.

Apart from these updates the policy accurately reflects the current and planned approach for the Audit Committee with Council.

Proposal

It is proposed that Council adopt the revised Audit Policy (**Attachment 1**).

RISKS

The purpose of this policy is to provide a framework for audit and review processes that enables Council to meet its compliance requirements, monitors Council's risk management strategies and mitigates strategic risks.

An effective Audit Committee and Internal Audit Strategic Plan will enable Council to adequately manage its key strategic risks.

POLICY REVIEW

This policy is next scheduled for review in July 2019. However it may need to be reviewed earlier as a result of the proposed changes to the Local Government Act 1989.

CONCLUSION

On the basis of ensuring good governance that the revised Audit Policy (**Attachment 1**) be adopted.

RECOMMENDATION

That Council adopt the revised Audit Policy contained in Attachment 1.

MOVED: Cr Davies

SECONDED: Cr Hutchinson-Brooks

THAT COUNCIL ADOPT THE REVISED AUDIT POLICY CONTAINED IN ATTACHMENT 1.

Cr Hill left the Council Meeting at 3.20pm and was not present for the vote.

CARRIED UNANIMOUSLY

Attachment 1 Audit Policy



South Gippsland Shire Council

AUDIT POLICY

Policy Number	C55	Directorate	Corporate and Community Services
Council Item No.	TBA	Department	Finance, Risk and Procurement
Council Adoption Date	27 July 2016	Primary Author	Luke Anthony
Revision Date	26 July 2019	Secondary Author	Eve Hollole

POLICY OBJECTIVE

The objective of this policy is to provide a framework for and articulate Council's approach to audit and review processes, that enables Council to meet its compliance requirements in undertaking its role, carrying out its functions and exercising its powers. This policy should be read in conjunction with the following policies:

- Acceptance of Gifts and Donations Policy
- Audit Committee Charter
- Fraud Policy
- Information Privacy Policy
- Property Insurance Coverage Policy
- Information Security Policy
- Procurement Policy and Manual
- Risk Management Policy
- Intellectual Property Policy
- Policy Framework Policy
- Protected Disclosure Guidelines
-
- Councillors Code of Conduct
- Staff Code of Conduct
- Business Investment Policy
- Council Land Ownership Policy

LEGISLATIVE PROVISIONS

Local Government Act 1989 sections 133, 135 and 139
Local Government (Finance and Reporting) Regulations 2004
Audit Act 1994
Financial Management Act 1994
Charter of Human Rights and Responsibilities Act 2006

DEFINITIONS

POLICY STATEMENT

Council's Audit program principles: Council will maintain an audit program underpinned by the following principles:

1. Provides for independence of audits and reviews.
2. Enables monitoring of compliance with legislated and policy requirements.



3. Provides a platform from which practices and processes can be improved and good practice achieved.
4. Enables monitoring of risk management strategies and mitigates strategic risks.
5. Commits Council to organisational cooperation with, involvement in, support of and assisting with all internal and external audits and reviews.

Council's Audit Program: will include as a minimum:

1. External Financial Audit by the Victorian Auditor General.
2. Internal Audits by Council's Internal Auditor.
3. CEO initiated reviews and audits as deemed necessary.
4. Strategic Risk Assessment as required by Council's Risk Management Framework.
5. Compliance checks as required by Council policies.
6. Participation in administrative, civil and criminal audits and reviews instigated by external regulatory authorities e.g. the Ombudsman, police, Australian Taxation Office (ATO), Independent Broad-based Anti-Corruption Commission (IBAC), Local Government Investigations and Compliance Inspectorate and Worksafe as required.
7. Adherence with principles of natural justice and procedural fairness.

External Financial Audit by Victorian Auditor General

Each year Council will prepare an Annual Report and Performance Statements. These are submitted to external audit by the Victorian Auditor General, or its agent, in accordance with the relevant provisions of the Local Government Act 1989, which includes presentation to and sign off by the Council at an open meeting of the Council.

Council's Audit Committee will be provided with the audit report and meet with the Auditor to consider the report before the report is presented to the Council. The Audit Committee may make a recommendation/s to the Council if the Committee deems this appropriate.

Internal Audits by Internal Auditor

Council will engage appropriately qualified and independent Internal Auditors to conduct an appropriate internal audit program of the Council's operations each year.

Each year an Internal Audit Strategic plan will be established in collaboration with the Internal Auditor, Chief Executive Officer and the Audit Committee and with consideration of the risks contained in the Council's Strategic Risk Register and include financial and compliance reviews as required by legislative requirements.

The scope for the internal audits will be developed in collaboration with Council Management, the Chief Executive Officer and the Internal Auditor. The Strategic Internal Audit plan will be approved by the Audit Committee.

The Internal Auditor will meet with the Audit Committee at the next meeting of the Audit Committee immediately after each report is completed to present the report, its observations, findings and recommendations. The Executive Leadership Team will review the internal audit report and develop an appropriate action plan to address the findings and recommendations prior to the report being presented to the Audit Committee. After the Audit Committee has considered the internal audit outcomes, the confirmed action plans will be included as part of an ongoing Audit Actions



Monitoring Plan and progress with implementing the actions will be monitored on a regular basis by the Audit Committee and Strategic Risk Committee.

CEO Initiated Reviews and Audits

The CEO may initiate internal reviews, should the CEO deem that the circumstances warrant a review or audit. The review or audit will be conducted by an appropriately qualified investigator or auditor. When relevant, all such reviews will be conducted in a way that provides natural justice, confidentiality and is consistent with the Charter of Human Rights and Responsibilities Act (2006). The scope of these reviews will be provided by an appropriate review/audit/investigation plan which will be approved by the CEO before the review commences. At the conclusion of the audit or review the Audit Committee and Council will be advised by the CEO of the outcome of the review or audit as well as any actions being taken to address the findings.

Strategic Risk Assessment

Strategic Risk Assessments will be undertaken by responsible Managers and Directors in accordance with Council's Risk Management Framework. The Strategic Risk Assessments will be recorded on Council's Strategic Risk Register, which is co-ordinated and managed by Council's Strategic Risk Committee. The Strategic Risk profile and the assessments for high and extreme risks will be reported at a minimum annually to the Audit Committee and Council for oversight of the risk mitigation strategies.

Compliance Checks in Council Policies

Compliance reviews required in Council policies will be carried out in the manner and time set out in each policy and reported to the Audit Committee.

Participation in administrative, civil and criminal audits and reviews

From time to time Council may be required to be subject to, or participate in civil, administrative and criminal reviews instigated by external regulatory authorities such as the Ombudsman, Police, ATO, IBAC, Worksafe, Fair Work Australia, FOI Commissioner, Privacy Commissioner, Councillor Conduct Panel, Local Government Victoria etc. Council will participate in any such review including providing correction of any matters of fact and developing strategies to address any findings. The reports will be presented to the Audit Committee.

Natural Justice

Council will ensure that the principles of natural justice including the "no-bias" rule and the "hearing rule" are adhered to in any audit or review.

Audit program oversight: this program will be overseen by Council's Audit Committee, which will assist the Council in the effective conduct of its responsibilities for financial reporting, compliance obligations and management of risk including the Council's exposure to fraud and maintaining a reliable system of internal control. The Audit Committee will operate within a Council adopted Audit Committee Charter that will be reviewed annually by the Committee and Council.

The Chair of the Audit Committee will provide a report to Council each year outlining the activities and performance of the Committee.



Reports of all Audit Committee meetings will be reported to the next Council meeting after the Audit Committee meets. The Chair of the Audit Committee may require any report prepared by the Audit Committee to be listed on the agenda for the next ordinary meeting of the Council.

RISK ASSESSMENT

Council is required by section 139 of the Local Government Act 1989 to establish and operate an Audit Committee. The purpose of this policy is to ensure Council minimises the risk of Council operating an ineffective Audit Committee and Internal Audit Strategic Plan by specifying how these functions are to operate.

An effective Audit Committee and Internal Audit Strategic Plan, in turn, will enable Council to adequately manage its key strategic risks, which are primarily related to:

- Issues relevant to the integrity of Council's financial reporting and health; and
- Legislative compliance with the many Acts Council is required to comply with, monitored by an effective internal control and risk framework.

IMPLEMENTATION STATEMENT

Council will implement this policy through the following activities:

- Audit Committee Charter, Agenda, Internal Audit Schedule and Annual Reviews to ensure compliance with the Local Government Act 1989 and "Audit Committees: A Guide to Good Practice for Local Government" from Local Government Victoria published in January 2011;
- Reporting quarterly to Council on the Audit Committee's activities via the Audit Committee's prior meeting minutes;
- An annual Audit Committee Chair report presented to Council;
- Engaging an appropriately qualified Internal Auditor to conduct internal audits in accordance with the internal audit schedule; and
- Implementing agreed actions to meet the recommendations presented as a result of financial audits, internal audits, other external audits, internal reviews and investigations.

COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

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E.3 POLICY REVIEW: C51 COUNCILLOR SUPPORT AND EXPENDITURE POLICY JULY 2016

Corporate and Community Services Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

The 'Councillor Support and Expenditure Policy C51' (Policy) has been reviewed and updated to include greater clarity on resource support for Councillors. This review has been undertaken in response to a Council resolution made at the 27 April Council Meeting for item 'F1 Notice of Motion 694 - Council Support and Expenditure Policy - Council Determination of what is acceptable to the community beyond the minimum toolkit.'

The revised Policy is found in **Attachment 1**. It is presented to Council for adoption.

Document/s pertaining to this Council Report

- **Attachment 1** - Councillor and Expenditure Policy C51 - July 2016

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Local Government Act, 1989 – Sections 75, 75A, 75B and 75C
- Local Government (General) Regulations 2015

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Councillors' Access to Council Information Policy 2016
- Councillors' Vehicular Policy CEO
- Council Ordinary Meeting Minutes - 27 April 2016 - Item F1

COUNCIL PLAN

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

CONSULTATION

The Executive Leadership Team has reviewed the Policy and provided feedback on its content.

The Council reviewed the Policy at a briefing session on 1 June 2016 and provided advice on refinements that have been incorporated.

REPORT

Background

Council last reviewed and adopted the Councillor Support and Expenditure Policy C51 on 25 March 2016. On 27 April 2016 Council resolved to review and update the Policy to better clarify acceptable levels of resource use. The Council resolutions stated:

That Council:

- 1. Determines that Council resources to provide personalised Ward newsletters is not acceptable to the local community and will not be provided;*
- 2. Undertakes a review of the Councillor Support and Expenditure Policy in the next three months;*
- 3. Considers the following words to be included in the Policy as part of the review: "A Councillor should seek authorisation from the Council through the Mayor prior to using public funds or resources for any purpose that is not a standard/regular practice or likely to incur expenditure that may not be deemed an acceptable use by the broader community."*

Discussion

The revised Policy (**Attachment 1**) incorporates a number of new inclusions, limitations on acceptable usage and rearrangement of some items in the Councillors 'toolkit' to align more specifically with mandatory requirements and optional provisions. Various items also align with the modern technologies Council has in place, rather than older technologies listed in the '2008 Local Government Victoria Guide for Mayor and Councillor Entitlements'.

The Policy incorporates the minimum/standard toolkit, along with additional resources to formalise levels of acceptable use. Where resource requirements exceed these limitations Councillors are required to seek Mayoral or CEO approval, or Council approval through the Mayor in various situations, prior to use. Councillors should also seek clarification from the Mayor prior to use where he/she is unsure if their desired requirement is likely to be outside the generally accepted intent of the Policy.

Proposal

It is proposed that Council adopts the revised Councillor Support and Expenditure C51 Policy - July 2016, contained in **Attachment 1**.

FINANCIAL CONSIDERATIONS

Financial requirements associated with the revised Policy are in line with existing budgets. Councillors are required to seek Mayoral, CEO and/or Council approval for resource requirements likely to exceed the current standard minimum toolkit.

Transparency on financial expenditure by Councillors has been clarified in the Policy to strengthen existing practice. Several additional items have been added to the list of expenditure items included in the quarterly Councillor Expenditure reports.

RISKS

Organisational and reputation risk is minimised by:

- a. Providing consistency with current legislation;
- b. Ensuring there is adequate support for Councillors to carry out their responsibilities effectively; and
- c. Being transparent and accountable in respect of expenditure incurred by Councillors

CONCLUSION

The Councillor Support and Expenditure C51 Policy - July 2016, contained in **Attachment 1**, provides greater clarity on the resources and level of support provided by Council to assist Councillors in undertaking their civic responsibilities. It has been updated following a resolution of Council and is presented for Council's adoption.

RECOMMENDATION

That Council:

1. Adopts C51 Councillor Support and Expenditure Policy - July 2016 contained in Attachment 1; and
2. Publish the adopted C51 Councillor Support and Expenditure Policy - July 2016 on Council's website.

MOVED: Cr Fawcett

SECONDED: Cr Davies

THAT COUNCIL:

- 1. ADOPTS C51 COUNCILLOR SUPPORT AND EXPENDITURE POLICY - JULY 2016 CONTAINED IN ATTACHMENT 1; AND**
- 2. PUBLISH THE ADOPTED C51 COUNCILLOR SUPPORT AND EXPENDITURE POLICY - JULY 2016 ON COUNCIL'S WEBSITE.**

Cr Hill returned to the Council Meeting at 3.23pm.

CARRIED UNANIMOUSLY

Attachment 1
Councillor Support and Expenditure Policy C51 July 2016



South Gippsland Shire Council

**COUNCILLOR SUPPORT AND EXPENDITURE POLICY C51
– JULY 2016**

Policy Number	C51	Directorate	Corporate & Community Services
Council Item No.	E	Department	Innovation & Council Business
Council Adoption Date	July 2016	Primary Author	Coordinator Corporate Planning & Council Business
Revision Date	August 2020	Secondary Author	

POLICY OBJECTIVE

To:

1. Provide for reimbursement of expenses and provision of resources and facilities support for the Mayor and Councillors of the South Gippsland Shire Council that is consistent with industry standards and supports the attraction and retention of Councillors from a wide cross section of people; and
2. Review and replace Councillor Support and Expenditure Policy C51 dated 25 March 2015.

This policy does not cover the payment of Mayoral and Councillor Allowances because these are subject to periodic determination by Order in Council made by the Governor in Council pursuant to Section 74 of the Local Government Act 1989.

LEGISLATIVE PROVISIONS

Local Government Act 1989 Sections 75, 75A, 75B and 75C Local Government Act 1989

Local Government Act (General Regulations) 2015

Information Guide Mayor and Councillor Entitlements reimbursement of expenses and provision of resources and facilities support for Victorian Mayors and Councillors - November 2008

DEFINITIONS

'LGA' means Local Government Act 1989

'Incidental' means a minor number / the smallest number possible.

POLICY STATEMENT

Councillors are required to minimise their use of Council resources, thereby playing their part in reducing the cost of Council services to the community.

COUNCIL POLICY

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This policy is based on:

1. Councillor conduct principles as prescribed by Sections 76B and 76D of the LGA.
2. Encouraging diversity in participation, equity and access by recognising that:
 - Councillors operate in a complex environment and bring unique skills and insights to the role;
 - Diversity in participation and access to local representation contributes to well informed decision making involving the community;
 - The role of Councillor should attract and retain a wide cross section of people, particularly those from under-represented groups;
 - Councillors need to be accessible to a wide range of constituents and stay informed about issues in the community. These are an important part of the role and use of internet is essential to facilitate access;
 - Councillors are supported in undertaking their duties by assuring that reimbursement of expenses and access to resources support are provided in an equitable manner to cater for the full participation of all Councillors in Council business and with their communities, while recognising individual needs and circumstances;
 - Councillors are required to attend formal Council meetings and participate in community activities; and
 - The Community, Council and the State Government require resources to be used judiciously within a rate capped environment setting an expectation of Council to tighten controls on spending on behalf of the community
3. Encouraging accountability, transparency and community acceptance by:
 - Adopting and adhering to this policy;
 - In addition to providing expenses reimbursement, adequately reflecting the basic toolkit of resources and facilities entitlements available to a Mayor and Councillors;
 - Providing flexibility to determine what Council can afford to provide beyond the minimum toolkit and what is acceptable to the community; and
 - Ensuring the details and range of benefits provided to Councillors by Council is clearly stated and fully transparent and acceptable to the local community.
4. Supporting local flexibility according to complexity, needs and standards by recognising that:
 - It is a basic cost of governance to provide for the reimbursement of expenses necessarily incurred by Councillors in the performance of their duties;
 - A 'minimum toolkit' is needed;



- Council has a responsibility to establish and define an appropriate and reasonable level of provision beyond the minimum level of provision. This will take into account differences between Councils and levels of complexity of Councils indicated by population size and revenue base to enable Councillors to carry out their civic role; and
 - This provision should conform to legislative and statutory requirements or accepted benchmarks and standards applied in the Sector.
5. No disadvantage, in that Mayoral and Councillor Allowances are provided separately to reimbursement of expenses and the costs of facilities / resources support.

Councillor Support

Council will provide the following which includes a 'minimum toolkit' for expenses, support and resources as prescribed in the regulations and guidelines provided by Local Government Victoria, as amended from time to time.

This 'minimum toolkit' is:

1. Resources - Facilities and Equipment (mandatory):
 - Administrative support for the Mayor;
 - Office for the Mayor;
 - Vehicle for the Mayor;
 - Computer - Ipad/tablet (and laptop if required) and associated chargers;
 - Councillor accessible intranet (or equivalent eg Dashboard) as part of Council's online environment (this will be provided through the Ipad/tablet).
 - Mobile phone (and landline only if there is inadequate mobile coverage at a Councillor's normal residence);
 - Stationery;
 - Access to fax / copier / incidental printing (smallest number of pages possible) at Council offices, or for printing own copies of Council briefing papers and Agendas. Any printing beyond this requirement requires the approval of the Mayor.

Council resources will not be provided for personalised Ward newsletters (Council resolution 27 April 2016); and
 - Website development – provided in the form of a webpage containing Councillors' names, photos, contact details and associated links to facilitate participation and access between Councillors and the community.



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2. Reimbursement:

- Travel – including reimbursement of public transport costs only for travel relating to Council business ; (CE04 Refer Councillors' Vehicle Policy)
- Parking Fees (Does not include valet or personalised service parking where these costs are higher than other standard parking facilities available in close proximity);
- Phone – reimbursement of relevant call costs;
- Internet at normal place of residence (where Council internet provision is not available through the Ipad/tablet); and
- Child care / family care. (Payable for Council briefing sessions and Council meetings only).

The following has been determined by Council to be in addition to the 'minimum toolkit'

- Optional access to Council vehicles for Councillors in lieu of travel reimbursement (except in cases where use of pool car is not practicable e.g. interstate travel) in accordance with Councillor Vehicles Policy CE04;
- Access to office space and furniture in the form of Councillor's room;
- For any Councillor with a disability Council may resolve to provide reasonable additional facilities and expenses, which may be necessary for the performance of their duties;
- Access to Council email and internet;
- Council officer nominated to provide incidental (limited) support for Councillors for Council business requirements;
- Incidental postage of Council related mail through Council's mail system however a copy of the mail will be kept by Council. Any postage beyond this requirement requires the approval of the Mayor;
- Reimbursement of reasonable expenses necessarily incurred while entertaining visiting guests on behalf of Council or attending meetings, seminars or conferences (separate to accommodation and travel expenses) including the reasonable cost of drinks accompanying a meal.

The Council or CEO must give approval prior to any such entertainment / seminar / conference or meeting for which reimbursement will be sought, unless the Councillor is Council's nominated representative for the event concerned;
- Payment and re-imburement of course, conference and program fees incurred in undertaking training and development activities to acquire new, or to enhance existing skills required to assist a Councillor in performing their role as a Councillor, or to achieve wider Council goals. Any learning opportunities identified are to be approved by the Chief Executive Officer. Where appropriate, Councillors are encouraged to report the outcome of the activity to Council immediately upon completion of the activity.



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- Where available, use of meeting rooms owned and controlled by Council where a Councillor is in attendance;
- Transcripts specifying sections required of a recorded Council meeting. Requests are to be made through the CEO;
- Requests for Information and/or assistance from staff, beyond that provided in briefings and published on the Councillor intranet (eg Dashboard), are to be made through the relevant Director and will be managed at the Director's discretion. (refer Councillor Access to Council Information Policy 2016)
- Access to the Local Government Act 1989 and other legislation on-line at <http://www.legislation.vic.gov.au/>,
- Infosum weekly bulletin of Council information, relevant publications, local and industry events and other general information published on-line through the Councillors' intranet (excluding publications in the second half of December and the month of January); and
- Business cards, name badges and a diary.

All equipment provided by Council under this policy must be returned to Council at the end of a Councillor's term of office.

Council resources are not to be used for any electioneering purposes.

Interstate and Overseas Travel

Discretionary interstate trips, interstate travel and attendance at interstate conferences in relation to Council business, requires approval of the Chief Executive Officer prior to the event.

Overseas travel in relation to Council business requires approval by resolution of Council prior to the event.

In both of the above circumstances it would be likely that a Councillor would be the Council's appointed or nominated Council representative, such appointment or nominations generally being made at the annual Statutory Meeting of Council.

It is expected that a Councillor will provide a full report of the outcomes of their travel to the next meeting of the Council after the travel occurs.

Registering All Interstate and Overseas Travel

Councillors must, within seven days after the completion of a trip, record the following details in Council's Local Government register (Refer Local Government (General) Regulations 2015 clause 12 for specific requirements regarding interstate and overseas travel):

- Councillor Name;
- Destination;
- Date/s of travel;



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- Purpose of travel; and
- Total cost to the Council including accommodation costs.

Overseas mobile phone and data usage

International use of mobile phones or electronic data connections on Ipad/tablet, including associated roaming charges, requires CEO approval prior to departure and expenditure is limited to a maximum of \$600. Councillors must minimise these costs by turning the phone off except when making a call and using SMS messaging to keep costs as low as possible. Expenses incurred over \$600 are to be paid by the Councillor.

Claims for Reimbursement

Claims should be submitted to the support officer to the Mayor and Councillors for authorisation within 30 days of expenditure being incurred to ensure timely reimbursement. Claims must be made on appropriate claim forms, signed by the Councillor and with supporting documentation such as receipts and invoices. Claims that appear dubious in nature (not in line with duties as a Councillor), will be referred to the Mayor to determine if reimbursements should be made. If the claims relate to the Mayor then these would be referred to the CEO to determine. (Refer Section 75 of the Local Government Act 1989)

Limitations on Resource Usage

A Councillor should seek authorisation from the Council through the Mayor prior to using public funds or resources for any purpose that is not a standard/regular practice or likely to incur expenditure that may not be deemed an acceptable use by the broader community. (Council resolution 27 April 2016)

Internal/External Audit Review of Claims

Support provided under this policy, including details of interstate and overseas travel, will be subject to review by the internal audit committee on an annual, or as requested, basis.

The Victorian Auditor General's Office (VAGO) may also request to review claims for reimbursement by Councillors, as part of the review of Council's financial management.

Transparency through Council Reports on Expenditure

A quarterly report will be presented to Council providing transparency on Councillor expenditure and reimbursements. These reports will include as a minimum: vehicle usage, accommodation, allowances, remoteness allowances, transcripts, training, conferences, travel, parking fees, mobile phone, landline, internet, printing and stationery. Other expenditure items may be added to this report at the discretion of the CEO.



COUNCIL POLICY

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RISK ASSESSMENT

Misuse of Council resources (fraud) and reputational risk is minimised by providing:

- Consistency with current legislation;
- Adequate support to Councillors to carry out their responsibilities effectively;
- Approval requirements for resource usage beyond the levels of mandatory and general incidental use; and
- Transparency and accountability in respect to payments made and expenditure incurred to/by Councillors.

IMPLEMENTATION STATEMENT

Implementation of the policy will be by:

- Distribution of the policy to all Councillors;
- Making the policy available for public inspection at the Council Office; and
- Publication of the policy on the Council website.

E.4 POLICY REVIEW: C10 COMMUNITY TRANSPORT 2016

Corporate and Community Services

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

This report recommends the adoption of the revised C10 Community Transport Policy (the Policy) which was last adopted in May 2013. The Policy provides a framework and guidelines for the provision of Council's Community Transport service.

The Community Transport service is to be reviewed before the cessation of the three year service agreement of guaranteed funding ending 30 June 2019

Document/s pertaining to this Council Report

- **Attachment 1** - C10 Community Transport Policy - July 2016

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Local Government Act 1989
- Bus Safety Act 2009
- Aged Care Act 2016
- Home and Community Care Act (Australian Government) 1985
- Carers Recognition Act (Victoria 2012)
- Program Service Agreements
- Victorian Home and Community Care (HACC) Program Manual 2013
- Home Care Standards (Commonwealth (CHSP) and State (HACC))
- Commonwealth Home Support Program Guidelines (CHSP) 2015

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Active Ageing Plan 2012-2016

COUNCIL PLAN

Outcome:	3.0	Integrated Services and Infrastructure
Objective:	3.1	Deliver affordable modern community services and facilities through an integrated approach to planning and infrastructure development.
Strategy:	3.1.4	We will plan for the service needs of the Shire's changing demographic.

CONSULTATION

As part of the community consultation process for our Active Ageing Plan, public transport and access to services continues to be a high priority issue for residents. A large proportion of the audience spoke of the value and importance of the Council's Community Transport Service. The service is especially needed by residents with no other means of transport and particularly those in isolated communities.

Councillors were provided a copy of the Policy Review through Infosum on 7 June 2016 with an opportunity to provide comments. No feedback was received.

REPORT

Background

Council last reviewed and adopted the C10 Community Transport Policy on 27 March 2013. The Community Transport Service was comprehensively reviewed in 2013 with all recommendations of the review completed.

Discussion

The Community Transport Policy has been in place for many years and is reviewed every three years. The most significant change in the current policy is the inclusion of the Commonwealth Home Support Program (CHSP) for residents 65 and over who will transition from the Home and Community Care (HACC) program on 1 July 2016. A major change will be that clients will be encouraged to contact the 'My Aged Care (MAC)' Portal via the telephone or website to register their details and support needs. The MAC Centre will then refer to Council's Assessment team, prior to being referred by the MAC Portal to Council's service providers. The transition will have little impact on the way our Community Transport Service is delivered.

Council continues to be committed to supporting residents to remain independent, safe and secure in their community through the provision of transport opportunities for the frail aged and younger people with disabilities, including but not limited to eligible clients and their carers within the HACC or CHSP.

Council provides transport assistance to a range of medical, social and community appointments and/or activities. It aims to supplement and not replace existing public or commercial services. The program also assists residents to remain independent and stay actively involved in the community, thereby reducing social isolation.

Volunteer drivers use Council vehicles to transport clients to their destination and then return them home. Weekly or fortnightly bus trips are scheduled from small outer towns into the closest larger town with amenities. Clients are charged a fee which helps us maintain this important community program. There is a high demand for this program.

Proposal

It is proposed that Council adopt the revised Community Transport Policy (**Attachment 1**).

FINANCIAL CONSIDERATIONS

This revised Policy does not require an increase or change to Council budget. The HACC Transition and new Commonwealth Home Support Programme began 1 July 2016. The new service agreements have confirmed funding.

Volunteer Coordination Funding = \$43,400 per annum
85% allocated for Older people (CHSP)
15% for younger residents (HACC)

This funding has been secured until June 2019 and the level is unlikely to be reduced for the National Disability Insurance Scheme which commences October 2017 in South Gippsland.

RISKS

Disadvantage is exacerbated through geographical isolation and lack of transport affordability. Council's Community Transport service is targeted to the most vulnerable in our community through a consistent assessment process and at an affordable price.

Government funding of the Community Transport Service after June 2019 is not guaranteed. A review of the service will occur before the cessation of the existing service agreement.

CONCLUSION

The Community Transport policy includes the most up to date and relevant information in line with the Aged Care Reform and roll out of National Disability Insurance Scheme. The policy provides a framework for Council's Community Transport service and Guidelines for Council staff in delivering the service to the most vulnerable in our community.

RECOMMENDATION

That Council:

1. Adopts C10 Community Transport Policy - July 2016 contained in Attachment 1; and
2. Publish the adopted C10 Community Transport Policy - July 2016 on Council's website.

MOVED: Cr Davies

SECONDED: Cr Brunt

THAT COUNCIL:

1. **ADOPTS C10 COMMUNITY TRANSPORT POLICY - JULY 2016 CONTAINED IN ATTACHMENT 1; AND**
2. **PUBLISH THE ADOPTED C10 COMMUNITY TRANSPORT POLICY - JULY 2016 ON COUNCIL'S WEBSITE.**

Cr Fawcett left the Council Meeting at 3.24pm and was not present for the vote.

CARRIED UNANIMOUSLY

Attachment 1 C10 Community Transport Policy - July 2016



South Gippsland Shire Council

COMMUNITY TRANSPORT POLICY

Policy Number	C10	Directorate	Community Services
Council Meeting	367	Department	Aged & Disability Services
Agenda Item No.	E 7		
Council Meeting	27 March 2013		
Adoption Date	27 March 2013	Primary Author	Community Programs Team Leader
Revision Date	25 May 2016	Secondary Author	Coordinator Aged & Disability Services

COUNCIL POLICY

POLICY OBJECTIVE

Aim to provide:

1. Fair, accessible and equitable access to community transport, for residents of the Shire who are transport disadvantaged. Local people who are frail aged can find it difficult to access public or private transport services. This maybe because of a disability that impacts on their mobility, they live in a geographically isolated place or they cannot afford the cost of transport.
2. Positive partnerships are developed with stakeholders, both private and community based, to develop improved transport systems across the Shire. Promote existing services and programs available such as Travellers Aid and the Victorian Patient Transport Assistance Scheme (VPTAS).
3. Clear policy and guidelines for Council staff and the community.

LEGISLATIVE PROVISIONS

- Local Government Act 1989
- Bus Safety Act 2009
- Aged Care Act 2016
- Home and Community Care Act (Australian Government) 1985
- Carers Recognition Act (Victoria 2012)

Program Service Agreements

- Victorian Home and Community Care (HACC) Program Manual 2013
- Home Care standards (Commonwealth (CHSP) and State (HACC)
- Commonwealth Home Support Programme Guidelines (CHSP) 2015

DEFINITIONS

Commonwealth Home Support Programme (CHSP) - People aged 65 years or over (and 50 years and over for Aboriginal and Torres Strait Islander people) will be funded and managed by the Australian Government under the new aged care model

and

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Home and Community Care (HACC) - Victorians aged under 65 years, or under 50 years for Aboriginal and Torres Strait Islander people are funded by the Department of Health and Human Services State department.

Both programs aim to:

- Provide a coordinated and integrated range of basic support services for frail older people, younger people with disabilities, and their carers.
- Support these people to be more active and independent at home and in the community, thereby enhancing their quality of life and/or preventing inappropriate admission to hospital or long term residential care.
- Provide flexible, timely and responsive service.

Community Transport

Community transport (CT) provides services, either direct transport or support to access public transport, for people who are transport disadvantaged. Community transport is affordable, flexible, accessible and adaptable to individuals' needs enabling them to participate in daily life. The Transport service is funded via Volunteer Coordination under both the HACC (State) and CHSP (Commonwealth) program, with Council and user fees making up the difference.

Community Transport Volunteers

Volunteers who drive clients to their destinations using the community transport resources. They have had a police check, reference checks and are provided with orientation as well as ongoing support from the Community Transport Team Leaders. It is not their role to provide personal assistance to eligible clients. Community Transport Volunteers are to be reimbursed for out of pocket expenses when driving long distances.

Community Car

Any designated Council vehicle engaged to provide transport for eligible residents for the purpose of attending medical appointments and/or accessing other HACC services.

Community Bus

A Council vehicle purchased for the purpose of conveying eligible residents to appointments, community activities and facilities on a regular scheduled basis.

POLICY STATEMENT

Council is committed to supporting residents to remain independent, safe and secure in their community through the provision of transport opportunities for the frail aged and younger people with disabilities, including but not limited to HACC and CHSP clients, and their carers. It also aims to reduce isolation to residents who have no other means or access to transport.

Council provides transport assistance to a range of medical, social and community appointments and/or activities. It aims to supplement and not replace existing public or commercial services.

COUNCIL POLICY

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GUIDELINES

This policy will be implemented by Aged and Disability Services staff using the following guidelines.

1. All potential clients are required to be assessed.
2. All assessments are undertaken by Council assessment staff in accordance with HACC or CHSP Program criteria. Clients who are assessed as eligible for HACC & CHSP services will have priority for the Community Transport program.
3. Residents, assessed as low-level need, in Commonwealth and State funded residential care facilities are eligible to use the community cars. The nursing supervisor, not the resident, must make all requests for service. The nursing supervisor will determine the suitability of their resident to use the community transport service as all passengers must be independent.
4. Residents who do not have a car or cannot drive either temporarily or permanently and are isolated, can access a community bus in their area where there are seats available. These residents will be charged at a non-subsidised rate.
5. In accordance with the Victorian HACC Program Manual and National CHSP Guidelines, residential care residents will not take precedence over HACC clients and will be charged as per the South Gippsland Shire Council fees and charges schedule.

Note: The Commonwealth and State governments fund residential care facilities. As part of these funding arrangements residential care providers are expected to facilitate access to transport for their residents.

6. When not being used by Council's Community Transport Program, the community buses may be hired by not-for-profit community groups. Such groups will not take precedence over HACC eligible target groups and must adhere to Council's "Conditions of Hire & Use". Hirers will be charged the adopted South Gippsland Shire Council fees and charges schedule. Hirers must be a registered bus operator as per the Bus Safety Act 2009 and support can be provided to groups if required.
7. At least one vehicle will be fitted out with the appropriate access and mobility equipment, compliant with the relevant Australian Standards.
8. When Council's community transport is not available, clients will be referred to alternative service providers such as South Gippsland Health Service and the Red Cross Community Transport Service (Inverloch and Yarram).
9. Council financial contribution capped at 50 per cent.

RISK ASSESSMENT

This policy provides a framework for Council to deliver a high quality, person-centred service that is financially sustainable.

The Community Transport service is to be reviewed before the cessation of the 3 year service agreement of guaranteed funding ending 30 June 2019.

IMPLEMENTATION STATEMENT

Council's Corporate and Community Services Directorate, in particular the Aged & Disability Services, has responsibility for the effective implementation of this policy.

Policy

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COUNCIL POLICY

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E.5 POLICY REVIEW: C03 ARTS AND CULTURE POLICY 2016

Sustainable Communities and Infrastructure Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

This report recommends the adoption of the revised *C03 Arts and Culture Policy (2016 Revised Policy)* which was last adopted on 26 June 2013.

The 2016 Revised Policy provides a platform for a diverse range of arts and cultural activity to be embedded in community activity, and to support new and expanded economic activity in the arts sector across South Gippsland including cultural tourism opportunities.

The 2016 Revised Policy articulates Council's commitment to supporting a culturally vibrant Shire and outlines principles and objectives for Council's art and cultural services, programs, and facilities. A copy is available in [Attachment 1 – C03 Arts and Culture Policy 2016](#).

Document/s pertaining to this Council Report

- [Attachment 1](#) – C03 Arts and Culture Policy 2013.
- [Attachment 2](#) – C03 Arts and Culture Policy 2016.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Not Applicable.

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Social Community Infrastructure Blueprint 2014-2029 ([web link](#)).
- Community Strengthening Strategy 2008 ([web link](#)).

COUNCIL PLAN

Outcome:	2.0	Closely Connected Communities.
Objective:	2.1	Engage and work collaboratively with our community.
Strategy:	2.1.1	We will develop a continually evolving Vision for the Shire that encourages community participation in defining what it wants, needs and can afford to guide rationalisation, consolidation and achievement of desired community outcomes.

- 2.1.2: We will develop an integrated approach to planning with the community incorporating budgeting/funding strategies and project development.

CONSULTATION

Consultation has included:

- Establishing a working group that included five Sector members, one Councillor and two staff members. The working group received and considered feedback provided through the various forums and network meetings.
- Active involvement of five Councillors.
- An externally facilitated full day forum held in May 2015 with thirty-five participants.
- A further forum was held in August 2015.
- In September 2015, an update on the key discussions and themes generated at the two forums was developed and distributed to the Arts Network and people who attended the forums.
- Attendance at the South Gippsland Arts Network meetings held in February, August, and November 2015 to discuss progress of the review.

Council has consulted widely with the sector and has also sought input from the other Gippsland municipalities via the Creative Gippsland Network.

The 2016 Revised Policy includes a comprehensive list of proposals to be considered in the development of the proposed *South Gippsland Arts and Creative Industries Strategy*.

REPORT

Background

The current 2013 Policy was adopted by Council in June 2013 for a four year term with a revision due in 2017.

Discussion

The focus of the 2013 Policy is the provision of support to the community arts sector (the Sector) when developing collaborative projects as well as joint marketing and promotion of the Sector.

During the online engagement process facilitated by Our Say and consultation for Council's budget, there was a very strong response from the

Sector regarding the desire for Council to provide a greater level of engagement and support for its arts community (including commercial).

At the Ordinary Council Meeting on 22 October 2014, the following resolution was carried unanimously:

“That Council as part of its annual planning and budgeting process for the 2015/16 year:

- 1. Review the current Arts Policy and how it is currently implemented and the level of support it provides to the community;*
- 2. Determine how Council could best support the arts within the Shire; and*
- 3. Seek broader community engagement for an Arts Strategy and confirm the required service levels for arts and culture through the community consultation forum using ‘Our Say’.”*

Council invited the Sector to be involved in the review of the 2013 Policy and development and implementation of a revised Arts and Culture Policy. This approach was on the premise that the Sector would be best placed to comment on the level of activity the Policy is providing to the community.

The Sector responded strongly to this invitation and has been working with Council on the review since early 2015 to date.

Policy Review

The 2016 Revised Policy is markedly different to the current 2013 Policy. It is more specific with statements on the type of support that Council should provide and it gives greater weight to the economic value of the Sector.

1. Key changes

The 2016 Revised Policy includes a statement that Council wants this region to be recognised as a region with a strong and vibrant arts sector.

It commits Council to:

- Working with the commercial sector as well as the community sector in arts and culture.
- Supporting development of new or enhanced infrastructure to support arts and cultural activity across the Shire, but within the guidelines of the [Social Community Infrastructure Blueprint 2014-2029](#).
- A greater role in maintenance and expansion of public art across the Shire.

- An advocacy role for increased resourcing of the Sector both within and external to South Gippsland.
- The development of a comprehensive strategy to implement the Revised 2016 Policy (upon adoption).

2. Other suggestions

The Sector also suggested that Council consider a developer contribution scheme for public art (this is the practice at many councils across Australia, including Bass Coast Shire Council). The 2016 Revised Policy suggests that this is considered as an element of a policy implementation strategy.

Resourcing

To effectively implement the direction of the Policy, an increase in resourcing is required. In particular, the requirement to:

1. Increase Council's commitment to advocacy,
2. Seek a greater level of external grant funds; and
3. Develop a program to apportion responsibility for maintenance of shared infrastructure and public art.

The additional resources would also enable Council to take a lead role in sourcing new arts and cultural events for South Gippsland, which in turn would support increased cultural tourism and economic activity within the municipality.

State Government Strategy

The Victorian Government has recently released a major new strategy - [Creative State](#) - to support the creative industries. This strategy states that the Sector is worth \$23 billion and creates 220,000 jobs.

The Government has allocated \$115 million over the next four years to support new initiatives, and a range of opportunities will be available to rural councils to access new funds.

On a simplistic pro-rata calculation, South Gippsland could target over \$500,000 of State funds to support the Sector over the next four years. An additional staff resource focusing on arts development and cultural tourism would be well placed to unlock new funds from this Strategy for South Gippsland.

Proposal

It is proposed that Council adopts the revised *C03 Arts and Culture Policy 2016*.

FINANCIAL CONSIDERATIONS

Council has allocated \$20,000 in the 2016/17 Annual Budget for the development of an *Arts and Creative Industries Strategy*.

Effectively implementing the outcomes of the Policy and Strategy will result in an increased service level for arts and cultural activity, which is anticipated to cost \$100,000 per annum.

Increased external funding can be anticipated if Council was able to effectively deliver the Policy and resultant *Arts and Creative Industries Strategy* and coordinate approaches to other levels of government and the philanthropic sector.

RISKS

Resourcing – existing resources are insufficient to deliver the outcomes of the policy/strategy.

Reputational – management of our community's expectations in delivering the outcomes of the newly adopted *C03 Arts and Culture Policy* and the *South Gippsland Arts and Creative Industries Strategy*, especially given the direct involvement of the Sector during its development.

CONCLUSION

Considerable opportunity exists for increased arts and cultural activity to be created in South Gippsland in the coming years, with strong potential for positive economic and health and wellbeing outcomes. Council can play a key role in enabling these positive outcomes to be realised by adopting, implementing and resourcing a progressive Arts and Culture Policy and continuing to partner with the Sector and external funding agencies.

RECOMMENDATION

That Council:

1. Adopts the revised C03 Arts and Culture Policy 2016 (Attachment 2).
2. Makes available C03 Arts and Culture Policy 2016 on Council's website.

MOVED: Cr McEwen

SECONDED: Cr Davies

THAT COUNCIL:


- 1. ADOPTS THE REVISED C03 ARTS AND CULTURE POLICY 2016 (ATTACHMENT 2).**
- 2. MAKES AVAILABLE C03 ARTS AND CULTURE POLICY 2016 ON COUNCIL'S WEBSITE.**

Cr Fawcett returned to the Council Meeting at 3.26pm.

Cr Brunt left the Council Meeting at 3.29pm and returned at 3.31pm.

CARRIED UNANIMOUSLY

Attachment 1 C03 Arts and Culture Policy 2013



South Gippsland Shire Council

ARTS AND CULTURE POLICY

Policy Number	C03	Directorate	Community Services
Council Item No.	E.12	Department	Community Strengthening
Council Adoption Date	26 June 2013	Primary Author	Ned Dennis
Revision Date	May 2017	Secondary Author	

POLICY OBJECTIVE

Council strives to promote and support participation by the community of South Gippsland Shire in a broad range of civic activity, recreation, arts and cultural pursuits, community service and planning for their own communities' future. This Policy is devised to direct Council's role in supporting the development of and participation in arts and cultural activity across South Gippsland Shire.

LEGISLATIVE PROVISIONS

NIL

DEFINITIONS

Arts and Culture activity includes production, presentation and appreciation of a wide range of activities including but not limited to: theatre, literature, film/video, music including community singing and choral groups, visual arts including painting, printmaking, sculpture, photography and ceramics.

POLICY STATEMENT

Council acknowledges that the health, wellbeing and vitality of the community is improved by broad participation in cultural and arts related activity. Council also acknowledges that arts and cultural activity makes an important contribution to the economy of South Gippsland. Council's 2020 Vision states that the South Gippsland community will be encouraged to participate in arts and cultural activity, and that this activity will be promoted. The Council's 2010/2014 Plan states that Council plans for a vibrant and engaged community with Cultural Development listed as a key strategy to support this intention. The 2012-13 Council Annual Plan indicates that the key platform to be used to support such developments will be by collaboration and partnership with the arts community, particularly community based arts organisations.

RISK ASSESSMENT

This Policy will provide guidance to Council when allocating resources to support arts and cultural activities, and when seeking to partner with other organisations to develop or provide resources for such activities. This policy will also provide the South Gippsland community and potential funding partners with a clear statement on the role of Council in encouraging further arts and cultural activity.

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Attachment 1 C03 Arts and Culture Policy 2013



COUNCIL POLICY

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IMPLEMENTATION STATEMENT

Council will implement this policy by:

- supporting the operation of a South Gippsland Arts Network
- creating and distributing an annual South Gippsland Arts and Cultural Opportunities brochure
- advocating to external bodies on behalf of South Gippsland based arts organisations
- providing access to Council Community Grants for community arts organisations and for other community organisations planning to provide arts and cultural activities
- promoting arts and cultural activities broadly within South Gippsland participating as an active member of Creative Gippsland - the association of Gippsland LGA's directed at promoting cultural tourism and promotion of Gippsland's arts and cultural activity
- organising skills development opportunities for arts organisations and individual arts practitioners based in South Gippsland
- collaborating with external arts focused organisations such as Regional Arts Victoria (RAV) and Arts Victoria to support increased arts and cultural opportunities in South Gippsland
- assisting South Gippsland arts and cultural groups to plan for new projects and/or facilities
- creating opportunities for young people to participate in planning and delivery of arts activities including cultural events
- encouraging individual communities to include arts and cultural development in local community planning and visioning
- working with individual or networks of community arts organisations in the development, promotion and maintenance of public art
- assisting arts organisations to partner with other community organisations in South Gippsland e.g. recreation groups and community development organisations, to encourage participation in arts and cultural activity supporting the provision of the annual "Music for the People" concert at Mossvale Park in late February.


LINKAGES AND PARTNERSHIPS

South Gippsland Arts Network
Community based arts councils
Community theatre companies
Community managed galleries and studios
Music organisations
Commercial and private galleries and studios
Individual artists
Literature groups
Community arts festival committees/organisers
Regional Arts Victoria
Arts Victoria
Creative Gippsland network
South East Cultural Officers Network

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Attachment 2 C03 Arts and Culture Policy 2016



South Gippsland Shire Council

ARTS & CULTURE POLICY

Policy Number	C03	Directorate	Sustainable Communities & Infrastructure
Council Agenda Item No.		Department	Sustainable Communities
Council Adoption Date	27 July 2016	Primary Author	Coordinator Community Strengthening
Revision Date	2019/20	Secondary Author	Arts & Culture Working Party

POLICY OBJECTIVE

Council strives to strengthen South Gippsland's position as a recognised region that:

- Has a strong art and cultural identity rich in diversity and opportunity.
- Has an artistic and cultural practice that positively impacts on the health and wellbeing of its residents and visitors.
- Cultivates and nurtures a vibrant and geographically diverse arts, culture and creative industry sector that delivers economic benefit to the region and contributes to, and creates engaged and connected communities.

The objective of the *Arts & Culture Policy* is to provide a platform for a diverse range of arts and cultural activity to be embedded in community activity, and to support new and expanded economic activity in the arts sector across South Gippsland including cultural tourism opportunities.

This Policy articulates Council's commitment to supporting a culturally vibrant Shire and outlines principles and objectives for Council's art and cultural services, programs, and facilities.

This Policy assists Council in:

- Allocating sufficient resources, both capital and personnel, to support enhancement of current provision and development of new activity within the art, culture, and creative industries.
- Supporting the development of more equitable opportunity to access funding between physical recreation activity, and arts and cultural development.
- Providing clear direction when Council considers collaborative investment opportunities for arts, culture, and creative industry with the community, other municipalities, other levels of government, the philanthropic sector, and commercial operators.
- Supporting increased range of spaces suitable for exhibition and performance through the development of multipurpose buildings and community spaces, and the enhanced capacity of existing spaces to cater for arts and cultural activity.

LEGISLATIVE PROVISIONS

Not applicable.

Arts & Culture Policy Page 1 of 4

Attachment 2 C03 Arts and Culture Policy 2016



COUNCIL POLICY

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DEFINITIONS

Arts and cultural activity includes the production, presentation, and appreciation of a wide range of activities including all visual arts, performance art, music, moving image, and literature art forms, including their related production, presentation, educational, and appreciation activities.

Arts and cultural activity in South Gippsland is considered inclusive of all community members and aims to engage communities into the future.

POLICY STATEMENT

Council recognises that the health, wellbeing, and vitality of the community are improved by broad participation in arts and cultural related activity. Council also recognises that arts, culture, and creative industry activity contributes effectively to economic activity and has the potential to provide significant sustainable and geographically dispersed growth to the South Gippsland economy.

Council understands that the creation of Public Art plays a significant role in enhancing the built environment of the municipality for local residents and the business sector and acts as an attractor of visitors to the area.

Council acknowledges that there is significant opportunity to develop collaborative arts and cultural projects with South Gippsland community organisations, the commercial sector, and organisations outside South Gippsland.

Council will play an important role in advocating within the municipality and to external sources on behalf of the arts and cultural sector for increased resources.

Consistent with Council's [C34 Youth Policy 2013](#) and [Active Ageing Plan 2012 - 2016](#), Council actively supports youth engagement with the community and the development of a community that respects and values the experience of older people, and acknowledges the benefit of supporting these sectors of our community to create, participate in, and contribute to arts and cultural activity.

Council will support arts and cultural activity through allocation of staff time, access to Council promotional resources, advocacy, and access to Council managed infrastructure and equipment, specific project funds such as community grants and community infrastructure allocations.

Council will create opportunities for the arts and cultural sector to work with the recreation sector and civic sector when planning community infrastructure enhancements.

Council will continue to maintain, and when appropriate, place on public exhibition a collection of art work created by South Gippsland based artists.

Attachment 2 C03 Arts and Culture Policy 2016



COUNCIL POLICY

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RISK ASSESSMENT

This Policy provides guidance / direction to Council when:

- Allocating resources to support arts and cultural activity; and
- When seeking to partner with local and external organisation.

IMPLEMENTATION STATEMENT

Council will implement this Policy through the development and regular revision of an *Arts and Creative Industries Strategy*, which will consider:

- Supporting the development of an independent Arts Alliance (Peak Body) which can provide advice to Council, the South Gippsland community, and external organisations, and lobby on behalf of the sector.
- Supporting the continuation of a Council facilitated *South Gippsland Arts Network* as a communication and engagement tool for the sector and Council.
- Development of a plan to support more equitable funding between physical recreation activity and arts and cultural development.
- Identification and engagement of Council teams that can make a specific contribution to implement of aspects of this Policy.
- Participation with neighbouring municipalities on joint projects that support art and cultural activity and creative industries.
- Participation with the broader recreation and civic community of South Gippsland on joint projects that support arts and cultural activity.
- Collaboration with the tourism sector to develop and promote cultural tourism opportunities.
- Collaboration with the broader emerging creative industries cluster to promote innovation within the creative industry sector.
- Expansion and maintenance of public art across South Gippsland, with consideration to the development of a Policy on developer contributions for public art.
- Development of an *Arts Facilities and Venues Plan*, consistent with Council's [Social Community Infrastructure Blueprint](#) to improve access to spaces for exhibition, presentation and skills development for the arts and cultural sector across the whole municipality.
- Establishment of an annual South Gippsland Arts Prize

This Policy will be reviewed on a 4 year cycle.

Attachment 2 C03 Arts and Culture Policy 2016



COUNCIL POLICY

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LINKAGES AND PARTNERSHIPS

Council will further support the implementation of this Policy by maintaining active links with:

- South Gippsland community arts sector.
- Professional arts practitioners based in South Gippsland.
- South Gippsland Arts Councils and Arts Collectives.
- Local Theatre companies.
- Community and private art galleries and studios.
- Music organisations and groups.
- South Gippsland community halls.
- Music and drama venues - both community managed and commercially owned.
- Community festival organisers.
- Regional Arts Victoria.
- Creative Victoria (Victorian State Government).
- Regional Arts Australia.
- Creative Gippsland (the collective of the 6 Gippsland municipalities).
- South East Cultural Officers network (South Gippsland, Bass Coast, Baw Baw, Cardinia, Casey, and Yarra Valley municipalities).

E.6 LEONGATHA MEMORIAL HALL COMPLEX - PROPOSED CHANGES TO THE 2016/17 FEES AND CHARGES FOR NON-COMMERCIAL COMMUNITY GROUPS & PRIVATE FUNCTIONS

Sustainable Communities and Infrastructure Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

This report recommends that Council supports changes to the adopted *2016/17 Fees and Charges* at the Leongatha Memorial Hall Complex for:

- Non-Commercial Community Groups; and
- Private Functions.

The report also distinguishes the difference between Non-Commercial Community Groups and Private Functions to allow community groups to receive a lower hire rate on the basis that revenue is given back to the community.

Document/s pertaining to this Council Report

- **Attachment 1** – Adopted and Proposed 2016/17 Fees and Charges - Leongatha Memorial Hall Complex Hire for Non-Commercial Community Groups.
- **Attachment 2** – Proposed 2016/17 Fees and Charges - Leongatha Memorial Hall Complex Hire for Private Functions (New Category).

COUNCIL PLAN

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

CONSULTATION

- Feedback received from community groups that the fees and charges for Non-Commercial Community Group bookings at the Leongatha Memorial Hall are too high.
- Feedback from the previous Hall Manager that community groups have indicated that they may no longer be using the Leongatha Memorial Hall in the future for their large functions as they cannot afford the fees and charges.

REPORT

Background

2005/06 Fees and Charges Categories

In the 2005/06 financial year, the Leongatha Memorial Hall's fees and charges were categorised into Non-Commercial rates and Commercial rates.

The following groups are currently eligible for the Non-Commercial fee:

- Incorporations able to provide you with their 'Statement of Purpose' and 'Rules'. Within the 'Rules' the windup clause must state that any assets of the incorporation be distributed to charities and not to the members. Failure to provide the relevant documentation will result in a commercial charge. A copy of this documentation is submitted to Council with all end of the month debtor invoice requisitions for non-commercial use.
- Private functions such as weddings and birthdays.

All other users of the hall complex are charged the Commercial fees and charges rate.

2016/17 Fees and Charges

At a Council Briefing on 15 June 2016, amendments to the proposed *2016/17 Fees and Charges* for non-commercial group bookings at the Leongatha Memorial Hall Complex were presented. This prompted the requirement to separate non-commercial group bookings into two categories:

- Non-Commercial Community Group bookings (where proceeds are given back to the local community); and
- Private bookings (weddings / birthdays).

Refer to:

- **Attachment 1 – Adopted and Proposed 2016/17 Fees and Charges - Leongatha Memorial Hall Complex Hire for Non-Commercial Community Groups.**
- **Attachment 2 – Proposed 2016/17 Fees and Charges - Leongatha Memorial Hall Complex Hire for Private Functions (New Category).**

Differentiating between these two types of bookings allows Non-Commercial Community Groups to receive a lower hire rate than bookings of a private nature.

With this change, there will be three categories of fees and charges pertaining to the hire of the hall complex as follows:

1. Commercial;
2. Non-Commercial Community Groups (horticultural society, sporting clubs etc); and
3. Private Functions.

Discussion

In recent years, a number of Non-Commercial Community Groups have contacted Council to request a deduction in the fees and charges for the hire of the Leongatha Memorial Hall and meeting rooms. These requests have been denied on the basis that the charges have been approved by Council as part of the *Annual Budget*.

The larger events held in the hall by the Non-Commercial Community Groups such as the Rose Show, Daffodil Festival, Art Show, etc. allows these groups to give back to the community financially. The Non-Commercial Community Groups argue that the fees and charges adopted by Council are too high and are affecting them financially, resulting in a minimised amount they are able to put back into the community.

The previous Hall Manager was also informed that some of these groups may no longer be using the Leongatha Memorial Hall in the future for their large functions as they believe the fees and charges are too high. The Leongatha Art Show hosted by Leongatha Rotary Club and the Leongatha Horticultural Society have been looking at alternate venues for future bookings.

Feedback received from Non-Commercial Community Groups are that the adopted fees and charges places financial pressure on the groups, with some only charging a gold coin donation or a \$5 entry fee, causing difficulties in covering the invoiced amount for the hire of the hall.

The Leongatha Memorial Hall is Leongatha's community hall, however the community groups have argued that they are unable to afford the fees and charges to hire the hall resulting in groups potentially moving to other venues. This will further contribute to the hall being underutilised.

The knowledge that user groups are looking at other venues gives Council the opportunity to make changes to the fees and charges to hopefully reduce the likelihood of this exodus from occurring.

There needs to be an amendment to the definition of the existing "Non-Commercial" category to make a distinction between private function (weddings/birthdays) and genuine community groups using the hall where proceeds are given back to the local community.

Options

The options available to Council are to:

1. Support the three categories for the Leongatha Memorial Hall and their associated fees and charges for the 2016/17 financial year as follows (preferred option):
 - a. Commercial: fees and charges to remain at current 2016/17 rates.
 - b. Non-Commercial Community Groups: fees and charges reduced to encourage community groups to continue using the hall for events and potentially entice previous users back to the hall (**Attachment 1**).
 - c. Private Functions (weddings, birthdays): fees and charges to remain at current 2016/17 rates for non-commercial groups (**Attachment 2**).
2. Make no changes to the current fees and charges for the adopted *2016/17 Annual Budget* for non-commercial groups at the Leongatha Memorial Hall.

Proposal

It is proposed that Council adopts option 1 above.

FINANCIAL CONSIDERATIONS

Lowering the *2016/17 Fees and Charges* for Non-Commercial Community Groups could result in a slightly less income than budgeted based on no groups moving. However, lowering the fees may minimise the drop in income by retaining some of the groups who are proposing to move, and may also attract other new non-commercial groups to use the venue.

The proposed *2016/17 Fees and Charges* are set as follows:

- Non-Commercial Community Groups are set at approximately 40% of the Commercial rates.
- Private Functions are to remain at their current level, which are approximately 80% of the Commercial rates (as per adopted budget on 22 June 2016 for Non-Commercial bookings).

RISKS

Fees and charges at the current levels may result in some community groups moving to other venues for their larger events. This will contribute to the hall being underutilised.

CONCLUSION

In the interests of all non-commercial community groups, lowering the *2016/17 Fees and Charges* will allow groups to be able to afford to use the Leongatha Memorial Hall Complex and still give back to the community. This will hopefully attract some community groups back to the complex with the lower rates.

By creating three categories for the hall rates, this will allow Private Functions to still use the hall complex at a discounted rate but not to the level of discount proposed for the Non-Commercial Community Groups.

RECOMMENDATION

That Council:

1. Adopts the three categories for the *2016/17 Fees and Charges* for the hire of the Leongatha Memorial Hall Complex as follows:
 - a. Commercial;
 - b. Non-Commercial Community Groups; and
 - c. Private Functions (new proposed category).
2. Make no changes to the current rates set for the 2016/17 Fees and Charges for 'Commercial' bookings.
3. Adopts the proposed lower 2016/17 Fees and Charges for 'Non-Commercial Community Groups' as detailed in Attachment 1.
4. Adopts the new 'Private Function' category and current rates set as per the adopted 2016/17 Annual Budget for non-commercial bookings as detailed in Attachment 2.

MOVED: Cr Hutchinson-Brooks

SECONDED: Cr Fawcett

THAT COUNCIL:

- 1. ADOPTS THE THREE CATEGORIES FOR THE 2016/17 FEES AND CHARGES FOR THE HIRE OF THE LEONGATHA MEMORIAL HALL COMPLEX AS FOLLOWS:**
 - a. COMMERCIAL;**
 - b. NON-COMMERCIAL COMMUNITY GROUPS; AND**
 - c. PRIVATE FUNCTIONS (NEW PROPOSED CATEGORY).**
- 2. MAKE NO CHANGES TO THE CURRENT RATES SET FOR THE 2016/17 FEES AND CHARGES FOR 'COMMERCIAL' BOOKINGS.**
- 3. ADOPTS THE PROPOSED LOWER 2016/17 FEES AND CHARGES FOR 'NON-COMMERCIAL COMMUNITY GROUPS' AS DETAILED IN ATTACHMENT 1.**
- 4. ADOPTS THE NEW 'PRIVATE FUNCTION' CATEGORY AND CURRENT RATES SET AS PER THE ADOPTED 2016/17 ANNUAL BUDGET FOR NON-COMMERCIAL BOOKINGS AS DETAILED IN ATTACHMENT 2.**

Cr McEwen left the Council Meeting at 3.36pm and was not present for the vote.

Cr Hill left the Council Meeting at 3.37pm and returned at 3.37pm.

CARRIED UNANIMOUSLY

Attachment 1
Adopted and Proposed 2016/17 Fees and Charges - Leongatha Memorial Hall Complex Hire for Non-Commercial Community Groups

Hire Description NON-COMMERCIAL COMMUNITY GROUPS	2016/17 Fee (ADOPTED)	2016/17 Fee (PROPOSED)	Percentage Savings (%)
Non-Commercial Community Groups - Whole Complex Hire	825.00	410.00	50.30%
Non-Commercial Community Groups - Whole Complex Hire 1/2 Day	430.00	215.00	50.00%
Non-Commercial Community Groups - Leongatha Memorial Hall Rental - full day or evening	590.00	295.00	50.00%
Non-Commercial Community Groups - Leongatha Memorial Hall 1/2 day use set up rehearsals	295.00	145.00	50.85%
Non-Commercial Community Groups - Leongatha Memorial Hall set up where hall deemed unusable by other parties (Weddings Expos Lyric Theatre Catwalks) full day	440.00	220.00	50.00%
Non-Commercial Community Groups - Leongatha Memorial Hall Rehearsals 1-4 hours	50.00	50.00	0.00%
Non-Commercial Community Groups - Leongatha Memorial Hall Full week hire 7 days	2,625.00	1,300.00	50.48%
Non-Commercial Community Groups - Leongatha Memorial Hall Meeting Room 1 full week hire 7 days	820.00	410.00	50.00%
Non-Commercial Community Groups - Leongatha Memorial Hall Meeting Rm 1 - full day	185.00	100.00	45.95%
Non-Commercial Community Groups - Leongatha Memorial Hall Meeting Rm 1 - 1/2 day	95.00	50.00	47.37%
Non-Commercial Community Groups - Leongatha Memorial Hall Meeting Rm 2 - Full week hire 7 days	655.00	330.00	49.62%
Non-Commercial Community Groups - Leongatha Memorial Hall Meeting Rm 2 - full day	150.00	90.00	40.00%
Non-Commercial Community Groups - Leongatha Memorial Hall Meeting Rm 2 - 1/2 day	75.00	50.00	33.33%
Non-Commercial Community Groups - Leongatha Memorial Contractor Set up Costs (if used)	26.00	15.00	42.31%
Non-Commercial Community Groups - Leongatha Memorial Hall Kitchen full day	150.00	120.00	20.00%
Non-Commercial Community Groups - Leongatha Memorial Hall Kitchen 1/2 day	95.00	50.00	47.37%
Non-Commercial Community Groups - Leongatha Memorial Hall Crockery Hire per setting	4.00	2.00	50.00%
Non-Commercial Community Groups - Balcony Lounge Meeting Room full day NEW ITEM <i>(As per Confidential Council Briefing on 15 June 2016 – Listed at \$90).</i>	N/A	90.00	N/A (New item)

Attachment 1
**Adopted and Proposed 2016/17 Fees and Charges - Leongatha Memorial Hall
 Complex Hire for Non-Commercial Community Groups**

Hire Description NON-COMMERCIAL COMMUNITY GROUPS	2016/17 Fee (ADOPTED)	2016/17 Fee (PROPOSED)	Percentage Savings (%)
Non-Commercial Community Groups - Balcony Lounge Meeting Room 1/2 day NEW ITEM <i>(As per Confidential Council Briefing on 15 June 2016 – Listed at \$50).</i>	N/A	50.00	N/A (New item)
Non-Commercial Community Groups - Balcony Seating full day	190.00	100.00	47.37%
Non-Commercial Community Groups - Balcony Seating 1/2 day	95.00	50.00	47.37%
Non-Commercial Community Groups - Behind Stage full day	95.00	90.00	5.26%
Non-Commercial Community Groups - Behind Stage 1/2 day	55.00	50.00	9.09%
Non-Commercial Community Groups - Hall Bond where liquor is served (refundable)	735.00	500.00	31.97%
Non-Commercial Community Groups - Hall Bond where liquor is not served (refundable)	190.00	100.00	47.37%

Attachment 2
**Proposed 2016/17 Fees and Charges - Leongatha Memorial Hall Complex Hire
for Private Functions (New Category)**

Hire Description PRIVATE FUNCTIONS – NEW CATEGORY	2016/17 Fee (PROPOSED)
<i>Fees and charges are based on the 2016/17 Annual Budget as adopted on 22 June 2016 Council Meeting for non-commercial.</i>	
Private Functions - Whole Complex Hire	825.00
Private Functions - Whole Complex Hire 1/2 Day	430.00
Private Functions - Leongatha Memorial Hall Rental - full day or evening	590.00
Private Functions - Leongatha Memorial Hall 1/2 day use set up rehearsals	295.00
Private Functions - Leongatha Memorial Hall set up where hall deemed unusable by other parties (Weddings Expos Lyric Theatre Catwalks) full day	440.00
Private Functions - Leongatha Memorial Hall Rehearsals 1-4 hours	50.00
Private Functions - Leongatha Memorial Hall Full week hire 7 days	2,625.00
Private Functions - Leongatha Memorial Hall meeting Rm 1 full week hire 7 days	820.00
Private Functions - Leongatha Memorial Hall Meeting Rm 1 - full day	185.00
Private Functions - Leongatha Memorial Hall Meeting Rm 1 - 1/2 day	95.00
Private Functions - Leongatha Memorial Hall Meeting Rm 2 - Full week hire 7 days	655.00
Private Functions - Leongatha Memorial Hall Meeting Rm 2 - full day	150.00
Private Functions - Leongatha Memorial Hall Meeting Rm 2 - 1/2 day	75.00
Private Functions - Leongatha Memorial contractor Set up Costs (if used)	26.00
Private Functions - Leongatha Memorial Hall Kitchen full day	150.00
Private Functions - Leongatha Memorial Hall Kitchen 1/2 day	95.00
Private Functions - Leongatha Memorial Hall Crockery Hire per setting	4.00
Private Functions - Balcony Lounge Meeting Room - full day	115.00
Private Functions - Balcony Lounge Meeting Room - 1/2 day	75.00
Private Functions - Balcony Seating full day	190.00
Private Functions - Balcony Seating 1/2 day	95.00
Private Functions - Behind Stage full day	95.00
Private Functions - Behind Stage 1/2 day	55.00
Private Functions - Hall Bond where liquor is served (refundable)	735.00
Private Functions - Hall Bond where liquor is not served (refundable)	190.00

E.7 RESTORING COMMUNITY WAR MEMORIALS AND AVENUES OF HONOUR GRANTS PROGRAM – POOWONG CENOTAPH

Corporate and Community Services Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

The Poowong Community Consultative Committee (PCCC) is seeking Council support for the restoration of the Poowong cenotaph. The PCCC is requesting Council to resubmit a funding application for the Poowong Cenotaph Restoration project to the 2016/17 Restoring Community War Memorials and Avenues of Honour Grants Program through the Department of Premier and Cabinet.

Grants of up to \$20,000 are available for projects which demonstrate a commitment to ensuring Victoria's service history is preserved for future generations. The Poowong Cenotaph Restoration Project cost is \$36,000. An Agreement is sought from Council to allocate \$11,000 towards the project, with the community contributing \$5,000.

Document/s pertaining to this Council Report

- **Attachment 1** - Poowong Community Consultative Committee Letter

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Restoring Community War Memorials and Avenues of Honour Grants Program - Application Guidelines

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Community Project Management Policy

COUNCIL PLAN

Strategic Goal:	3.0	Integrated Services and Infrastructure
Outcome:	3.1	Deliver affordable modern community services and facilities through an integrated approach to planning and infrastructure development
Strategy No:	3.1.1	We will deliver Council and community projects and leverage project funds to attract investment from external sources

CONSULTATION

The PCCC presented the Poowong Cenotaph Restoration project to Council on the 15 June 2016.

The project has been discussed with relevant internal staff to ensure that it is feasible.

The cenotaph is located on property controlled by VicRoads. VicRoads has been consulted regarding the project and are fully supportive.

The project has been discussed with the project officer of the Veterans Branch, Department of Premier and Cabinet who manages the funding program.

The Executive Leadership Team was briefed on the project on 16 June 2016.

REPORT

Background

The Restoring Community War Memorials and Avenues of Honour Grants Programs supports communities in Victoria to ensure local war memorials, honour rolls and avenues of honour are restored to their original condition or improved to reflect the service history of the local community.

Grants of up to \$20,000 are available for projects which demonstrate a commitment to ensuring Victoria's service history is preserved for future generations.

Applications to Round One of the 2016/17 Restoring Community War Memorials and Avenues of Honour Grants Programs opened on 6 June 2016 and will close 29 August 2016.

Discussion

In August 2014, Council submitted an application for the restoration of the Poowong cenotaph. However the application was withdrawn due to discussions with VicRoads and the PCCC that the cenotaph needed to be relocated to address safety issues.

VicRoads has identified possible future works to improve the intersection where the current cenotaph is located. However, VicRoads has advised that this is not likely to occur within the next ten years. The PCCC would like to like to pursue this opportunity for funding now before the cenotaph deteriorates further.

The revised scope has significantly increased the project cost with the Engineering Department costing the project at \$36,000. The maximum amount that can be applied for through the grants program is \$20,000.

The cenotaph is listed as a Council asset. Therefore, as per the Community Infrastructure Project Management Policy and Guidelines, Council would be required to manage the project in consultation with the committee.

Poowong Cenotaph Relocation and Restoration Project

Project Scope:

- Reinstating of cenotaph and restoration - \$29,847
- Foundations - \$5,702
- Contingency - \$451

Estimated Total Project Cost - \$36,000

- Restoring Community War Memorials and Avenues of Honour Grant - \$20,000
- Community contribution - \$5,000
- Council contribution - \$11,000

Proposal

It is recommended that Council apply for funding for the Poowong Cenotaph Restoration Project through the 2016/17 Restoring Community War Memorials and Avenues of Honour Grants Program and allocate \$11,000 to meet the project cost.

FINANCIAL CONSIDERATIONS

Funding is available through the 'Community Infrastructure Projects' 2016/17 budget to cover Council's contribution for the project, which would be a maximum of \$11,000. This cost centre has a balance of \$103,768. As applications are to be submitted by Council, Council will be required to provide staff resources, funded within the total project cost.

RISKS

If Council doesn't support the project, Council will pass over an opportunity to seek external funds to restore the Poowong cenotaph.

To mitigate the risk to the project, it is recommended to advise the PCCC through this resolution, of their obligations in accordance with Council's Community Infrastructure Project Management Policy. This Policy aims to ensure Community Infrastructure Projects are adequately planned to reduce the risk of cost overruns and non-compliance of Funding Conditions.

CONCLUSION

The Victorian Government aims to commemorate honour and support veterans in Victoria through a range of initiatives that promote understanding of the service and sacrifice of our veterans. By assisting communities to restore their war memorials, honour rolls and avenues of honour the

Government is helping to ensure the 'baton' of remembrance is passed to future generations of Victorians.

The application for the restoration of the Poowong cenotaph provides Council with an opportunity to support these objectives and its obligation to the program.

RECOMMENDATION

That Council:

1. Apply for funding of \$20,000 for the Poowong Cenotaph Restoration Project through the 2016/17 Restoring Community War Memorials and Avenues of Honour Grants Programs;
2. Allocate \$11,000 from the 2016/17 Community Infrastructure Projects budget towards the Poowong Cenotaph Restoration project if the application is approved by the Department of Premier and Cabinet;
3. Provide staff resources as an in-kind contribution, for management of the projects if approved by the Department of Premier and Cabinet; and
4. Advise the Poowong Community Consultative Committee of their obligations in accordance with Council's Community Project Management Policy and Guidelines.

MOVED: Cr Brunt

SECONDED: Cr Newton

THAT COUNCIL:

- 1. APPLY FOR FUNDING OF \$20,000 FOR THE POOWONG CENOTAPH RESTORATION PROJECT THROUGH THE 2016/17 RESTORING COMMUNITY WAR MEMORIALS AND AVENUES OF HONOUR GRANTS PROGRAMS;**
- 2. ALLOCATE \$11,000 FROM THE 2016/17 COMMUNITY INFRASTRUCTURE PROJECTS BUDGET TOWARDS THE POOWONG CENOTAPH RESTORATION PROJECT IF THE APPLICATION IS APPROVED BY THE DEPARTMENT OF PREMIER AND CABINET;**
- 3. PROVIDE STAFF RESOURCES AS AN IN-KIND CONTRIBUTION, FOR MANAGEMENT OF THE PROJECTS IF APPROVED BY THE DEPARTMENT OF PREMIER AND CABINET; AND**
- 4. ADVISE THE POOWONG COMMUNITY CONSULTATIVE COMMITTEE OF THEIR OBLIGATIONS IN ACCORDANCE WITH COUNCIL'S COMMUNITY PROJECT MANAGEMENT POLICY AND GUIDELINES.**

Cr McEwen returned to the Council Meeting at 3.40pm.

CARRIED UNANIMOUSLY

Attachment 1
Poowong Community Consultative Committee Letter



**Poowong Community
Consultative Committee Inc.**

Inc. No. A0037384R

Post Office Box 9, Poowong, Victoria 3988

June 18, 2016

Penni Ellicott
Grants Co-ordination and Support Officer
South Gippsland Shire Council
9 Smith Street
Leongatha Vic 3953

Dear Penni

Thank you for all your help with the Cenotaph relocation and restoration project. Thank you also for taking time out from your busy schedule to attend the Council meeting and listen to my Submission. The PCCC is now formally requesting that Council apply to the Restoring Community War Memorials and Avenues of Honour Grants Program for \$20,000. Thank you also for recommending that Council allocate funds towards this most important project, the PCCC and the Poowong Community will endeavour to provide funds of up to \$5,000 and sincerely hope Council will look favourably upon our efforts.

Yours sincerely

Irene S Adams

E.8 SANDY POINT PUBLIC AMENITIES - COMMITTEE OF MANAGEMENT OPTIONS AND PROPOSED NEW FACILITY

Sustainable Communities and Infrastructure Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

At the Ordinary Council Meeting held on 28 October 2015, a Notice of Motion (No. 687) was tabled regarding the replacement of the Sandy Point Public Amenity Facility (the Facility) and Council unanimously resolved for a Council report to be prepared detailing:

- Options available to the Sandy Point Community and Council for the replacement of the current Facility.
- The position of the Department of Environment, Land, Water, and Planning (DELWP) and the Sandy Point Foreshore Committee of Management (Foreshore CoM) regarding the replacement of the Facility.
- The estimated cost to replace the Facility and options for funding the construction.
- The ongoing ownership and maintenance responsibility for the Facility.
- The implications to Council if Council were to fund the replacement.

This report is prepared in response to the above Notice of Motion and includes options for the future management arrangements for the Facility and surrounding community infrastructure (barbecue and picnic tables).

Recommendations are made for Council to negotiate with DELWP to become the Committee of Management for part of the Sandy Point Foreshore (Foreshore) that includes the Facility and surrounding community infrastructure (barbeques and picnic tables), and to fund and construct a new public amenities facility.

Document/s pertaining to this Council Report

- **Attachment 1** – Locality Plan of the Facility.
- **Attachment 2** – Design of the Waratah Bay Public Amenities Facility.
- **Attachment 3** – Plan of Sandy Point Foreshore Boundary and Proposed Boundary Changes.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Crown Land (Reserves Act) 1978.
- Victorian Environmental Assessment Council's (VEAC) [Marine Investigation Report](#).

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Building Asset Management Plan 2014
- 2016/17 Annual Budget
- Long Term Financial Plan

COUNCIL PLAN

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

CONSULTATION

External Consultation

On 2 December 2015, a meeting was held between Council and representatives of DELWP to discuss the problems with ownership and maintenance of the Facility.

Telephone conversations have been held between DELWP and members of the Foreshore CoM regarding options to assist managing the Facility.

The Foreshore CoM have confirmed their interest in exploring management options and indicated their preference for Council to become the Committee of Management for part of the Foreshore that includes the Facility and surrounding community infrastructure (barbeques and picnic tables). Refer to **Attachment 1 – Locality Plan of the Facility**.

A further meeting was held with the Foreshore CoM on 25 May 2016 and representatives in attendance confirmed that their preference was for Council to become the Committee of Management for part of the Foreshore.

Internal Consultation

Internal discussions have been held between various Council departments in order to gather information on the history, condition, and maintenance costs of the Facility.

A Council Briefing on 16 March 2016 provided an update on this proposal and Council requested additional information regarding future management of the whole area of the Sandy Point foreshore.

REPORT

Background

The Facility is located on Crown Land at the Sandy Point foreshore being Crown Allotment 20C, Parish of Waratah North on Beach Parade, Sandy Point. The location is identified in **Attachment 1**.

The Foreshore CoM has been responsible for the Facility since 1990 together with vegetation management responsibilities along the Sandy Point foreshore. The current Foreshore CoM was appointed in November 2013 for a three year term that expires in November 2016.

The Foreshore CoM is fully responsible for the upkeep of the Facility including cleaning, building maintenance (both programmed and reactive), and renewal. Council has no formal building or cleaning management arrangements for the Facility.

Even though the Foreshore CoM is responsible for cleaning, building maintenance, and utility costs, Council's Public Amenities Team have always attended to the cleaning. Council's Building Maintenance Team is often called by the Foreshore CoM members, our Public Amenities Team, or the public to attend to maintenance issues. It is believed this is a historical arrangement that goes back sometime before amalgamations and is possibly linked to the fact that the former South Gippsland Shire (Foster Shire) contributed to the construction of the Facility. No formal records have been found to confirm this.

In addition, Council's Parks and Gardens Team have always maintained that area of the Foreshore surrounding the Facility. This includes the **barbecues** and picnic tables.

Because of the ongoing complaints, Councillor Davies tabled *Notice of Motion Number 687 – Requirement to Replace the Sandy Point Public Amenities Facility* at Council's meeting on 28 October 2015. The following motion was carried unanimously.

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

The report is to include:

4. *The Department of Environment, Land, Water and Planning and the Sandy Point Foreshore Committee of Management position regarding the replacement of the facility.*
5. *The estimated cost to replace the facility and options for funding the construction.*
6. *The ongoing ownership and maintenance responsibility for the facility.*
7. *The implications to Council if Council were to fund the replacement.”*

Discussion

Response to the Notice of Motion 687

3. Ownership status and position of DELWP and the Foreshore CoM regarding replacement of the Facility.

The Facility was constructed by the Foreshore CoM on Crown Land and DELWP is the responsible authority. DELWP delegates management responsibilities to the Foreshore CoM. The ownership status is that the Facility belongs to the Foreshore CoM.

DELWP has no plans for the replacement of the Facility, nor does it attend to any maintenance. The position of DELWP is that the Foreshore CoM is to comply with its management obligations or reach an agreement with Council to deliver the service. This includes the costs of funding a new Facility and maintenance.

The position of DELWP is steadfast and unlikely to change in the future. It has compounded the requests to Council from the Foreshore CoM for assistance.

4. The estimated cost to replace the Facility and funding options for construction


Estimates Cost to Replace Current Facility

The cost to replace the Facility is estimated at between \$150,000 and \$180,000. This is based on a kit-form structure similar to that constructed at Dumbalk and planned for Waratah Bay. A drawing showing the layout for the Waratah Bay Facility is provided in **Attachment 2 – Layout Plan of Waratah Bay Public Amenities Facility**. Council has allocated \$180,000 in the *2016/17 Capital Works Program*.


Funding Options for Construction

There are limited opportunities for the current Foreshore CoM to raise revenue to fund the cost to replace the Facility. The Foreshore CoM is struggling to meet maintenance costs.

Information provided by DELWP is that current revenue raised by the Foreshore CoM from carparking charges is approximately \$16,000 per annum and this income is used to pay utility costs and fund foreshore vegetation / rehabilitation works. This revenue has a risk of being reduced if responsibility for this carparking area should change as a result of a recommendation of VEAC's [Marine Investigation Report](#).

The [Marine Investigation Report](#) recommends that part of the Sandy Point foreshore on the eastern side of the inlet become National Park. This is the area bordered  in **Attachment 3 – Plan of Sandy Point Foreshore Boundary and Proposed Boundary Changes**.

As the Shallow Inlet Marine and Coastal Park is managed by Parks Victoria, this would mean the boundary change would put the carpark into Parks Victoria management area.

To date VEAC have not had a formal response from the Government on the report. However, if the Government choose to amend the boundary, then the area managed by the Foreshore CoM will become the area bordered  in **Attachment 3**.

Council will need to fund the cost to replace a new Facility.

5. Ongoing Maintenance Responsibilities

Under the current management arrangements, the Foreshore CoM is responsible for the ongoing maintenance of the Facility but is struggling to comply with this responsibility.

During the summer period, Council's Building Team is frequently called to attend to maintenance issues as the Foreshore CoM does not have the funds to pay a contractor.

This places Council in the difficult situation of explaining to the Foreshore CoM (and members of the public) that the Facility is not a Council asset and not included on Council's *Building Programmed Maintenance Program*.

Given the importance of the service, Council addresses the request and funds any expenses from its *Reactive Maintenance* budget. The estimated cost is between \$1,000 and \$3,000 per annum.

The main maintenance problems are constant blockages and problems with the septic tank. There are other problems with maintenance including:

- Waste pipes are too small to cater for peak loads.
- The design of the Facility limits the ability of access in certain areas to undertake satisfactory maintenance solutions (ie. urinal installation prevents access to waste pipes which regularly block).
- Skills of the Foreshore CoM to attend to maintenance.
- Appetite of the Foreshore CoM to attend to maintenance (ie. it believes it should be Council's responsibility).
- Absence of any cyclical or programmed maintenance program.

Sandy Point Foreshore - Longer Term Management

- At the Council Briefing on 16 March 2016, a question was asked about the management of the Sandy Point foreshore in the longer term.
- This question was put to DELWP at the meeting with the Foreshore CoM on 25 March 2016. DELWP responded that the [Marine Investigation Report](#) is still with the Minister's Office. The recommendation of this report has not been implemented yet.
- The Foreshore CoM responded that in the longer term their preference was to see one coastal manager for the foreshore between Walkerville and Waratah Bay. It noted the ability of Walkerville and Waratah Bay to generate revenue from the caravan parks whilst Sandy Point has no revenue opportunities.
- There is no easy option with addressing the future management of the Sandy Point foreshore. A specific meeting will be required with DELWP to explore the management possibilities.

OPTIONS

There are two realistic options available to Council and the Foreshore CoM to address the ongoing ownership (management) and maintenance responsibilities for the Facility, barbeque facility, and picnic tables:

Option 1: Council to Become Committee of Management

This is the preferred option. It includes reaching an agreement with the Foreshore CoM and DELWP for Council to become the Committee of Management for that part of the Sandy Point foreshore that includes the Facility, barbecue and picnic tables and include the Facility on Council's *Building Programmed Maintenance Program* (operational and renewal). (Note that the barbecue and picnic tables are already maintained by Council's Parks and Gardens Team. These assets are in reasonable condition and are not currently being considered for replacement). The subject area is shown bordered black in **Attachment 1**.

Table 1 – Option 1: Advantages & Disadvantages

Advantages	Disadvantages
<ul style="list-style-type: none"> • Removes the ambiguity of who is responsible for the Facility. • Formalises Council’s existing informal operational maintenance and cleaning arrangements. • The Facility will be included in a cyclical <i>Building Programmed Maintenance Program</i> (both operational and renewal). • Assists in reducing complaints to Council and the Committee regarding maintenance of the Facility. • Demonstrates a responsive approach by Council and the Committee to an important community asset. 	<ul style="list-style-type: none"> • Council receives all complaints regarding the asset. • Additional asset and ongoing operational and capital expenditure.

Option 2: Foreshore CoM to remain as Committee of Management

That the Foreshore CoM continue to manage the Facility but Council add the Facility to Council’s *Building Programmed Maintenance Program* (operational and renewal).

Table 2 – Option 2: Advantages & Disadvantage

That the Foreshore CoM continue to manage the Facility and Council include the Facility to the *Building Programmed Maintenance Program* (operational and renewal).

Advantages	Disadvantages
<ul style="list-style-type: none"> • Formalises Council’s existing informal operational maintenance and cleaning arrangements. • The Facility is included in a cyclical <i>Building Programmed Maintenance Program</i> (both operational and renewal). • Assists in reducing complaints regarding maintenance of the Facility. • Demonstrates a responsive approach to an important community asset. 	<ul style="list-style-type: none"> • Continued ambiguity regarding who is responsible for management and maintenance of the Facility. • Council receives all complaints regarding the asset. • Additional asset and ongoing operational and capital expenditure.

Alternative Options

There are other options such as:

- Council enter into a maintenance agreement with the Foreshore CoM (Memorandum of Understanding).
- DELWP and Council to assist the Foreshore CoM to identify new funding streams to assist with maintenance responsibilities.
- The Foreshore CoM ends their management status and the Facility closes (as DELWP will not take on responsibility).

The above options are not considered to be practical options and have not been explored further.

FINANCIAL IMPLICATIONS

The current management arrangements including Options 1 and 2 are costed in Table 3 below:

Table 3 – Financial Table

	Current situation	Option 1	Option 2
Capital	Nil	\$180,000	\$180,000
Operational	\$11,000	\$15,000	*\$14,000
TOTAL	\$11,000	\$195,000	\$194,000

*Assume the current Foreshore CoM remain responsible for utility costs

Current Cost

The current annual costs of Council's informal arrangement in attending to maintenance and cleaning of the Facility is:

- Maintenance: \$1,000 - \$3,000 per annum from the *Building Team's* budget.
- Cleaning: \$8,000 per annum from the *Public Amenities* budget.

Capital Cost

The cost for the construction of a new Facility is estimated at \$180,000 as referred to in Table 3 above.

Recurrent Budget for New Facility

If Council proceed with either Option 1 or 2, Council will need to budget for cyclical programmed and reactive maintenance and utility costs through its operational budgets. This would require an estimated additional amount of \$4,000 per annum over the life of a new Facility (25 years).

The cleaning costs would remain the same and increased by the relevant index rate through Council's budgeting process.

Proposal

Due to the reasons discussed, it is proposed that Council proceed with Option 1 (Council to become Committee of Management) and proceed to negotiate with the Foreshore CoM and DELWP.

RISKS

The risks are:

- **Reputational:** Council exposes itself to ongoing complaints from the Sandy Point community and its visitors regarding responsibilities for maintenance of the Facility.
- **Precedent setting:** Council exposes itself to setting a precedent in taking over the management of a non-council owned or managed public Facility.
- **Social and Economic:** Council will be assisting in reducing any negative social and economic impact to Sandy Point by ensuring the continued delivery of an important service that is in high demand during the summer season. Not providing and maintaining public amenities in the town will have a negative social and economic impact on Sandy Point.

CONCLUSION

The Facility plays an important contribution to Sandy Point. It is the only public toilet Facility in the town and as such provides an essential service to visitors, especially during the summer season. The age and condition of the Facility is contributing to increased maintenance costs. The Foreshore CoM is unable to continue to meet this demand and Council has an opportunity to step in and meet the community's expectations of delivering this important service.

RECOMMENDATION

That Council negotiate with the Department of Environment, Land, Water, and Planning and the Sandy Point Foreshore Committee for South Gippsland Shire Council to become the Committee of Management of that part of the Sandy Point Foreshore that comprises the Sandy Point Public Amenities Facility, the barbecue facility, and picnic tables (bordered black in Attachment 1).

MOVED: Cr Davies

SECONDED: Cr Hutchinson-Brooks

THAT COUNCIL NEGOTIATE WITH THE DEPARTMENT OF ENVIRONMENT, LAND, WATER, AND PLANNING AND THE SANDY POINT FORESHORE COMMITTEE FOR SOUTH GIPPSLAND SHIRE COUNCIL TO BECOME THE COMMITTEE OF MANAGEMENT OF THAT PART OF THE SANDY POINT FORESHORE THAT COMPRISES THE SANDY POINT PUBLIC AMENITIES FACILITY, THE BARBECUE FACILITY, AND PICNIC TABLES (BORDERED BLACK IN ATTACHMENT 1).

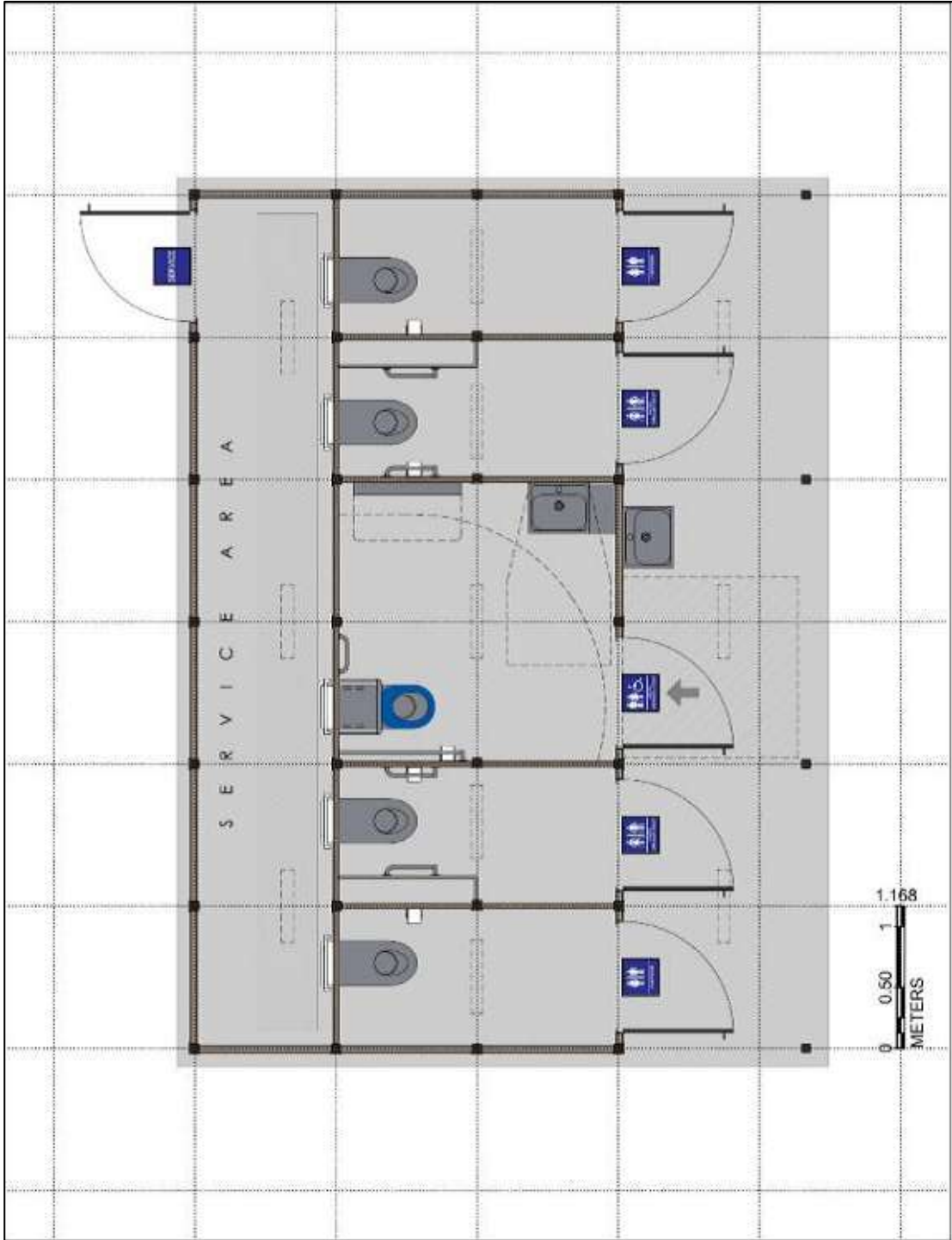
CARRIED UNANIMOUSLY

**Attachment 1
Locality Plan of the Facility**

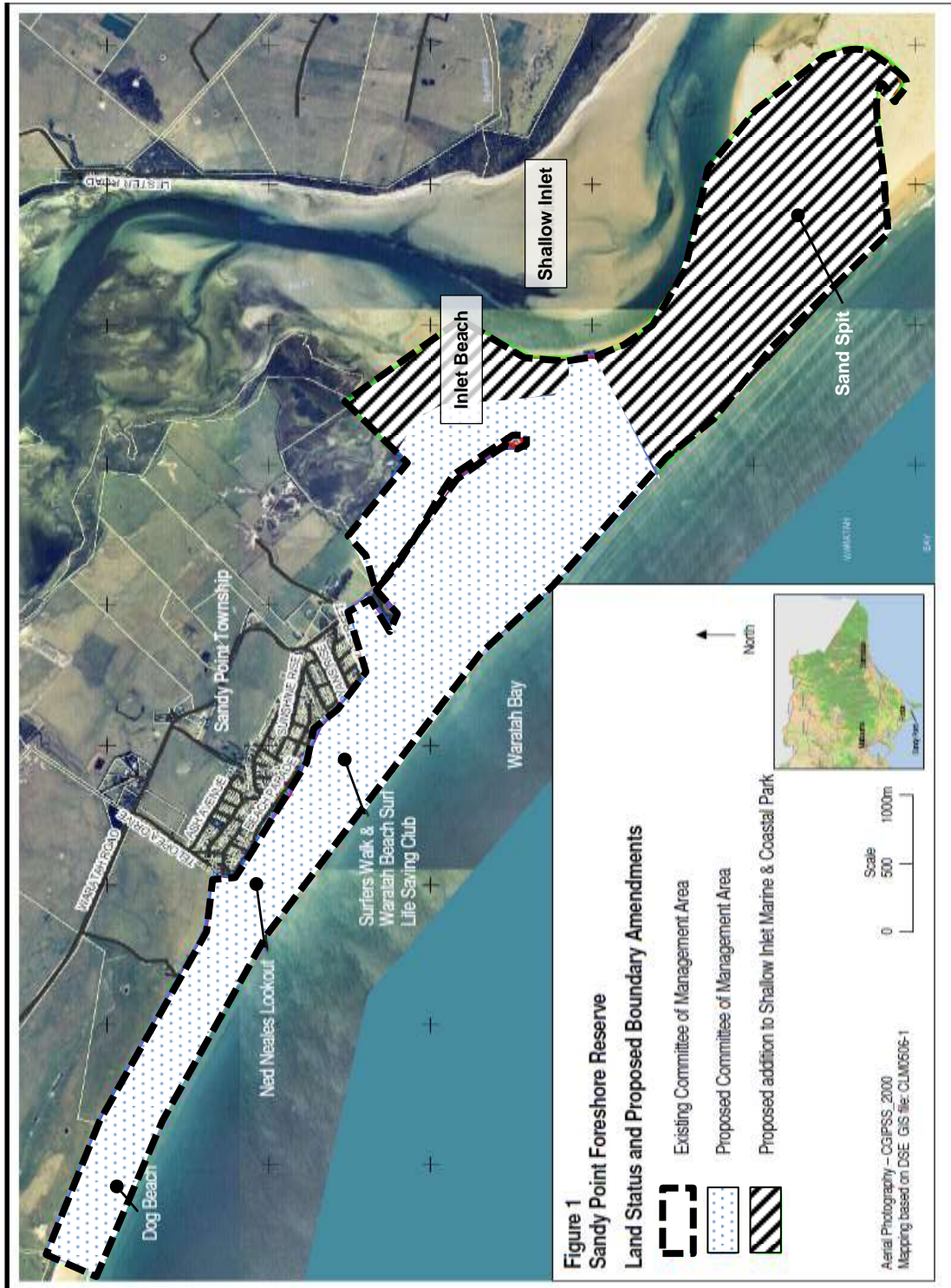


Black Border – Proposed Boundary of Committee of Management

Attachment 2
Design of the Waratah Bay Public Amenities Facility



Attachment 3 Plan of Sandy Point Foreshore Boundary and Proposed Boundary Changes



E.9 FRANKLIN RIVER RESERVE - FREE-OF-CHARGE CAMPING REVIEW

Sustainable Communities and Infrastructure Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

Free-of-charge camping at the Franklin River Reserve (the Reserve) has increased substantially in recent years. Higher usage is putting a strain on the existing infrastructure and increases maintenance requirements which protect the Reserve's environmental values.

Some accommodation providers within close proximity to the Reserve have expressed concerns that free-of-charge camping has a negative impact on their business. Feedback from visitors and other businesses in the area suggest camping at the Reserve is highly valued and contributes to the local economy.

As a result of increased patronage, upgrades are required to the amenity facilities and associated infrastructure which supports free-of-charge camping. Council's [2014 Recreational Vehicle Strategy](#) (RV Strategy) supports 48 hour free-of-charge camping at the Reserve. This report details the operational and capital adjustments required to support free-of-charge camping at the Reserve.

As a result of the increased costs associated with providing 48 hour free-of-charge camping, Council may consider prohibiting camping at the Reserve. Due to the economic benefits associated with attracting more visitors to the region this report recommends that the required upgrades and management controls are implemented to support free-of-charge camping at the Reserve.

Document/s pertaining to this Council Report

- **Attachment 1** – Locality Plan of Franklin River Reserve
- **Attachment 2** – Summary of Survey Responses
- **Attachment 3** – Site Layout Proposal
- **Attachment 4** – Tourist Information Sign

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Crown Land (Reserves) Act 1986

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

2014 Recreational Vehicle Strategy

General Local Law 2014 - Clause 20

COUNCIL PLAN

Outcome:	13.0	Integrated Services and Infrastructure.
Objective:	13.1	Deliver affordable modern community services and facilities through an integrated approach to planning and infrastructure development.
Strategy:	13.1.4	We will plan for the service needs of the Shire's changing demographic.

CONSULTATION

Council has previously consulted on free-of-charge camping during the development of the RV Strategy. The RV Strategy supports 48 hour camping at two locations within South Gippsland being the Reserve and Bass Valley campground.

Recently, some accommodation providers in the vicinity of the Reserve have raised their concerns with Council regarding the extent of free-of-charge camping, the impacts to the Reserve, and to their business during the 2015/16 summer season. Council has also received positive feedback from other businesses in the area that benefited from increased visitation to the area.

REPORT

Background

The Reserve is Crown Land for which Council was appointed as Committee of Management (CoM) in August 1988 by the former Minister for Conservation, Forests, and Lands. Refer to **Attachment 1 – Locality Plan of Franklin River Reserve**.

In 2014 Council adopted the RV Strategy 2014 after consulting with its community. The RV Strategy was prepared to provide direction for the promotion of South Gippsland as an attractive region to RV users. It guides development and improvement of RV infrastructure and facilities to encourage visitation to the region. It acknowledges the Reserve as one of two pre-existing Council managed free-of-charge camping sites in South Gippsland.

The 2015/16 summer season saw a substantial increase in free-of-charge camping at the Reserve that has raised management concerns that need to be addressed.

Discussion

The management issues experienced due to the success of the 2015/16 summer season are discussed below as well as the negative and positive impact on local traders. The management issues were compounded by Council's current service level for the Reserve.

Management Issues

- **Deterioration of ground condition and tree damage**

The Reserve has a riparian zone adjacent to the Franklin River which is susceptible to erosion. Campers are parking too close to this zone and increasing the impact of erosion.

Notable fauna species include the Australian Grayling (*Prototroctes Maraena*) and Cox's Gudgeon (*Gobiomorphus Coxii*)

Grounds maintenance at the Reserve has also increased to keep up with:

- Mowing around caravans as they move on.
- Cleaning of the public amenities.
- Managing trees that are showing signs of stress from campers breaking branches for firewood and damaging root systems by parking too close to the trees.
- Clearing camp fire ash and rocks.

- **Littering**

There are three bins at the Reserve which, for most of the year, are collected twice a week. During peak season, this collection is increased to three times per week under the terms of the contract.

In the 2015/16 summer period, the bins were collected six days a week in an effort to manage the excessive waste dumped in and around the bins. These extra collections were at an additional cost to Council. Even with the increased collection, the bins were always overflowing and litter was a constant problem.

- **Septic Overload**

Despite recent improvements to contain seepage of effluent, the design of the septic tank system at the Reserve is inadequate to service the increased usage experienced at the Reserve since the adoption of the RV Strategy.

If the system is found to have failed, it may result in action being taken by the EPA against Council.

- **Increased Infrastructure Maintenance**

Infrastructure at the Reserve includes a public amenities building and septic system. The required level of management has increased in recent years and significantly for the 2015/16 summer season.

- **Public Amenities Building**

The public amenities at the Reserve were constructed to cater for day-visitors. They were not designed to meet the demand being placed on by the regular large numbers of overnight campers.

- **Septic System**

As mentioned above, as a result of increased usage, including campers emptying their portable toilets into the system, the septic system overloaded and required immediate attention to avoid any impact to the Franklin River.

To meet this increased demand and to meet EPA requirements regarding design of the system, Council will need to provide new infrastructure.

Negative and Positive Impact on Traders

Council has received three negative comments since the consultation on the RV Strategy in 2014. Two of the three comments were related to the impact to private accommodation providers and one was related to the impact to the Reserve itself.

Council has received many positive comments since consultation on the RV Strategy in 2014. These comments are from visitors to the reserve through our survey conducted during 2015 and 2016.

A summary of responses is provided in **Attachment 2 – Summary of Survey Responses**.

Free sites can be perceived as being detrimental to nearby caravan park accommodation providers by taking away trade from the commercial caravan park.

Research indicates that freedom campers who are travelling for extended periods of time will stay between free, low-cost and paid venues. An aim of the RV Strategy was not to create any new free-of-charge sites in towns where caravan parks exist. Bass Valley Camp Ground and Franklin River Reserve were already in existence prior to the RV Strategy being developed in 2014.

This particular market is increasing each year and by providing a number of options including commercial caravan parks, it can increase the exposure of the region. The increase of visitation associated with RV tourism can be of

benefit to local traders including restaurants, cafes, supermarkets, pharmacies, service stations and retail businesses.

The Reserve is advertised through various camping publications, through social media, and Council's Visitor Information Centres alongside other accommodation providers. Camping at the Reserve provides a different tourism experience and choice for visitors to the region.

Current Service Level

To provide context to the changes required to manage free-of-charge camping at the Reserve, it is important to recognise Council's current service level in the context of the recent high use.

Free-of-charge camping is allowed for a maximum of 48 hours as stated on signage at the Reserve, however, campers are extending their stays. Some complaints received at Council have claimed that campers stay for as long as seven nights and that there is a camper living at the Reserve. On peak weekends it has been reported that as many as 100 individual camp sites are erected.

Clause 20 of Council's *General Local Law 2014* states that a person must comply with any sign erected in a Public Place by the Council (extract below).

20. Council signs

A person must comply with any sign erected in a public place by the Council.

Once the sign is erected, the rules on the sign are immediately enforceable by Council's Local Laws team. Council's current service level does not include proactive enforcement of the rules, however, complaints are investigated. Proactive monitoring of the campgrounds is estimated to cost approximately \$15,000 p.a.

As it currently stands, with limited resourcing to enforce the rules at the Reserve, campers are free to find a spot to set up camp and stay as long as they like, resulting in the management issues discussed earlier in this report.

FINANCIAL CONSIDERATIONS

A comparison of annual costs to maintain the Reserve in the 2014/15 financial year and 2015/16 are shown in Table 1 below. This aims to demonstrate the increase in service level required to manage the level of free-of-charge camping at the Reserve.

Alternatively, Council could choose to prohibit free-of-charge camping. This would mean no impact to service level but result in a direct conflict with the RV Strategy.

Note: The RV Strategy provides for a grounds and building management cost of \$30,000 per annum to manage the Reserve. This amount was an estimate only and is not included as an operational cost in the budget.

Table 1: Comparison of annual costs - 2014/15 and 2015/16

Service	2014/15 Annual Cost	2015/16 Annual Cost	% Increase	Comment
Toilet cleaning	\$2,240	\$6,722.00	200%	Increase due to demand from higher use.
Toilets – building maintenance	\$765.00	\$8,791.67	1049%	2016/17 Programmed Maintenance budget of \$50,000 for 30 facilities (\$1,600 approx. cost per facility). \$8,800 represents 17% of the overall budget.
Grass mowing	\$10,000.00	\$15,000.00	50%	Requires more visits due to working around caravans.
Tree maintenance	\$2,000.00	\$10,000.00	400%	Increased due to the need to manage those trees that are showing signs of stress from campers parking under them. Parking under the trees causes compaction problems. Branches are also being ripped down for camp fires.
Garden maintenance	\$8,000.00	\$12,000.00	50%	Increased from previous years due to collection of litter and vandalism.
Waste	\$2,550.00	\$2,550.00	0%	Collected twice a week during the year (in accordance with the kerbside collection contract).
Waste	Nil	\$988.00	N/A	Additional cost for increased collection during the 2015/16 summer period.
Water	\$1,500.00	\$2,000.00	33%	The water tank is filled once a fortnight by Council staff at the Foster Depot using water from the Franklin River. This increase is subject to demand in the peak season. The current labour cost is difficult to quantify so approximate allowances have been made.
TOTAL	\$27,054.00	\$58,051.67	115%	\$30,996.87 increase

The above figures tell us:

- The additional 2015/16 annual cost of \$30,996.87 represents a 115 per cent increase in expenses from the 2014/15 financial year.
- The concentration of increased expenses is in the area of grounds maintenance and cleaning.
- A main area for concern relates to environmental management with the public amenities and managing the septic system.

Additional Costs

In addition to the costs in Table 1, a decision to continue to support free-of-charge camping (with revised management controls) will require additional operational expenditure as follows:

- **Labour Costs**

A decision to support free-of-charge camping with revised camping rules will require resourcing on weekends by Local Laws Officers to enforce the rules. Council's current service does not include proactive enforcement of the rules, however, complaints are investigated. Proactive monitoring of the campgrounds is estimated to cost approximately \$15,000 p.a.

- **Grounds Maintenance**

Council can control the number of vehicles and campers accessing the Reserve by restricting access with bollards, fencing, and gates that are closed during the season (October to April) and opened out of season (May to September). A site layout design has been prepared to demonstrate this – refer to **Attachment 3 - Site Layout Proposal**. The placement of bollards, fencing and gates will assist Council with its management responsibilities for the Reserve. They will limit the number of campers and reduce the negative impacts relating to environmental health (septic capability and waste management), grounds maintenance and biodiversity. The costings for this proposal are shown in Table 2 below:

Table 2: Site Layout Proposal Costs

Works/Material	Cost \$
Installation of Post & Rail fencing (70 Barriers)	18,000
Installation of 240 m of Ring Lock Fencing	2,400
Installation of 2 x swing gates	2,500
Revegetation of Franklin River riparian zone	5,000
Carpark construction (costing to be confirmed by engineering)	8,000
TOTAL	\$35,900

Alternatively, bollards can be used to prevent access. The cost of 150 bollards is \$10,000 for treated pine or \$25,000-\$30,000 for a superior quality bollard. The treated pine bollards are believed to be adequate for parking control purposes. This is a cheaper but less effective alternative.

The impact of the above costs is that Council will need to make an allowance for the required recurrent expenditure to support the required service level.

The cost of the maintenance works and materials will be funded through Council's Parks and Gardens Operational Budget and an adjustment would be required to reflect this.

Long Term Financial Plan

Council currently has \$120,155 allocated in the *2017/18 Capital Works Program* to renew the existing public amenities.

Given the impacts of free-of-charge camping and the requirement to upgrade the septic system, this budget allocation is insufficient.

New public amenities will need to:

- Consider an alternative treatment system to the current system;
- Be access compliant; and
- Be in a different location within the Reserve.

For these reasons an amount of \$180,000 is recommended.

Impact on Budget

- **2016/17**

A variation to expenditure of \$55,000 made up as follows:

- Expenditure increase of \$15,000.
- A capital expenditure amount of \$40,000 for site works at the Reserve.

- **2017/18**

- A variation to capital expenditure of \$59,845 to reflect the increase in construction costs of a public amenities facility.

Overall, there is minimal impact to the recurrent budget.

OPTIONS

There are two options available to Council:

1. Undertake the required infrastructure upgrades and operational changes to support free-of-charge camping which is consistent with RV Strategy.

The management changes will control the number of vehicles able to stay at the Park as well as the duration.

2. Prohibit free-of-charge camping and return the Park to a rest point only. This would require amendment or revocation of the RV Strategy.

It is recommended that Council continue to provide free-of-charge camping which is consistent with the RV Strategy. Free-of-charge camping appeals to different visitor markets, provides a valuable contribution to the local economy and promotes repeat visitation to South Gippsland.

PROPOSAL

Management Controls

The following management controls are proposed to address the increase in usage at the Reserve (in no particular order of importance):

- That Council allocate an estimated amount of \$15,000 in its recurrent expenditure to support management of rules at the Reserve.
- That Council allocate an estimated amount of \$40,000 in 2016/17 Capital Works Program to construct fencing, gates, and bollards to limit access and define camping areas before the next season.
- That Council increase the budget allocated for the construction of new public amenities in the *2017/18 Capital Works Program* from \$120,155 to \$180,000.
- That new rules are established for the Reserve to:
 - Ban / exclude open fires from the Reserve, remove solid fuel barbecues (this would also help reduce the impacts on the vegetation at the Reserve and prevent fires being lit on total fire ban days).
 - Require campers to take their rubbish with them.
 - Allow for 48 hour camping only at the Reserve.
- That the above new rules are placed on a sign to be erected at the entrance to the Reserve and on the public amenities building.

- Erect a tourist information sign to encourage campers to move on and visit other areas of the Shire – **Attachment 4 – Tourist Information Sign**.
- That Council's Local Laws Team oversee the compliance and enforcement to the new rules.
- Prior to each peak season the new rules are placed on Council's website, and in the local newspapers.

RISKS

Council is exposed to a variety of risks at the Reserve including:

- Increased financial cost.
- Public liability.
- Occupational Health and Safety.
- Contamination.
- Reputational.
- Economic loss.

RECOMMENDATION

That Council:

1. Allocate an amount of \$15,000 in its recurrent expenditure to support management of rules at the Reserve.
2. Allocate an estimated amount of \$40,000 in the *2016/17 Capital Works Program* to construct fencing, gates, and bollards to limit access and define camping areas.
3. Increase the budget allocated for the construction of new public amenities in the 2017/18 Capital Works Program from \$120,155 to \$180,000.
4. Erect new signs at the entrance of the Reserve and on the public amenities that lists the following rules:
 - a. Open fires and solid fuel barbecues are not allowed at the Reserve.
 - b. Campers and visitors to the Reserve must take their rubbish with them.
 - c. 48 hour camping only.

- d. Substantial penalties may apply.
5. Erect an information sign at the Reserve similar to that in Attachment 4.
6. Prepare a media release to inform the public of Council's decision.
7. Prior to each peak season place the rules on Council's website and advertise in the local newspapers.

MOVED: Cr Harding

SECONDED: Cr Davies

THAT COUNCIL:

1. **ALLOCATE AN AMOUNT OF \$15,000 IN ITS RECURRENT EXPENDITURE TO SUPPORT MANAGEMENT OF RULES AT THE RESERVE.**
2. **ALLOCATE AN ESTIMATED AMOUNT OF UP TO \$40,000 IN THE 2016/17 CAPITAL WORKS PROGRAM TO CONSTRUCT FENCING, GATES, BOLLARDS ETC TO LIMIT ACCESS AND DEFINE CAMPING AREAS IN CONSULTATION WITH THE FRANKLIN RIVER LANDCARE GROUP.**
3. **REVIEW THE SERVICE LEVELS AT THE FRANKLIN RIVER RESERVE IN THE CONJUNCTION WITH A REVIEW OF THE RV (RECREATIONAL VEHICLE) STRATEGY.**
4. **ERECT NEW SIGNS AT THE ENTRANCE OF THE RESERVE AND ON THE PUBLIC AMENITIES THAT LISTS THE FOLLOWING RULES:**
 - a. **OPEN FIRES AND SOLID FUEL BARBECUES ARE NOT ALLOWED AT THE RESERVE.**
 - b. **CAMPERS AND VISITORS TO THE RESERVE MUST TAKE THEIR RUBBISH WITH THEM.**
 - c. **48 HOUR CAMPING ONLY.**
 - d. **SUBSTANTIAL PENALTIES MAY APPLY.**
5. **ERECT AN INFORMATION SIGN AT THE RESERVE SIMILAR TO THAT IN ATTACHMENT 4 TO INCLUDE INFORMATION ON CARAVAN PARKS AND DUMP POINTS.**
6. **PREPARE A MEDIA RELEASE TO INFORM THE PUBLIC OF COUNCIL'S DECISION.**
7. **PRIOR TO EACH PEAK SEASON PLACE THE RULES ON COUNCIL'S WEBSITE, PROVIDE A COPY TO THE CAMPERVAN**

**AND MOTORHOME ASSOCIATION OF AUSTRALIA (CMCA),
COUNCIL'S VISITOR INFORMATION CENTRES AND ADVERTISE IN
THE LOCAL NEWSPAPERS.**

**Cr Hutchinson-Brooks left the Council Meeting at 3.53pm and returned
at 3.55pm.**

CARRIED UNANIMOUSLY

Attachment 1
Locality Plan of Franklin River Reserve



Attachment 2 Summary of Survey Responses

- Thank you to all concerned wonderful spot. Credit to council. Would love drinking water at stopover. Will definitely return for another stay. Friendly people in towns. Hope it will remain RV friendly and free camping spot. Will spread the word.
- Thank you so much for this beautiful reserve. We will definitely tell others & also we will come again.
- Franklin River Reserve excellent I will be back.
- We spent 2 nights free camp at Franklin River. Beautiful spot. Thank you for providing such a lovely free spot. Very well maintained. Unfortunately the toilets ran out of water and became blocked the morning we left. Luckily we had our toilet.
- Thank you we have enjoyed our stay at Franklin River Reserve.
- Franklin River Reserve was fantastic thanks for the shire providing this & we always make the efforts to spend money in these towns.
- One of the very best rest areas we have ever stopped in. Been on the road for 11 years now and we have stayed in many.
- We appreciate an extremely well maintained campsite that we love to come to for a short getaway. We love it here.
- Thank you for maintaining this free campsite. IT is a lovely site and we love it here. It's close to home and we can afford to come here as often as we can.
- Great effort loved it. Thanks very much.
- Fantastic—will return. A credit to those involved.
- Excellent
- Franklin River is one of the best free camps we've ever stayed in.
- Excellent park 10/10
- Thank you for everything, it's great to camp here.
- The Franklin River Reserve is a wonderful spot we will stay there again & see more of your town next time. Thank you very much. P.S. I don't like people lighting fires on the upper level.
- Great spot thanks to the Shire for their care of this magnificent spot.

Attachment 2 Summary of Survey Responses

- The Franklin River Reserve was excellent and a credit to the community. Would be happy to have left a donation if donation box was available.
- Thanks for providing the Franklin River Reserve says a lot!
- Thank you a great spot!
- This free camp is one of the best in Australia—to your credit. This area is magnificent and makes one proud to be an Aussie.
- 24/48 hours stops are most welcome, well presented, user friendly, well done.
- Thank you for the RV site @ Franklin River. It is a credit to your Shire Council. The trees and gardens are immaculate. We will pass on your RV friendly sites to other travellers. They are very much appreciated. Money saved at free camps gets spent in your towns. Most grey nomads we've spoken to in 10 years on the road make a point of spending in smaller towns. A big thank you once again.
- Thanks for the lovely river stop.
- Thank you to all that clean & take care of Franklin River camp at Toora, what a fantastic place to stay.
- Thank you for supplying a great facility at Franklin River.
- Awesome spot, best free camp in Australia.

Attachment 3 Site Layout Proposal



Attachment 3 Site Layout Proposal



Example of post and rail fencing



Example of fencing around river banks and revegetation zones

Attachment 3 Site Layout Proposal



Example of gates for seasonal access and maintenance

Attachment 4 Tourist Information Sign

Corner Inlet

YOU ARE HERE

WALKING TRAILS

There are a number of walking trails, located throughout Corner Inlet, including:

- Great Southern Rail Trail
- Foster Flora Reserve
- Toora Bird Hide
- Port Franklin Wetlands Walk
- Wellespool Shared Pathway
- Yanakie Duck Point Loop

For more information please visit the Prom Country Visitor Information Centre located in Foster township.

PICNICING

BBOs, tables, & toilets are available at neighbouring beach sites along the foreshore throughout Nooramunga, Corner Inlet and Shellallow Inlet.

AN INTRICATE NETWORK OF WATERWAYS AND ISLANDS OF OUTSTANDING ENVIRONMENTAL SIGNIFICANCE AND SCENIC BEAUTY, FRAMED BY THE MAJESTY OF WILSONS PROMONTORY.

CORNER INLET TOWNSHIPS

FOSTER was originally a gold mining town settled in the 1870s. The town boasts close access to the Prom and is the main shopping precinct.

TOORA Toora is a historic township that boasts a bird hide that looks out over a Ramsar wetlands area. The historic light house at Agnes Falls is located a short drive from the town.

PORT FRANKLAND is a small, fishing community located on the banks of the river. A wetlands boardwalk is a popular feature of the township.

WELLSPOOL is located on the South Gippsland Highway between Toora and Port Albert and is the gateway to Port Wellespool.

PORT WELLSPOOL is a colourful fishing village and site of the historic Long Jetty.

YANAMIE is a small township located just outside the entrance to Wilsons Promontory National Park.

FISH CREEK is a nearby quirky artistic town popular with visitors.

CORNER INLET HISTORY

Corner Inlet, once part of the Great Australian Bight, was gradually cleared for dairy farming from the 1870s. Townships with better factories at Wellespool, Toora, Foster and Fish Creek developed along the old railway line. Port Frankland, the thriving fishing industry, Yanakie was cleared for settlement in the 1950s. Museums are located in Port Wellespool and Foster.

A HAVEN FOR PLANTS AND ANIMALS

Fringing the saltmarshes and mangroves on the mainland and the islands are stands of tall, dense coastal vegetation, which give way to a rich hinterland of Coast Bamba and Manna Gum woodlands. Wetflowers including orchids are abundant in these healthy woodlands. The woodlands are home to many species of birds such as the Eastern Grey Kangaroo, Swamp Wallaby, Koala and many species of birds. Other notable species include the New Holland Mouse, Swamp Antechinus, Eastern Grey Kangaroo and Black and White-bellied Sea Eagle.

CORNER INLET MARINE NATIONAL PARK

Adjoining the Marine and Coastal Parks is the Corner Inlet Marine National Park. Made up of 2 separate areas located in the south western coast of Corner Inlet adjacent to Wilsons Promontory National Park, it has no take and no touch zones. The park protects important habitats, including intertidal mudflats, channels and seagrass meadows.

FISHING & BOATING IN THE PARK

Corner Inlet is a popular location for water-based activities such as fishing, kayaking, windsurfing and boating. Recreational line fishing is popular throughout Corner Inlet, both from the shore and from boats. Fishing is popular for snapper, flathead, garfish, salmon and other varieties. A recreational fisherman's licence is required to take fish (including bait and shellfish) in all Victorian marine, estuary and freshwaters.

GUIDE TO SYMBOLS

- Dining
- Petrol
- Picnic Area
- Toilets
- Accommodation

WILSONS PROMONTORY

For more information please visit the Prom Country Visitor Information Centre on 1800 630 704 or visit www.visitpromcountry.com.au or www.fostervic.au

E.10 PLANNING APPLICATION 2015/307 - USE AND DEVELOPMENT OF THE LAND FOR GROUP ACCOMMODATION (4 HOLIDAY CABINS) AT 35B LYONS RD POUND CREEK

Development Services Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

The application is for the use and development of the land for four (4) holiday cabins. The Planning Scheme definition is 'Group Accommodation'. The land is 7.69 Ha and contains a dwelling, vineyard and a dam. The use and development requires a permit in the Farming Zone.

Council has received nine objections from seven objectors, all being from nearby properties. The objections were made to the original application which included a trout farm, large carpark and office. The application was revised to only include the Group Accommodation cabins. The revised application was renotified; however the objections were not withdrawn.

The objections are generally based on traffic concerns, noise, visitors' pets wandering, contamination of nearby dams from the fish farm, fish farm/dam smell, fish farm/dam wall failure, potential for trespass and privacy. The nearest dwelling is approximately 200m to the north west of the nearest proposed cabin.

The application is recommended for approval for the following reasons:

- The proposal is compatible with the existing use of the land and adjoining land. The land is in an enclave of relatively small rural lots that are used for rural lifestyle purposes and small scale farming. The proposal is not expected to limit the expansion of nearby farming.
- The use and development is not expected to cause any material detriment to any neighbouring properties, nor any negative environmental impacts. The proposed cabins are almost 200m from any neighbouring dwelling and could be screened with vegetation to protect the privacy of both the subject land and abutting land.
- Waste water can be treated and retained on site.
- The proposed use is complementary to the vineyard on the land.
- The Group Accommodation can be managed by standard permit conditions that restrict the number of nights the cabins can be used by the same person(s). This ensures they are not used for permanent or long stay accommodation.

Document/s pertaining to this Council Report

- **Attachment 1** - Locality Plan
- **Attachment 2** - Local Area Maps
- **Attachment 3** - Zones and Overlays
- **Attachment 4** - Proposed Site Plan
- **Attachment 5** - Site Photos
- **Attachment 6** - Farming Zone Decision Guidelines
- **Attachment 7** - Summary of Submissions
- **Confidential Appendix 1** - Copy of Submissions

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

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Planning and Environment Act (1987) "the Act"
- South Gippsland Planning Scheme

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

N/A

COUNCIL PLAN

Outcome	1	A Prosperous Shire
Objective	1.1	Work with the business community to support existing businesses, diversify employment opportunities and to attract new businesses.
Strategy	1.1.1	We will actively plan for growth and economic development
Strategy	1.1.2	We will protect and retain the unique identity of towns, villages and farming districts
Strategy	1.1.3	We will actively encourage sustainable development and growth of agriculture, industry and commercial business.
Strategy	1.1.4	We will promote and encourage tourism through development support.
Objective	1.3	Improve the sustainability of the local and regional environment.
Strategy	1.3.1	We will actively engage businesses, farmers, industries and individuals in creating a clean, green Shire, where environmental sustainability is

Strategy	1.3.2	embraced and practiced. We will promote sustainable waste management practices, energy efficiency and management of our natural resources.
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CONSULTATION

The application was referred and notified in accordance with section 52 of the Act.

Notice of the original application was sent to landowners and residents of adjoining land and properties close to the site, including all properties on Lyons Court, on 17 December 2015. A sign on site was also displayed for 14 days. The application was available for the public to view at Council's office in Leongatha and on Council's website. The original application included a trout farm (including extending the dam), a large carpark and ancillary office.

Seven written submissions to the application were received from landowners near the subject land.

A letter was sent to each of the objectors on 27 January 2016 notifying them that the description of the proposal had been changed to more accurately reflect the proposal, but the content of the proposal was unchanged. The accurate description of the proposal included 'Restricted Recreational Facility (trout farm and ancillary office)'. One additional land owner was also notified at that time (at 115 Lyons Court) to ensure that all landowners in Lyons Court had been notified, even though that land is a substantial distance from the subject land. That landowner has not made a submission. One additional objection from a previous objector was received.

On 10 February 2016, Council wrote to each of the affected property's owners and occupiers, advising that the applicant was considering removing the trout farm, carpark and office components from the proposal, to try to resolve the objections. The letter included preliminary plans showing just the group accommodation units. It stated that this was not a 'formal' amendment to the proposal, simply a request for feedback from objectors asking if they would withdraw their objections if such an amendment were made. No objections were withdrawn. No further submissions were made.

The proposal was formally amended in May 2016 by the applicant, to remove the trout farm, large carpark and office. The amended proposal is only for four Group Accommodation cabins. On 11 May 2016 the application was re-advertised by postal notice to each of the affected properties. No further submissions were made and no objections were withdrawn.

A total of nine objections were made from seven objectors during notification of the application.

The application was referred to Council's Engineering Department, Waste Water Officer and Environmental Health Officer. Council's Engineering Department provided conditional support. It stated that the sight distance available is adequate for the proposed location, given the relatively low speed

environment created by the right hand bend in the road. Council's Waste Water officer provided unconditional support and noted that the waste water systems would need to be setback appropriately from the dam. Council's Environmental Health Officer has provided conditional support.

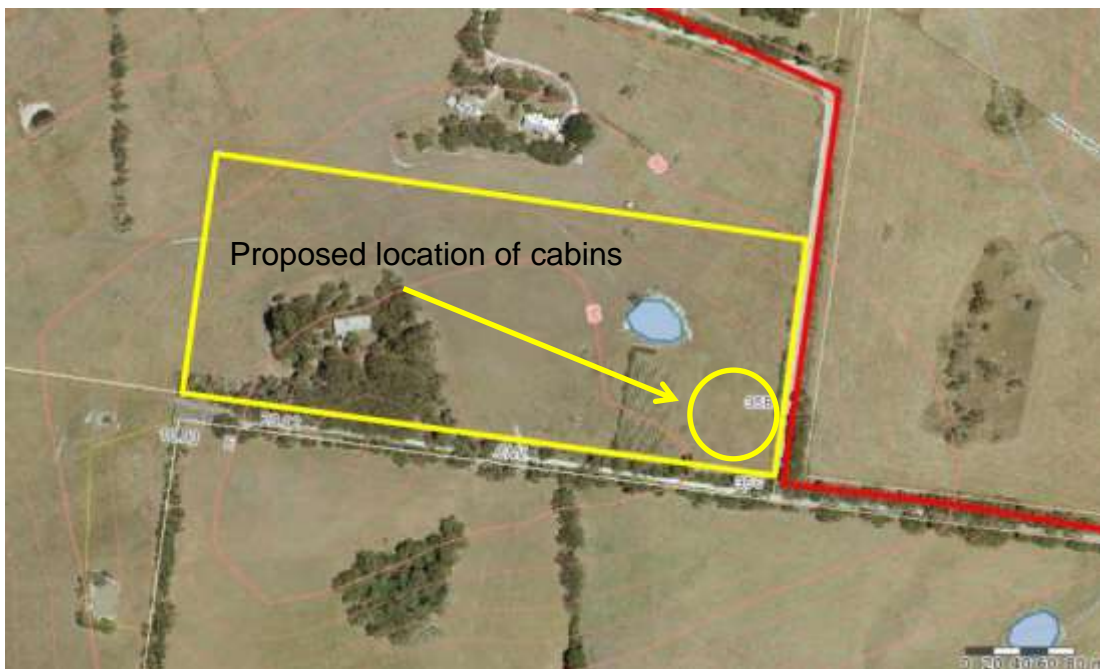
Southern Rural Water (SRW) advised that a licence would be required for the use of the dam (for a commercial venture). As a licence is required from SRW no planning permit is required to extend the dam.

REPORT

Background

The subject land is CA 59C Parish of Drumdlemara, more commonly known as 35B Lyons Road Pound Creek. The allotment occupies an area of approximately 7.69 hectares in size and is not part of part of a tenement.

Lyons Court forms the eastern boundary of the lot, however vehicular access to the existing dwelling is currently via a carriageway easement on the adjoining lot to the south (which is known as 35C Lyons Road Pound Creek). The land abuts private property to the north and west. The southern and central portion of the land is generally flat and the land falls gently to the north, north-west and north-east. The existing dwelling on the land is within a patch of native vegetation that is setback around 300m from Lyons Court. The site is otherwise clear of vegetation, however there is a substantial amount of native vegetation in both Lyons Court and the carriageway easement to the south. There is a dam on the eastern portion of the land.



There is an existing vineyard to the south of the dam. The owner proposes to extend this vineyard to the west and to construct a small farm shed, neither of which require a planning permit. There does not appear to be any other

agricultural activities on the land occurring, either visible during the site inspection or disclosed by the applicant.

Lyons Court contains six Farming Zone (FZ) lots (excluding the subject site), ranging between 16 hectares and 24 hectares. They are mostly developed with dwellings. There are some larger lots located to the east and south of the land ranging between 36 and 65 hectares. The land is approximately 10km by road from Koonwarra and approximately 13km by road from Tarwin Lower, which are the nearest towns.

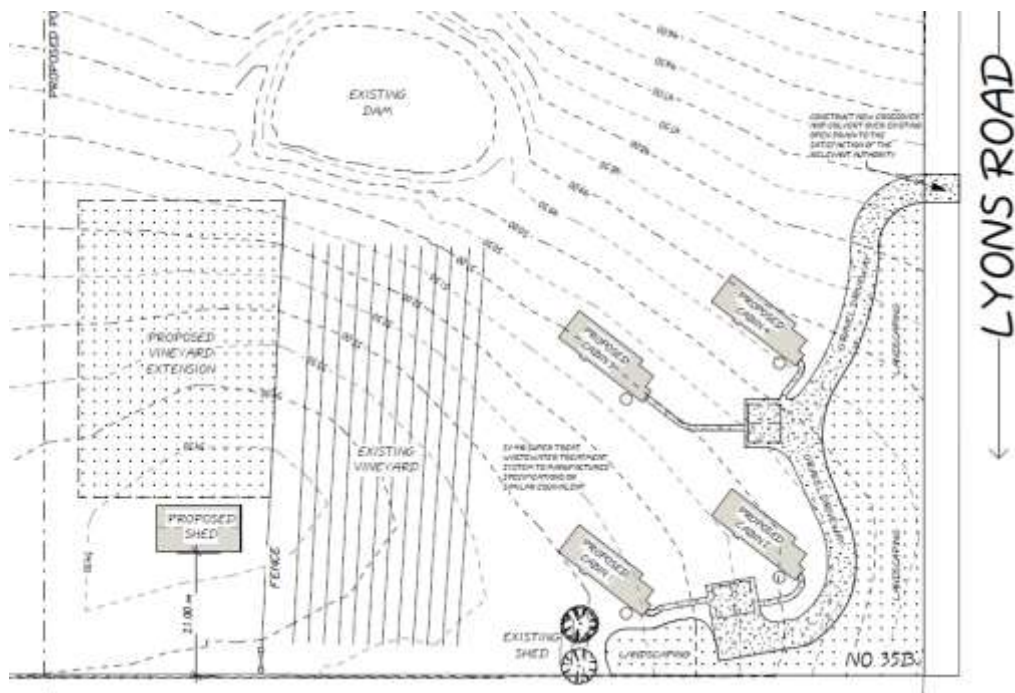
Refer Attachment 1 – Locality Plan

Refer Attachment 2 – Local Area Maps

Refer Attachment 3 – Zone and Overlays

Proposal

The applicant proposes four tourist cabins, each being 97.27m² containing one bedroom. They are proposed to be located in the south eastern corner of the site between the existing vineyard and Lyons Court (marked as Lyons Road on the applicant's plans). The cabins are setback a minimum 20m from Lyons Court and 10m from the southern boundary.



The cabins are self-contained. They are oriented to the north-east, so as to maximize the views across the land and optimise solar exposure. Parking will be provided near each cabin via a gravel driveway. The external cladding materials are proposed to be of non-reflective, muted tones. Screen planting is proposed between the cabins and the South-eastern corner of the property. This will soften their impact near the hilltop by providing a more naturally shaped backdrop when viewed from the East and North. It will also provide

screening when viewed from the East and South. The buildings are on stumps and require minimal site cut (less than 0.5m). No vegetation removal is required. The cabins will need to connect to a waste water system and this is proposed to be a condition of the planning permit.

Discussion

PLANNING SCHEME PROVISIONS

State Planning Policy Framework

Policy
Clause 11.05-3 Rural productivity - Objective: To manage land use change and development in rural areas to promote agriculture and rural production.
Clause 14.01-1 Protection of agricultural land - Objective: To protect productive farmland which is of strategic significance in the local or regional context.
Clause 15.01-5 Cultural identity and neighbourhood character - Objective: To recognise and protect cultural identity, neighbourhood character and sense of place.
Clause 17.03-1 Facilitating tourism - Objective: To encourage tourism development to maximise the employment and long-term economic, social and cultural benefits of developing the State as a competitive domestic and international tourist destination.
Clause 18.02-5 Car parking - Objective: To ensure an adequate supply of car parking that is appropriately designed and located.

The proposal is consistent with the State Planning Policies to facilitate tourism and protect productive farm land. The proposal does not offend the character of the area which, despite being zoned FZ, has more of a rural lifestyle appearance and use. The development is well sited in order to fit within the existing natural landscape and the proposed landscaping when it matures. A very small amount of agricultural land, approximately 0.45Ha, will be removed from any future agricultural production.

Local Planning Policy Framework

Policy
Clause 21.03-4 Natural resource management
The need to protect and promote the importance of a strong agricultural base to the Shire's economy. The need to preserve rural land for commercial scale agricultural production. The diversification and restructuring of the agricultural industry through the development of more intensive farming, value-adding opportunities and the decline of traditional forms of agricultural employment.

<p>Clause 21.04-2 - Vision Settlement: The environment, landscape, built form and heritage of the Shire is retained, managed and promoted in a way that adds to, rather than diminishes, its significance Land management practices are environmentally sustainable.</p> <p>Economic Development: Prominence of service and value-adding industries relevant to the rural sector The region is a food bowl supplying clean, high quality food The Shire capitalises on its proximity to Melbourne.</p>
<p>Clause 21.07-2 Land and catchment management</p> <p>Objective 1 To achieve a measurable improvement in the health of the Shire's land and water resources</p> <p>Strategy 1.2 Ensure that changes in land use do not lead to a decline in the quality of land and water resources.</p>
<p>Clause 21.08-1 Agriculture</p> <p>Objective 1 To maintain a viable and sustainable agricultural industry as the corner stone to the Shire's economy and its future wellbeing.</p> <p>Strategy 1.1 Protect high quality agricultural land for primary production</p> <p>Strategy 1.10 Consider land capability when assessing applications for the use and development of rural land.</p>
<p>Clause 21.11-4 Tourism</p> <p>Objective 1 To encourage a diverse range of tourism opportunities</p> <p>Strategy 1.1 Encourage the development of eco-tourism and agri-tourism, building on the Shire's natural assets and agricultural land use</p> <p>Strategy 1.2 Promote the development of new or expanding tourism enterprises that are ecologically sustainable</p> <p>Objective 2 To recognise the importance of the Shire's natural environment and built form to the tourism industry.</p> <p>Strategy 2.1 Protect and promote the Shire's heritage assets, coastline, environmental qualities, rural landscape and agricultural produce for their tourism value.</p>

Clause 21.15-15 Landscape Character Areas: Character Area 1.3 –
Bunurong coast and hinterland.

Maintain extensive rural character outside settlements by siting new development long distances apart, back from roads and amongst vegetation, and siting large-scale built development within or close to existing built areas to avoid dominance of built form over the open pastoral hinterland.

The proposal is considered to be consistent with the Local Planning Policy Framework that supports tourism, particularly agri-tourism, whilst protecting natural landscape values and agricultural production. The land to be taken out of production is minimal. The subject land is expected to benefit from the landscaping proposed, which will not only filter the views of the development so as to make it not as prominent in the landscape, but will also provide biodiversity value to the area.

The immediate area surrounding the subject land is not used for any form of intensive animal husbandry. It appears that most adjoining lots are used for extensive animal husbandry (grazing) or growing of animal feed. The immediate surrounds have a rural lifestyle character.

Farming Zone

The use of the land for Group Accommodation in the Farming Zone requires a planning permit. The relevant decision guidelines are discussed in detail in **Attachment 6 - Farming Zone Decision Guidelines**.

Council is generally not supportive of land uses in the Farming Zone which do not provide a direct benefit to agriculture. In this instance, the land is not suited to intensive or large scale agriculture due to its size and its surroundings being used mainly for rural lifestyle purposes. The tourist accommodation is considered to complement the use of the land for viticulture, which is likely to continue on the land. In fact, the plans show a proposed expansion of the vineyard. The approval of an agri-tourism accommodation facility in the location proposed is not expected to restrict farming on the land significantly. The area taken up by the cabins and landscaping is only approximately 0.45 Ha (6% of the land). The proposal is also unlikely to impact agricultural production on nearby farms, as it is setback substantially from boundaries.

No negative impacts to soil quality are expected. Planting will enhance biodiversity in the area by providing habitat and protection on what is currently a fairly denuded area. The landscaping will link into the established vegetated corridor in the road reserve and to the South.

A proposed 173 Agreement will require that the cabins are only occupied for short periods of time. The restriction would apply to any person/s occupying the cabins for a maximum number of consecutive days (totalling 42 days or 6 weeks) and/or 150 cumulative days per year. This restriction is applied to

other Group Accommodation applications in the Shire on a consistent basis to ensure that the cabins do not become permanent residences and to limit the potential amenity impacts of a proposal. It is likely that most visitors will only occupy the cabins for two or three nights while visiting/exploring the region.

The proposal provides environmental and agri-tourism benefits to the property and the Shire.

Refer Attachment 6 – Farming Zone Decision Guidelines

Public Submissions

A detailed list of issues raised in public submissions is discussed at **Attachment 7 - Summary of Submissions**

Key issues raised by objectors are the amenity impacts on neighbouring properties from noise, traffic and visual intrusion, smell, and potential for contamination of dams. Many of the concerns raised in the objections were with regard to the proposed extended dam and trout farm in the original proposal. These included smell, biosecurity concerns and dam wall failure. Even though the application has been amended to remove the trout farm and associated carpark and office, those objections have not been withdrawn.

It is considered that of the concerns raised, most of those relevant to the current proposal can be adequately managed by permit conditions. Some concerns are now irrelevant, or outside the ambit of Council's discretion. For example, whilst no planning permit is required to extend the dam, the potential for failure of the dam wall was raised as a concern. Despite this no longer being proposed that objection has not been withdrawn. Nor have objections been withdrawn that relate to smell and biosecurity hazards from the trout farm, which is also no longer proposed.

Refer Attachment 7 - Summary of Submissions

RISKS

Options

1. Council may choose to support the recommendation without changes. The decision may be subject to appeal at the Victorian Civil and Administrative Tribunal (VCAT) by the objectors if dissatisfied with the decision, or by the applicant if dissatisfied with the proposed conditions.
2. Council may choose to support the application with changes to the proposed conditions. The decision may be subject to appeal at VCAT by the objectors if dissatisfied with the decision, or by the applicant if dissatisfied with the proposed conditions.
3. Council may choose to refuse the application based on any grounds it considers relevant to the proposed use and development. The decision

may be subject to appeal at VCAT by the applicant. This option is not recommended.

CONCLUSION

The concept of Group Accommodation has broad support in the Farming Zone and by some State and Local Planning Policies. The particular circumstances of the proposed development on the subject land are not expected to result in excessive negative amenity impacts on neighbouring properties, and can be managed or reduced by permit conditions.

Such a closely settled farming area is ideally suited to the proposal. Whilst the adjoining and nearby residents have a reasonable expectation that the surrounding land will be used and developed for farming and agricultural industries, it is not unreasonable to expect that they could also be used and developed for low scale, low impact tourist accommodation facilities. The impacts on the local amenity from the proposed Group Accommodation are able to be largely managed on the site by the occupants of the existing dwelling.

RECOMMENDATION

That Council issues a Notice of Decision for the use and development of the land for Group Accommodation (4 x tourist cabins), in accordance with the endorsed plans at 35B Lyons Road Pound Creek (CA 59C Parish of Drumdemara) subject to the following conditions:

Proposed Conditions:

1. Before the use and/or development start(s), amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided.

The plans must be generally in accordance with the plans submitted with the application but modified to show:

- a. Remove reference to "Proposed shed" and "Proposed vineyard extension".
- b. Include landscaping along the Northern boundary (in addition to the eastern and Southern boundary) to provide a permanent screen of suitable indigenous vegetation selected from the Indigenous Plants of South Gippsland Shire publication. The vegetation must:
 - i. comprise of a range of storeys, with an emphasis on middle and upper storeys; and

- ii. be selected from the appropriate "planting zones" for that area.
- 2. The building, 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.
- 3. Once the development has started it must be continued and completed in a timely manner to the satisfaction of the Responsible Authority.
- 4. Prior to the issue of the first Occupancy Permit for the Group Accommodation building(s), an Agreement under Section 173 of the Planning and Environment Act must be entered into which ensures that:
 - a. The Group Accommodation must not be occupied by the same person/s for more than 42 consecutive days or more than 150 days per calendar year, and
 - b. The Group Accommodation must not be used as a permanent residence, and
 - c. The operator/owner is to keep a log of visitations and produce it to the Responsible Authority upon request.

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.

- 5. 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.
- 6. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land or passing vehicles to the satisfaction of the Responsible Authority.
- 7. All waste material or other refuse must be obscured from the view of the public and must be disposed of in a manner to the satisfaction of the Responsible Authority.

- 8.** The property must be maintained in a neat and tidy condition to the satisfaction of the Responsible Authority.
- 9.** 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 landscaping must be maintained for the life of the development and any dead or dying vegetation replaced.

Engineering Conditions

- 10.** The owner/applicant must comply with the following South Gippsland Shire Engineering Department conditions:
 - a.** The driveway crossover must be constructed in accordance with Council's Standard Drawing IDM SD 255.
 - b.** Stormwater from the proposed development must be discharged on site.
 - c.** Size of car parking bays and access ways must conform to the South Gippsland Planning Scheme.
 - d.** Car parking area must be suitably designated on site.
 - e.** All work must be carried out to the satisfaction of the South Gippsland Shire Council.
- 11.** Before the use commences, the car parking spaces, access lanes, driveways and associated works and landscaping shown on the plan must be:
 - a.** constructed and available for use in accordance with the plan approved by the responsible authority; and
 - b.** formed to such levels and drained so that they can be used in accordance with the plan; and
 - c.** treated with an all-weather surface; and
 - d.** line-marked or provided with some other adequate means of showing the car parking spaces,

Car spaces, access lanes and driveways must be kept available for these purposes at all times.

- 12.** A manager of the Group Accommodation facility must reside in the existing dwelling on the land whilst the Group Accommodation is being used.
- 13.** This 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.

Proposed Notes

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

The Responsible Authority may extend the time to complete the development under part (b) of the expiry condition if:

- a. the request for an extension of time is made within 12 months after the permit expires; and
- b. the development or stage started lawfully before the permit expired.

The Responsible Authority may extend the time to start the use of the land under part (c) of the expiry condition if the request is made before the permit expires or within 6 months afterwards.

- 15.** This permit allows the above land to be used or developed for the purpose specified. It is the permit holder's responsibility to ensure that any other relevant approvals are obtained prior to the commencement of the use or development.
- 16.** The owner/applicant is encouraged to check with the relevant service authorities before any excavation work is undertaken (e.g. Telstra, SP Ausnet and South Gippsland Water).
- 17.** A Consent to Work Within the Road Reserve Permit must be obtained from Council's Engineering Department for the construction and/or alteration of the driveway crossover.
- 18.** The provision of all food and drinks must be in accordance with the requirements of Council's Environmental Health Department. The Group Accommodation cabins will require registration pursuant to the Public Health and Wellbeing Act 2008 – Prescribed Accommodation. Any food sold from the premises (including breakfast hampers) will require registration pursuant to the Food Act 1984.

- 19.** A licence may be required from Southern Rural Water under the Water Act 1989 to take and use water from the dam or to increase the capacity of the dam.

MOVED: Cr Hutchinson-Brooks

SECONDED: Cr Brunt

THAT COUNCIL ISSUES A NOTICE OF DECISION FOR THE USE AND DEVELOPMENT OF THE LAND FOR GROUP ACCOMMODATION (4 X TOURIST CABINS), IN ACCORDANCE WITH THE ENDORSED PLANS AT 35B LYONS ROAD POUND CREEK (CA 59C PARISH OF DRUMDLEMARA) SUBJECT TO THE FOLLOWING CONDITIONS:

PROPOSED CONDITIONS:

- 1. BEFORE THE USE AND/OR DEVELOPMENT START(S), AMENDED PLANS TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY MUST BE SUBMITTED TO AND APPROVED BY THE RESPONSIBLE AUTHORITY. WHEN APPROVED, THE PLANS WILL BE ENDORSED AND WILL THEN FORM PART OF THE PERMIT. THE PLANS MUST BE DRAWN TO SCALE WITH DIMENSIONS AND THREE COPIES MUST BE PROVIDED.**

THE PLANS MUST BE GENERALLY IN ACCORDANCE WITH THE PLANS SUBMITTED WITH THE APPLICATION BUT MODIFIED TO SHOW:

- a. REMOVE REFERENCE TO "PROPOSED SHED" AND "PROPOSED VINEYARD EXTENSION".**
 - b. INCLUDE LANDSCAPING ALONG THE NORTHERN BOUNDARY (IN ADDITION TO THE EASTERN AND SOUTHERN BOUNDARY) TO PROVIDE A PERMANENT SCREEN OF SUITABLE INDIGENOUS VEGETATION SELECTED FROM THE INDIGENOUS PLANTS OF SOUTH GIPPSLAND SHIRE PUBLICATION. THE VEGETATION MUST:**
 - i. COMPRISE OF A RANGE OF STOREYS, WITH AN EMPHASIS ON MIDDLE AND UPPER STOREYS; AND**
 - ii. BE SELECTED FROM THE APPROPRIATE "PLANTING ZONES" FOR THAT AREA.**
 - 2. THE BUILDING, 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.**
 - 3. ONCE THE DEVELOPMENT HAS STARTED IT MUST BE CONTINUED AND COMPLETED IN A TIMELY MANNER TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.**
 - 4. PRIOR TO THE ISSUE OF THE FIRST OCCUPANCY PERMIT FOR THE GROUP ACCOMMODATION BUILDING(S), AN AGREEMENT UNDER SECTION 173 OF THE PLANNING AND ENVIRONMENT ACT MUST BE ENTERED INTO WHICH ENSURES THAT:**
-

- a. **THE GROUP ACCOMMODATION MUST NOT BE OCCUPIED BY THE SAME PERSON/S FOR MORE THAN 42 CONSECUTIVE DAYS OR MORE THAN 150 DAYS PER CALENDAR YEAR, AND**
- b. **THE GROUP ACCOMMODATION MUST NOT BE USED AS A PERMANENT RESIDENCE, AND**
- c. **THE OPERATOR/OWNER IS TO KEEP A LOG OF VISITATIONS AND PRODUCE IT TO THE RESPONSIBLE AUTHORITY UPON REQUEST.**

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.

5. **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.**
 6. **EXTERNAL LIGHTING MUST BE DESIGNED, BAFFLED AND LOCATED SO AS TO PREVENT ANY ADVERSE EFFECT ON ADJOINING LAND OR PASSING VEHICLES TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.**
 7. **ALL WASTE MATERIAL OR OTHER REFUSE MUST BE OBSCURED FROM THE VIEW OF THE PUBLIC AND MUST BE DISPOSED OF IN A MANNER TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.**
 8. **THE PROPERTY MUST BE MAINTAINED IN A NEAT AND TIDY CONDITION TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.**
 9. **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 LANDSCAPING MUST BE MAINTAINED FOR THE LIFE OF THE DEVELOPMENT AND ANY DEAD OR DYING VEGETATION REPLACED.

ENGINEERING CONDITIONS

- 10. THE OWNER/APPLICANT MUST COMPLY WITH THE FOLLOWING SOUTH GIPPSLAND SHIRE ENGINEERING DEPARTMENT CONDITIONS:**
- a. THE DRIVEWAY CROSSOVER MUST BE CONSTRUCTED IN ACCORDANCE WITH COUNCIL'S STANDARD DRAWING IDM SD 255.**
 - b. STORMWATER FROM THE PROPOSED DEVELOPMENT MUST BE DISCHARGED ON SITE.**
 - c. SIZE OF CAR PARKING BAYS AND ACCESS WAYS MUST CONFORM TO THE SOUTH GIPPSLAND PLANNING SCHEME.**
 - d. CAR PARKING AREA MUST BE SUITABLY DESIGNATED ON SITE.**
 - e. ALL WORK MUST BE CARRIED OUT TO THE SATISFACTION OF THE SOUTH GIPPSLAND SHIRE COUNCIL.**
- 11. BEFORE THE USE COMMENCES, THE CAR PARKING SPACES, ACCESS LANES, DRIVEWAYS AND ASSOCIATED WORKS AND LANDSCAPING SHOWN ON THE PLAN MUST BE:**
- a. CONSTRUCTED AND AVAILABLE FOR USE IN ACCORDANCE WITH THE PLAN APPROVED BY THE RESPONSIBLE AUTHORITY; AND**
 - b. FORMED TO SUCH LEVELS AND DRAINED SO THAT THEY CAN BE USED IN ACCORDANCE WITH THE PLAN; AND**
 - c. TREATED WITH AN ALL-WEATHER SURFACE; AND**
 - d. LINE-MARKED OR PROVIDED WITH SOME OTHER ADEQUATE MEANS OF SHOWING THE CAR PARKING SPACES,**
- CAR SPACES, ACCESS LANES AND DRIVEWAYS MUST BE KEPT AVAILABLE FOR THESE PURPOSES AT ALL TIMES.**

- 12. A MANAGER OF THE GROUP ACCOMMODATION FACILITY MUST RESIDE IN THE EXISTING DWELLING ON THE LAND WHILST THE GROUP ACCOMMODATION IS BEING USED.**
- 13. THIS 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.**

PROPOSED NOTES

- 14. PURSUANT TO THE PROVISIONS OF SECTION 69 OF THE PLANNING AND ENVIRONMENT ACT 1987 THE RESPONSIBLE AUTHORITY MAY EXTEND THE TIME TO START DEVELOPMENT UNDER PART (A) OF THE EXPIRY CONDITION, IF THE REQUEST IS MADE BEFORE THE PERMIT EXPIRES OR WITHIN 6 MONTHS AFTERWARDS.**

THE RESPONSIBLE AUTHORITY MAY EXTEND THE TIME TO COMPLETE THE DEVELOPMENT UNDER PART (B) OF THE EXPIRY CONDITION IF:

- a. THE REQUEST FOR AN EXTENSION OF TIME IS MADE WITHIN 12 MONTHS AFTER THE PERMIT EXPIRES; AND**
- b. THE DEVELOPMENT OR STAGE STARTED LAWFULLY BEFORE THE PERMIT EXPIRED.**

THE RESPONSIBLE AUTHORITY MAY EXTEND THE TIME TO START THE USE OF THE LAND UNDER PART (C) OF THE EXPIRY CONDITION IF THE REQUEST IS MADE BEFORE THE PERMIT EXPIRES OR WITHIN 6 MONTHS AFTERWARDS.

- 15. THIS PERMIT ALLOWS THE ABOVE LAND TO BE USED OR DEVELOPED FOR THE PURPOSE SPECIFIED. IT IS THE PERMIT HOLDER'S RESPONSIBILITY TO ENSURE THAT ANY OTHER RELEVANT APPROVALS ARE OBTAINED PRIOR TO THE COMMENCEMENT OF THE USE OR DEVELOPMENT.**
- 16. THE OWNER/APPLICANT IS ENCOURAGED TO CHECK WITH THE RELEVANT SERVICE AUTHORITIES BEFORE ANY EXCAVATION**

WORK IS UNDERTAKEN (E.G. TELSTRA, SP AUSNET AND SOUTH GIPPSLAND WATER).

- 17. A CONSENT TO WORK WITHIN THE ROAD RESERVE PERMIT MUST BE OBTAINED FROM COUNCIL'S ENGINEERING DEPARTMENT FOR THE CONSTRUCTION AND/OR ALTERATION OF THE DRIVEWAY CROSSOVER.**
- 18. THE PROVISION OF ALL FOOD AND DRINKS MUST BE IN ACCORDANCE WITH THE REQUIREMENTS OF COUNCIL'S ENVIRONMENTAL HEALTH DEPARTMENT. THE GROUP ACCOMMODATION CABINS WILL REQUIRE REGISTRATION PURSUANT TO THE PUBLIC HEALTH AND WELLBEING ACT 2008 – PRESCRIBED ACCOMMODATION. ANY FOOD SOLD FROM THE PREMISES (INCLUDING BREAKFAST HAMPERS) WILL REQUIRE REGISTRATION PURSUANT TO THE FOOD ACT 1984.**
- 19. A LICENCE MAY BE REQUIRED FROM SOUTHERN RURAL WATER UNDER THE WATER ACT 1989 TO TAKE AND USE WATER FROM THE DAM OR TO INCREASE THE CAPACITY OF THE DAM.**

CARRIED UNANIMOUSLY

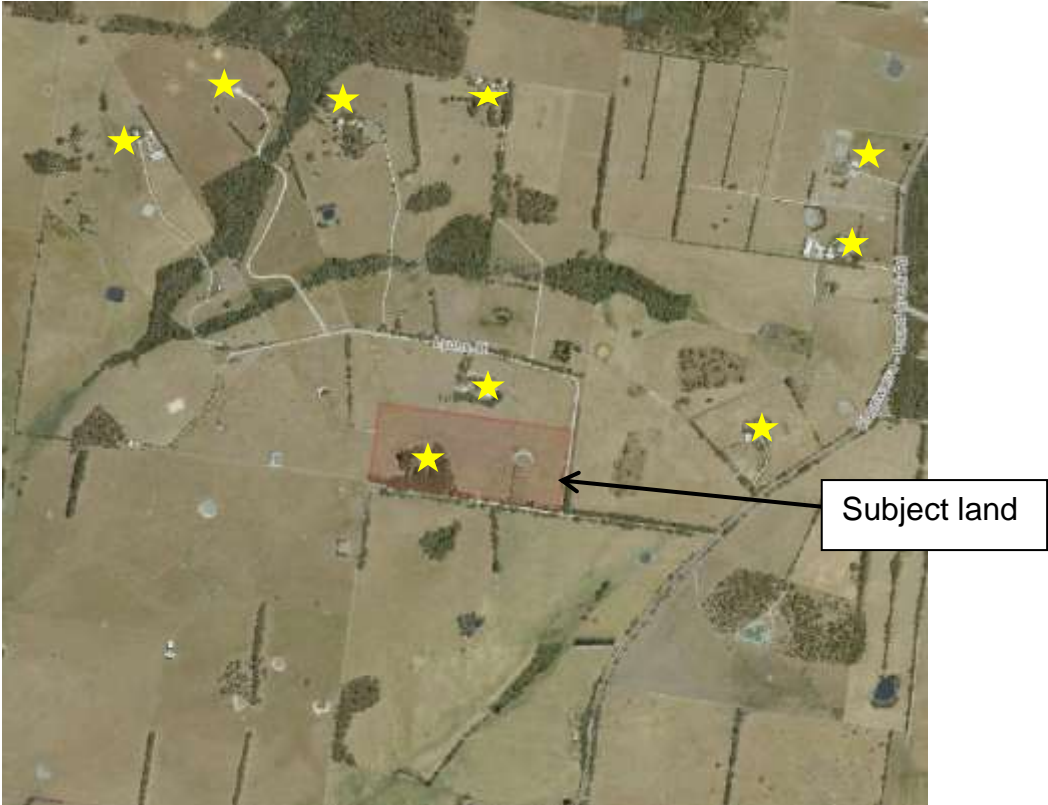
Attachment 1 - Locality Plan



Attachment 2 - Local Area Maps

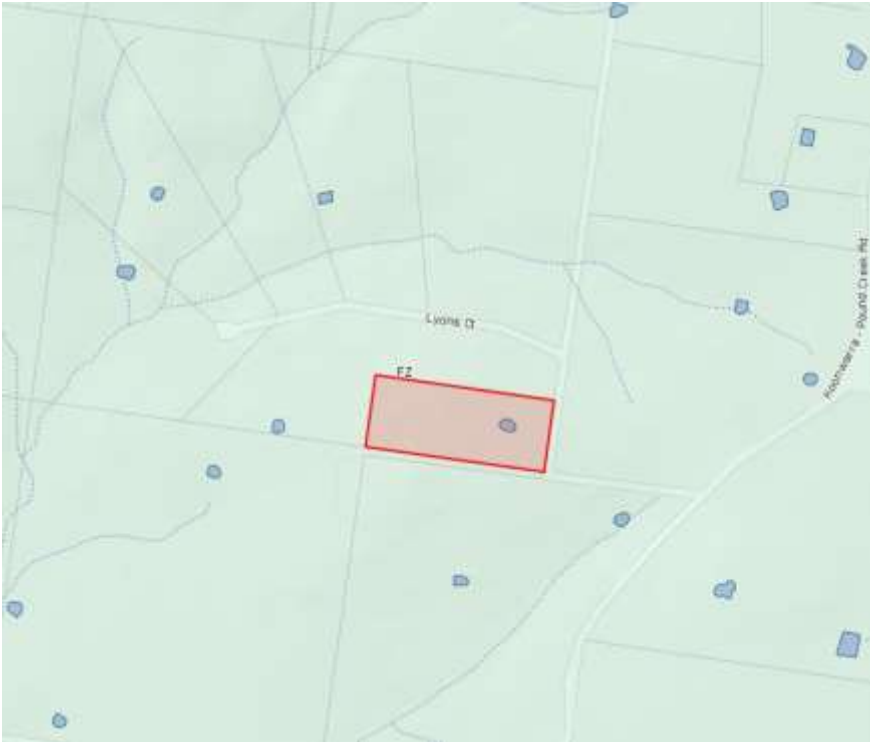


Aerial Photo of Local Area ★ Indicates location of dwellings



Attachment 3 - Zone and Overlays

Zones map (all Farming Zone)



Overlays that apply in the area but do not affect the subject land - ESO5

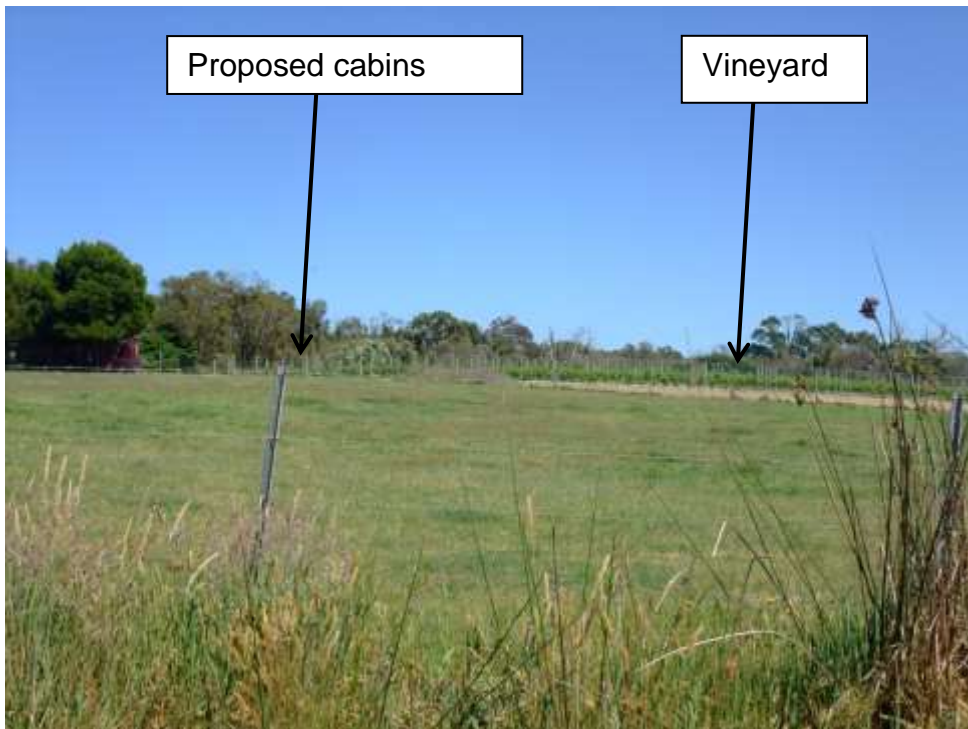


Attachment 5 - Site Photos

Looking South-east across development site from Lyons Rd. Trees in abutting land to south.



Existing vineyard viewed from Lyons Rd. Dwelling in vegetation at rear.



View looking toward the subject land from further north on Lyons Rd (looking South-west)



Attachment 6 - Farming Zone Decision Guidelines

Farming Zone (FZ)	Response
The capability of the land to accommodate the proposed use or development, including the disposal of effluent.	Council's Waste Water Officer has assessed the capacity of the land to treat and retain waste water and has provided unconditional support. The land is capable of accommodating the Group Accommodation.
How the use or development relates to sustainable land management.	The proposed use is not agricultural however it is expected to be impact neutral at worst in terms of sustainability. In fact, the planting of vegetation around the cabins in the south-eastern corner of the land is expected to positively contribute to biodiversity and land stability in the area.
Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.	<p>The site is gently sloping and therefore very little cut (less than 0.5m) and no fill is required. No vegetation removal is required. The landscaping proposed when mature should result in only filtered views of the cabins from other properties or public places.</p> <p>The site is considered suitable for the use and development given that part of the locality is already subdivided into rural lifestyle sized properties between 7-24 hectares. Whilst there are some larger lots adjoining the site used for agriculture, the existing adjoining uses for grazing should not adversely affect the amenity of guests in the proposed group accommodation. Whilst such land uses can conflict at times, the applicant has proposed to screen the group accommodation from the interface with adjoining agriculture. Furthermore, potential amenity impacts are less likely to occur when the group accommodation are occupied infrequently by different users (i.e. each occupant/s is/are not exposed to the potential amenity impacts for long periods of time).</p>
How the use and development makes use of existing infrastructure and services.	The land is connected to mains power and telecommunications. No reticulated water or sewer is available. The existing road is in good condition and appears to be regularly maintained.
Agricultural issues and the impacts from non-agricultural uses	As discussed above, the viticulture on the land is not expected to be impacted. It is expected that the accommodation can complement this existing agricultural use. Agriculture in the broader area is also not expected to be adversely impacted.

Farming Zone (FZ)	Response
Whether the use or development will support and enhance agricultural production.	The use and development is not a 'supporting use', but it is nevertheless a complementary use that can be seen to enhance agricultural production. The land is of a relatively small size at 7.69 Ha. Despite this the landowner has an established vineyard which is proposed to be expanded. The proposed cabins are likely to be a good secondary on-site income stream that does not interfere with primary production, and that meets the tourism objectives described in the 2013-2017 Council Plan.
Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.	A small amount of land, approximately 0.45 Ha, will be developed for cabins, access and landscaping. This represents approximately 6% of the subject land. It is noted that this area is not currently in production. No adverse impacts to soil quality are expected.
The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.	The development will be well protected from nearby farming uses by screen planting and by distance. The proposal is not expected to limit the expansion of nearby farming activities.
Environmental issues	
The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.	No negative impacts are expected and this has been discussed previously in the report.
The impact of the use or development on the flora and fauna on the site and its surrounds.	The landscaping proposed will positively contribute to biodiversity in the area. The broader area is generally clear of vegetation. There are only a few small patches of remnant native vegetation within 500m of the site. The landscaping proposed will provide a continuance to the corridor of vegetation in the road reserve and immediately South of the site.
The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.	As discussed above

Farming Zone (FZ)	Response
The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.	The application was referred to Council's Waste Water Officer, who has provided unconditional support but has noted that the effluent fields will need to be setback appropriately from the dam. There are no neighbouring dams nearby.
Design and siting issues	
The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.	All buildings are located together to limit the loss of farming land.
The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.	The buildings are single storey, low in height and have a simple form. They respond well to the topography of the land. The colours and materials proposed are of muted non-reflective tones and treated timber. This complements the nearby vegetation and the proposed landscaping. Dark colours blend into, rather than dominate or contrast with the surrounding landscape. This will be the case as the landscaping matures when the land is viewed from Lyons Court or from further away.
The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.	The proposal is compatible with the character of the area, which is generally a rural lifestyle enclave with only a limited amount of farming activities, despite it being zoned FZ. There are no features of architectural, historic or scientific significance or importance nearby.
Whether the use and development will require traffic management measures.	Council's Engineering Department has advised that the proposed crossover has adequate sightlines in each direction and has not required any additional traffic management controls.

Attachment 7 - Summary of Submissions

There were 7 objections received. The issues raised are summarised below:

Concerns raised	Response
<p>Traffic:</p> <ul style="list-style-type: none"> • Congestion • Safety • Road maintenance / impacts • Road too narrow and insufficient sight lines 	<p>Four separate one bedroom cabins are proposed and up to four guests in each cabin can be accommodated. It is expected that each cabin will predominantly cater for two guests (1 couple). Even at full capacity, 16 guests are unlikely to cause congestion of the road. That is because it would be likely for these guests to arrive in the same vehicle for each cabin (i.e. four vehicles, with a max of eight at any one time if people arrive in pairs). It is difficult to determine average occupancy rates for such proposals, however an occupancy rate of 0.75 is considered conservative (the likely maximum average). This means that on average, three to six additional vehicles could use Lyons Court per day. Each cabin would be likely to generate about four vehicle movements per day (2 in, 2 out). This means that the proposal could generate approximately 12-24 vehicle movements per day to Lyons Court. This is not expected to lead to congestion of the Road and it is considered to have sufficient capacity to cater for an additional 12-24 vehicle movements per day.</p> <p>Council's Engineering department has advised that there are acceptable sight distances in each direction from the proposed crossover. Lyons Court is a no-through road and the land is located adjacent to a right hand bend which ensures that the proposed crossover is in a low speed environment. No conditions have been required to increase the width of the road or increase sight lines for the proposed crossover. The proposal is not expected to affect road safety of Koonwarra Pound Creek Road.</p> <p>Road maintenance will be required as it is for any unsealed Council road; however it is noted that the proposed crossover is approximately 400m from the intersection with Koonwarra Pound Creek Road. Therefore intensification of the use will not occur for the full length of Lyons Court because it is a no-through road. Given the relatively low volumes of traffic expected to use a portion of Lyons Court, it is not expected to contribute to maintenance issues significantly.</p>
<p>Amenity:</p> <ul style="list-style-type: none"> • Pets • Noise from residents (guests?) • Impact neighbours privacy and peace 	<p>It is not considered appropriate for planning to restrict the number of pets that could be brought to the property for short stays. If the site manager considers that pets can be brought to the site for accompanying stays, it will be an issue that can be controlled by the site manager.</p>

	<p>The noise from 8-16 unrelated guests staying in the accommodation is unlikely to impact other dwellings in the area. Even if all four cabins were occupied by guests known to each other, the amenity impacts would be extremely unlikely to impact the nearest residential receptor more than 200m away, significantly further than expected in a residential area and enough to ensure that amenity impacts are unlikely to be experienced outside the site. Privacy and peace can likewise be protected to some degree by screen planting and the distance of the accommodation to surrounding dwellings in the area.</p>
<p>Possibility that the cabins will be used as permanent dwellings</p>	<p>Council has required other like proposals to enter into Section 173 Agreements that restrict the use of the cabins for temporary accommodation. This has not become an issue within this Shire historically and can be enforced if found to be contravened.</p> <p>The proposed 173 Agreement will require that the cabins are only occupied for short periods of time. The restriction would apply to any person/s occupying any of the cabins for a maximum number of consecutive days (totalling 42 days or 6 weeks) and/or 150 cumulative days per year. It is likely that most visitors will only occupy the cabins for two or three nights while visiting/exploring the region.</p> <p>Council would be highly unlikely to support or allow the cabins to be used as individual dwellings for permanent residence, nor would it allow further subdivision of the land. Any future owner of the land would purchase it knowing the restrictions listed on the title.</p>
<p>Trout farm and dam:</p> <ul style="list-style-type: none"> • Birds visiting dam will contaminate nearby dams Dam wall failure is possible – flooding impacts • Not enough water for dam • Smell 	<p>These concerns are irrelevant as the trout farm is no longer proposed. If the applicant were to apply for a trout farm in the future, it would be assessed on its merits.</p> <p>The dam expansion does not require a planning permit. It is exempt from a planning permit because a licence is required from Southern Rural Water under the Water Act.</p>
<p>The use and development is not in keeping with the character of the area – this has not been explained/expanded on</p>	<p>Council does not consider that the proposal will be out of character in this locality. This area, despite being zoned FZ, consists of seven small rural lots that are mostly developed with dwellings. Whilst some farming is occurring in the immediate area, it is not on a particularly intensive scale. The use and development are unlikely to impact on the continuation of existing farming activities in the area.</p>

Concerns raised	Response
Screening will take a long time to establish	Depending on the species chosen, screens providing filtered views should be able to be established within 18 months of planting.
Effluent will contaminate neighbours land	<p>Council considers that the effluent from the proposed accommodation can be treated and retained within the boundaries of the property in accordance with SEPP (Water of Victoria) and the Environment Protection Act. Council's Waste Water Officer has provided unconditional support for the proposal.</p> <p>The objector has not provided any evidence to substantiate the claim having regard to land capability or capacity.</p>
Fire possible from cigarette butts	This is a hazard from any residence in the area and no evidence has been provided to show that this hazard risk is likely to increase.
Trespass onto neighbours land	This not a planning consideration. However, it has not been an issue identified with other similar developments.
Impact on property values	The Planning and Environment Act and South Gippsland planning do not allow consideration of property values when assessing planning permit applications of this nature.

Councillor Don Hill left the Council Meeting at 4.14pm with a declared direct conflict of interest in respect of Council Reports Item E.11 PROPOSED ROAD OPENING / DECLARATION OF A SECTION OF UNUSED GOVERNMENT ROAD OFF GILES STREET IN THE TOWNSHIP OF MIRBOO NORTH, PARISH OF MIRBOO as he is the applicant and owns land adjoining the unused road.

E.11 PROPOSED ROAD OPENING / DECLARATION OF A SECTION OF UNUSED GOVERNMENT ROAD OFF GILES STREET IN THE TOWNSHIP OF MIRBOO NORTH, PARISH OF MIRBOO

Sustainable Communities and Infrastructure Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

Council considered a report on 22 June 2016 to commence the statutory procedures to declare a section of unused government road to the south of Giles Street Mirboo North, Parish of Mirboo, open to public traffic to allow the applicant legal access to their property.

At this meeting Council resolved to defer the proposed road opening / declaration in order to consider other options of providing access to the property. These options have now been investigated with the outcomes detailed in the discussion of this report.

Document/s pertaining to this Council Report

- **Attachment 1** – Survey Plan of Proposed Road Opening
- **Attachment 2** – Aerial Plan of Proposed Road Opening

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Local Government Act 1989 (Sections 204(2), 207A(c) and 223)
- Road Management Act 2004
- Road Management Plan 2013
- Planning and Environment Act 1987
- Land Act 1958

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Vision 2020
- Road Opening Procedure

- Infrastructure Design Manual
- Register of Public Roads

COUNCIL PLAN

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

CONSULTATION

- Consultation with the applicant has been undertaken to establish reasonable single property access from Giles Street to the applicant's property along the licenced unused government road reserve south off Giles Street and then west along the east west government road for approximately 40 metres.
- The Department of Environment, Land, Water, and Planning (DEWLP) has advised that in order to remove the current Agricultural Licence over the subject unused road reserve Council, by resolution, must declare that the subject road reserve is required for public use to be open to public traffic, and advise DEWLP accordingly.
- Council will place a public notice of the proposed declaration, under Section 204 (2) of the *Local Government Act 1989*, in its Noticeboard section of the local newspapers and on Council's website week commencing 1 August 2016, in accordance with Section 223 of the *Local Government Act 1989*, and send letters to adjoining property owners.
- The submission period is 30 days from publication and will close at 5.00pm on Tuesday 30 August 2016.
- If submissions are received to the public notice, they will be heard at a Special Committee of Council in closed session and the decision determined at the next available Ordinary Council Meeting in open session.
- If no submissions are received to the public notice Council shall declare the subject road reserve is reasonably required for public use and be opened to public traffic and subsequently advise DEWLP of Council's declaration.

REPORT

Background

History

Council received an application from an adjoining land owner of the unused Government road in question, requesting the opening of approximately 211 metres of unused and unmade government road reserve (being an area of 4,263m²) to the south of Giles Street Mirboo North. The section of licenced unused government road requested to be opened to public traffic to provide property access will allow the applicant to establish reasonable access to their property being L1 TP394262 parcel 127255090.

Having no reasonable access means the property owner is unable to get farm machinery into their property to work the farm, operate the irrigation equipment, or manage weed control.

The property in question has recently been purchased by the applicant and access to the main area of the applicant's farm was previously gained through vacant land on Giles Street. This vacant land will not be available in the future for the applicant to access the main area of their farm.

Access from the western side to the eastern side of the property is restricted by a major gully and swamp. Whilst the section of unused road proposed to be opened also has a gully to be crossed, all weather access can be achieved by installing a large culvert, or possibly a small bridge, or alternatively, dry weather access could be provided using a ford to cross the waterway. Notwithstanding, the applicant will need to contact the West Gippsland Catchment Management Authority to obtain any necessary approval to cross the waterway and permit(s) to work in waterways.

The applicant will be required to enter into a 173 Agreement, under the Planning and Environment Act 1987, with Council to establish the standard of construction and maintenance for the proposed property "access facility", as defined in the Road Management Act 2004,(crossover / driveway) along the subject road reserve to the satisfaction of Council..

The standard of construction shall be that required for a rural access road described in the Infrastructure Design Manual, namely a formed and gravelled roadway incorporating a 4.0 metre wide carriageway with 1.5 metre wide shoulders and table drains to suit.

The north south section of the unused government road off Giles Street has an Agricultural Licence (1509282) with DELWP covering it which is held with another property owner. This existing licence will need to be revoked and the unused road opened to public traffic prior to entering into the Section 173 Agreement and construction of the property access facility.

Refer to **Attachment 1 – Survey Plan of Proposed Road Opening** and **Attachment 2 – Aerial Plan of the Proposed Road Opening.**

Outcome of Council Meeting 22 June 2016

Council considered a report on 22 June 2016 to commence the statutory procedures to declare a section of unused government road to the south of Giles Street Mirboo North, Parish of Mirboo, open to public traffic to allow the applicant reasonable access to their property.

At this meeting Council resolved to (extract of Council Minutes):

THAT COUNCIL DEFER AGENDA ITEM E.5 PROPOSED ROAD OPENING / DECLARATION OF A SECTION OF UNUSED GOVERNMENT ROAD OFF GILES STREET IN THE TOWNSHIP OF MIRBOO NORTH, PARISH OF MIRBOO IN ORDER TO CONSIDER ANY OTHER OPTIONS OF PROVIDING ACCESS TO THE PROPERTY WHICH MAY INCLUDE DISCONTINUANCE OF THE ROAD AND SALE TO THE APPLICANT BY NO LATER THAN THE COUNCIL MEETING 24 AUGUST 2016.

CARRIED

Discussion

Multiple Land Parcels

The applicant's property consists of three land parcels. The only reasonably available road access for the eastern land parcel is the licenced unused road reserve south off Giles Street east of property No. 58 Giles Street.

Legislative Requirements

Council has the power under the *Local Government Act 1989*, Section 204(2), to declare a road be reasonably required for public use to be opened to public traffic (extract below):

204 Council may declare a road to be a public highway or to be open to the public

- (2) A Council may, by resolution, declare a road that is reasonably required for public use to be open to public traffic.
- (3) A road does not become a public highway by virtue of a Council resolution made under subsection (2).

The declaration made under Section 204(2) requires Council to follow the use a Section 223 Submission Process in accordance with Section 207A (c).

Proposed Access Facility ConditionsThe proposal to make available approximately 211 metres (being an area of 4,263m²) of unused government road for the provision of a property access facility (crossover / driveway) shall only proceed, subject to the following conditions:

- DEWLP remove the Agricultural Licence from the subject unused road reserve following declaration by Council that the road reserve is reasonably required for public use be opened to public traffic.
- The applicant enters into a Section 173 Agreement under the Planning and Environment Act 1987, to construct the property access facility (crossover / driveway) to Council's satisfaction and bears all costs associated with the construction and maintenance of the property access facility (crossover / driveway).
- The construction of the property access facility (crossover / driveway) must be completed prior to any building or construction works occurring on the land.
- The applicant is to maintain the property access facility (crossover / driveway) in accordance with standards agreed and contained in the Section 173 Agreement entered into with the applicant.
- The applicant is to obtain all relevant Permits before commencing works to construct the property access facility (crossover / driveway).
- The Section 173 Agreement shall be ended by Council at a time when more than one property requires access from the subject road reserve. As soon as is reasonably practicable after the ending of the Agreement and subject to the owner making an application in writing to the Council, the Council shall, at the expense of the owner, make application to the Registrar of Titles to cancel the recording of this Agreement pursuant to Section 183(2) of the Act to all or the relevant part of the land as the case may be.

Options

In response to the resolution from 22 June 2016, property access options have now been investigated as follows:

1. Option 1 (preferred option): Alternative Access from Giles Street

Alternative Access from the road reserve south of Giles Street (currently proposed) is steep, and is approximately 160 metres long with a waterway crossing. However, it is not as unreasonable as the abuttal from the east / west road reserve off Meeniyen Mirboo North Road. Previous access from vacant land at 48 Giles Street through a private arrangement will no longer be available in the future therefore alternative road access to the applicant's property is now being sought.

The road reserve off Giles Street provides access to a Farming Zone (FZ) property only at this time

2. Option 2: Alternate Access off Meeniyen Mirboo Road

Primary abuttal is available from the road reserve along the northern boundary of the applicant's land off Meeniyen Mirboo North Road, but access is also steep, and would require opening 450 metres of road reserve and provision of a waterway crossing. This may not be considered "reasonable" access.

3. Option 3: Discontinuance and Sale of Road Reserve Off Giles Street

The Department of Environment, Land, Water, and Planning (DELWP) has been consulted regarding the option of Council discontinuing the unused road reserve and reverting it back to the Crown and subsequently being sold to the applicant.

If this section of road reserve was sold, it would leave a section of unused road reserve to the east alienated and landlocked. This would also need to be discontinued and sold to adjoining land owners. Therefore, sale of the road reserve to the applicant is not considered a feasible option.

Therefore, it is considered appropriate that Council commence statutory procedures to declare that the section of unused government road, to the south of Giles Road, Mirboo North, Parish of Mirboo, be open to public traffic to allow the applicant reasonable access to their property.

Proposal

It is proposed that Council commence the statutory procedures in accordance with Sections 204(2) and 223 of the Local Government Act 1989 to declare the 4,263m² section of unused government road to the south of Giles Street Mirboo North, Parish of Mirboo (refer to **Attachment 1**) open to the public for traffic.

FINANCIAL CONSIDERATIONS

All costs associated with the design, construction and on-going maintenance of the proposed property access facility (crossover / driveway) shall be the responsibility of the applicant.

RISKS

There are no risks to Council as this property access facility (crossover / driveway) will not be included on Council's Register of Public Roads.

If Council does not open the road reserve and make available this road reserve for provision of an property access facility (crossover / driveway), the applicant will not have reasonable access to their property known as L1 TP394262 parcel 127255090 located east of Meeniyen Mirboo North Road / south of Giles Street, Mirboo North.

CONCLUSION

It is considered appropriate that Council commence statutory procedures to declare that the section of unused government road, to the south of Giles Street Mirboo North, Parish of Mirboo, be open to public traffic to allow reasonable access to the applicant's property by way of a property access facility (crossover / driveway).

RECOMMENDATION

That Council:

1. Commence the statutory procedures pursuant to Section 204(2) and Section 223 of the Local Government Act 1989 to declare that the unused government road, approximately 211 metres (being an area of 4263m²) to the south of Giles Street, Mirboo North, Parish of Mirboo, shown in Attachment 1, is required for public use and be opened to public traffic (the Proposal).
2. Give public notice in the local newspapers and on Council's website and in its Noticeboard section of the local newspapers in the week commencing 1 August 2016 of the Proposal in accordance with Section 223 of the Local Government Act 1989 to commence a public consultation process inviting written submissions from the community by 5.00pm Tuesday 30 August 2016.
3. Write to all affected land owners with a property abutting the road proposed to be declared open to the public for traffic.
4. Authorise the Chief Executive Officer to undertake the administrative procedures necessary to enable the Council to carry out its functions under Section 223 of the Local Government Act 1989 in respect of the Proposal.
5. If submissions are received to the public notice:
 - a. Authorise the Chief Executive Officer to set the time, date and place to hear, consider, and determine submissions.
 - b. Hear submitters who had elected to speak to their submission at a Special Committee of Council in closed session, pursuant to Section 89(2)(h) of the Local Government Act 1989, comprising of the Mayor, at least one Ward Councillor, and any other Councillor in attendance.
 - c. Consider submissions and decision determined at the next available Ordinary Council Meeting in open session.
6. If no submissions are received to the public notice, Council declare the unused road reserve approximately 211 metres (being an area of 4263m²) to the south of Giles Street, Mirboo North, Parish of Mirboo

shown in Attachment 1 to be reasonably required for public use and be opened to public traffic.

7. Once the conditions of the Section 173 Agreement under the Planning and Environment Act 1987 have been met, authorise the Chief Executive Officer or his delegate to sign all documentation in relation to the ending of an Agreement under Section 183 of the Planning and Environment Act 1987 to enable the removal of a Section 173 Agreement between South Gippsland Shire Council and the applicant.

MOVED: Cr Fawcett

SECONDED: Cr Brunt

THAT COUNCIL:

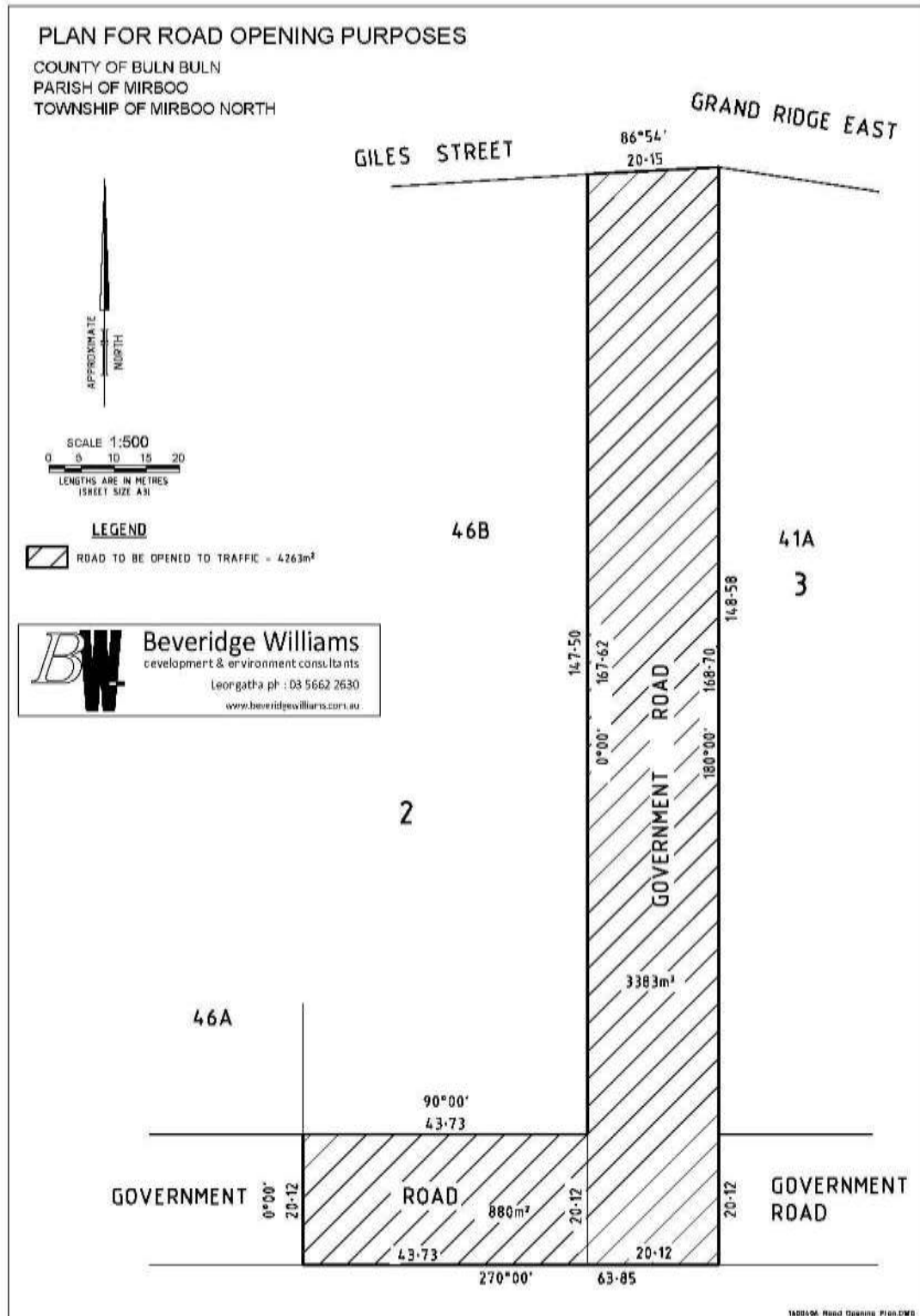
- 1. COMMENCE THE STATUTORY PROCEDURES PURSUANT TO SECTION 204(2) AND SECTION 223 OF THE LOCAL GOVERNMENT ACT 1989 TO DECLARE THAT THE UNUSED GOVERNMENT ROAD, APPROXIMATELY 211 METRES (BEING AN AREA OF 4,263M²) TO THE SOUTH OF GILES STREET, MIRBOO NORTH, PARISH OF MIRBOO, SHOWN IN ATTACHMENT 1, IS REQUIRED FOR PUBLIC USE AND BE OPENED TO PUBLIC TRAFFIC (THE PROPOSAL).**
 - 2. GIVE PUBLIC NOTICE IN THE LOCAL NEWSPAPERS AND ON COUNCIL'S WEBSITE AND IN ITS NOTICEBOARD SECTION OF THE LOCAL NEWSPAPERS IN THE WEEK COMMENCING 1 AUGUST 2016 OF THE PROPOSAL IN ACCORDANCE WITH SECTION 223 OF THE LOCAL GOVERNMENT ACT 1989 TO COMMENCE A PUBLIC CONSULTATION PROCESS INVITING WRITTEN SUBMISSIONS FROM THE COMMUNITY BY 5.00PM TUESDAY 30 AUGUST 2016.**
 - 3. WRITE TO ALL AFFECTED LAND OWNERS WITH A PROPERTY ABUTTING THE ROAD PROPOSED TO BE DECLARED OPEN TO THE PUBLIC FOR TRAFFIC.**
 - 4. AUTHORISE THE CHIEF EXECUTIVE OFFICER TO UNDERTAKE THE ADMINISTRATIVE PROCEDURES NECESSARY TO ENABLE THE COUNCIL TO CARRY OUT ITS FUNCTIONS UNDER SECTION 223 OF THE LOCAL GOVERNMENT ACT 1989 IN RESPECT OF THE PROPOSAL.**
 - 5. IF SUBMISSIONS ARE RECEIVED TO THE PUBLIC NOTICE:**
 - a. AUTHORISE THE CHIEF EXECUTIVE OFFICER TO SET THE TIME, DATE AND PLACE TO HEAR, CONSIDER, AND DETERMINE SUBMISSIONS.**
 - b. HEAR SUBMITTERS WHO HAD ELECTED TO SPEAK TO THEIR SUBMISSION AT A SPECIAL COMMITTEE OF COUNCIL IN CLOSED SESSION, PURSUANT TO SECTION 89(2)(h) OF THE LOCAL GOVERNMENT ACT 1989, COMPRISING OF THE MAYOR, AT LEAST ONE WARD COUNCILLOR, AND ANY OTHER COUNCILLOR IN ATTENDANCE.**
 - c. CONSIDER SUBMISSIONS AND DECISION DETERMINED AT THE NEXT AVAILABLE ORDINARY COUNCIL MEETING IN OPEN SESSION.**
 - 6. IF NO SUBMISSIONS ARE RECEIVED TO THE PUBLIC NOTICE, COUNCIL DECLARE THE UNUSED ROAD RESERVE APPROXIMATELY 211 METRES (BEING AN AREA OF 4263M²) TO**
-

THE SOUTH OF GILES STREET, MIRBOO NORTH, PARISH OF MIRBOO SHOWN IN ATTACHMENT 1 TO BE REASONABLY REQUIRED FOR PUBLIC USE AND BE OPENED TO PUBLIC TRAFFIC.

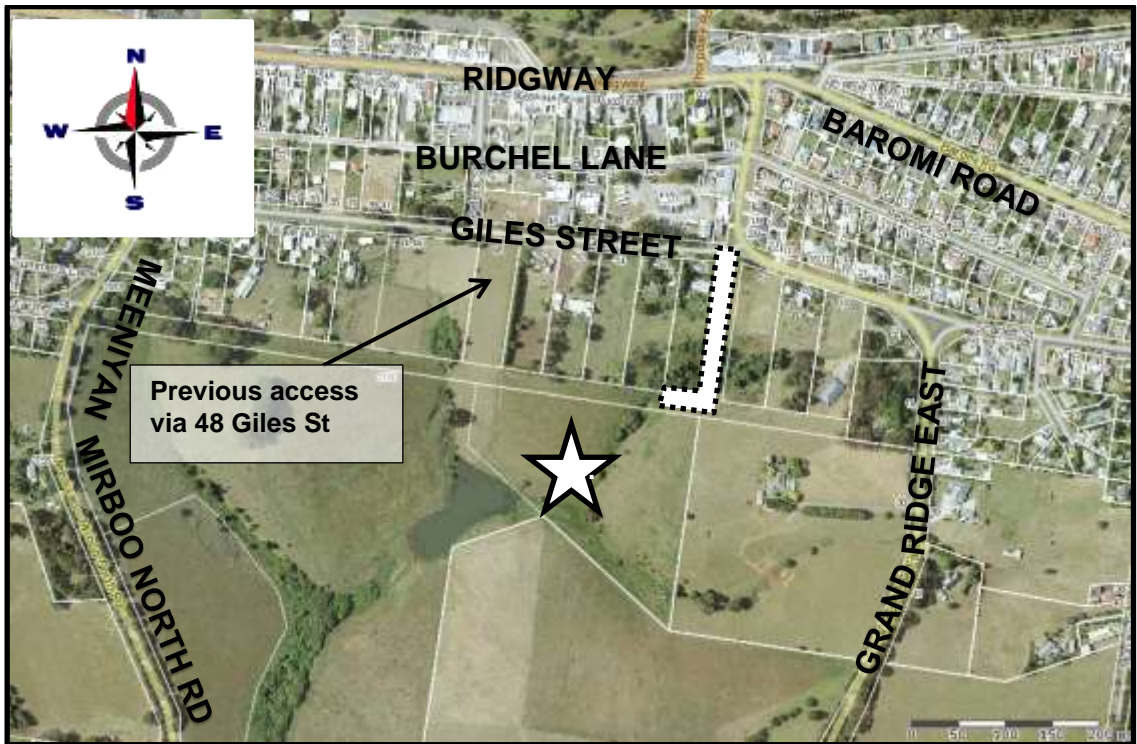
- 7. ONCE THE CONDITIONS OF THE SECTION 173 AGREEMENT UNDER THE PLANNING AND ENVIRONMENT ACT 1987 HAVE BEEN MET, AUTHORISE THE CHIEF EXECUTIVE OFFICER OR HIS DELEGATE TO SIGN ALL DOCUMENTATION IN RELATION TO THE ENDING OF AN AGREEMENT UNDER SECTION 183 OF THE PLANNING AND ENVIRONMENT ACT 1987 TO ENABLE THE REMOVAL OF A SECTION 173 AGREEMENT BETWEEN SOUTH GIPPSLAND SHIRE COUNCIL AND THE APPLICANT.**

CARRIED UNANIMOUSLY



Attachment 1 Survey Plan of Proposed Road Opening



Attachment 2
Aerial Plan of Proposed Road Opening



LEGEND

- | | |
|---|--|
|  | Land requiring access from unused road |
|  | Unused road to be opened to public traffic |

Cr McEwen left the Council Meeting at 4.18pm with a declared direct conflict of interest with Council Agenda Item E.12 PROPOSED ROAD NAME CHANGE FOR TWO SECTIONS OF MCILWAINE STREET, MEENIYAN as he is a resident on this street.

E.12 PROPOSED ROAD NAME CHANGE FOR TWO SECTIONS OF MCILWAINE STREET, MEENIYAN

Sustainable Communities and Infrastructure Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

There are three sections of Mcllwaine Street, Meeniyán, which are causing confusion for the general public, transport vehicles, and emergency services with respect to road names and property numbers. The confusion is due to the street being divided by “no through road access”, therefore creating two entries from two different streets; Morgans Road, and Meeniyán Promontory Road. Refer to **Attachment 1 – Mcllwaine Street, Meeniyán and Current Road Numbering** which shows the three sections causing confusion.

This report recommends further public consultation by calling for community comment on the proposed renaming and renumbering of the two sections of Mcllwaine Street, Meeniyán (the Proposal).

Document/s pertaining to this Council Report

- **Attachment 1** – Map of Mcllwaine Street, Meeniyán and Current Road Numbering.
- **Attachment 2** – Proposed Road Names and New Road Numbering.
- **Confidential Appendix 1** – Submissions from the Public.

Confidential Appendix 1 has been distributed separately to Councillors and the Executive Leadership Team.

Confidential Appendix 1 is confidential information on the grounds that it relates to a matter specified under Section 89(2)(h) that Council considers would prejudice the Council or any persons; respective of the Local Government Act 1989.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Local Government Act 1989 – Schedule 10(5), Section 89(2)(h)
- Road Management Act 2004
- AS/NZS4819: 2011 Rural and Urban Addressing

- Geographic Place Names Act 1998
- Geographic Place Name Guidelines 2010 (Version 2)
- Emergency Services Telecommunications Authority

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Road Naming Procedure 2013

COUNCIL PLAN

Outcome:	2.0	Closely Connected Communities.
Strategy:	2.1	Engage and work collaboratively with our community.
Outcome:	3.0	Integrated Services and Infrastructure.
Strategy:	3.1	Deliver affordable modern community services and facilities through an integrated approach to planning and infrastructure development.

CONSULTATION

Community Consultation Undertaken (October 2012)

In October 2012, Council consulted with residents along Mcllwaine Street (Sections 2 and 3 off Morgans Road) with the view of considering renaming these two sections of road.

A total of **five submissions** were received. **Three objections** were received from residents to the renaming of Section 3 of Mcllwaine Street due to the historical connection with the Mcllwaine family farm, in which the road was originally named after and where the original homestead once stood.

Community Consultation Undertaken (August 2015)

Given the objections from November 2012, it was decided to write to the residents of Mcllwaine Street running off Meeniyan Promontory Road (Section 1) in August 2015, regarding renaming this section of road instead, which would allow Section 3 off Morgan's Road to remain as "Mcllwaine Street".

A total of **four submissions** were received. **One objection** was received to the renaming of Section 3 of Mcllwaine Street due to the historical connection with the Mcllwaine family farm.

Proposals from Community Consultation Process

As a result of these mail outs the following suggestions have been forwarded to Council for consideration for renaming Sections 1 and 2:

Bushy Lane – Bullock Rise – Gumtree Rise – Hewett Street – Livingstone Lane – Magpie Lane - Nugget Lane – Rosella Street – Ti Tree Lane – Tween Lane.

The Leongatha Historical Society and Meeniyan Returned Services League have also been contacted in relation to forwarding a naming proposal. The Leongatha Historical Society has provided the name “Hewett”.

Another historical suggestion is “Nugget” named after local identity, Charles Nugget. Unfortunately no further information has been obtained on Charles.

Refer to **Confidential Appendix 1 – Submissions from the Public** for a copy of all the submissions received.

Further Public Consultation (August 2016)

- The Leongatha Historical Society and Meeniyan Returned Services League will be updated with the progression of renaming McIlwaine Street.
- Council will place a public notice in the noticeboard section of the local newspapers and on Council’s website week commencing 1 August 2016.
- Send letters to adjoining property owners / occupiers, inviting written submissions:
 - Letters will include a survey to gauge public feedback on the proposed names.
 - Members of the public can also provide feedback or submit new road name proposals for consideration.
- The submission period is 30 days from the publication and will close on Tuesday 30 August 2016.
- If submissions are received to the public notice:
 - Hear submitters who had elected to speak to their submission at a Special Committee of Council in closed session pursuant to Section 89(2)(h) of the *Local Government Act 1989* comprising of the Mayor, at least one Ward Councillor, and any other Councillor in attendance.
 - Consider submissions and decision determined at the next available Ordinary Council Meeting in open session.
- If no submissions are received to the public notice, a report will be prepared and presented to the next available Council meeting requesting endorsement of the preferred names.

REPORT

Background

Council officers have had numerous requests from residents to look into the confusing issues relating to the three sections of Mcllwaine Street, Meeniyán. The confusion is due to the street being divided by “*no through road access*”, therefore creating two entries from two different streets; Morgans Road, and Meeniyán Promontory Road.

There have been issues with ambulances and fire trucks not being able to find addresses along Mcllwaine Street off Morgans Road. This can cause unnecessary delays for emergency services not being able to find the correct address by having three roads of the same name in close proximity and with ‘*no through road access*’. This can lead to life threatening situations.

There have also been reports of the general public, visitors, and transport vehicles getting lost.

Refer to **Attachment 1 – Map of Mcllwaine Street, Meeniyán and Current Road Numbering** which shows the three sections of road that is causing confusion.

Discussion

The Leongatha Historical Society and Meeniyán Returned Services League have been contacted in relation to forwarding a naming proposal. The Leongatha Historical Society has provided the name “Hewett”.

The Hewett Family

Andrew George Hewett was born in 1857 and married Janet McMaster. Their eldest son, also Andrew George Hewett, was born at Halston NSW in 1882. He married Florence Wood in 1909 at St. Kilda.

The Hewett’s moved to Leongatha where their two children Charlotte and Morton were born. In 1918 they purchased the Saddler’s Shop in Geale Street, Meeniyán. This shop was later burnt down.

Andrew became the proud owner of the first motor vehicle in the town. His son Mort studied motor engineering and they purchased the building on the corner of Hanily and Whitelaw Streets where they commenced a garage service.

Mort and his wife were heavily involved in the committees of the Progress Association, Red Cross, Hall, Recreation Reserve, and fire brigade.



Geographic Place Name Guidelines 2010

Council is governed by the [Geographic Place Name Guidelines 2010](#) (GPN) and appropriate naming is essential to identify locations for providing emergency services and delivering goods and services in Victoria. The naming rules are based on national standards and policies. They provide a strong basis for standardised and unambiguous naming procedures across the state.

Geographic names must not risk public and operational safety for emergency response, or cause confusion for transport, communication, and mail services. Many emergency response and other public service providers (such as mail) are determined by locality boundaries or road extents, so proposals must ensure that operations will not be adversely affected.

Emergency response and public service providers rely on road names being officially registered and signed. This ensures that a road's location and extent is uniquely identified in the Victorian Government's spatial databases, and is therefore accessible on the majority of relevant organisational and public mapping products.

Name Duplications Search

Duplicates are considered to be two (or more) names within close proximity, or names that are identical or have similar spelling or pronunciation. A

Vicnames 15km duplicate or similar sounding/spelling name search has been carried out for the names suggested with the following results.

Proposed road name	VicNames 15km Duplicate Search	
	Confirms	Reason
Bullock	No	Using commemorative names - names of people who are still alive must be avoided (GPN).
Bushy	No	Four similar sounding roads within the Shire being "Bass" – "Boags" – "Begg" – "Boys".
Gumtree	Yes	No duplications found.
Hewett	Yes	No duplications found.
Livingstone	No	Using commemorative names - names of people who are still alive must be avoided (GPN).
Magpie	No	Similar sounding road at Buffalo being 'McPhee'.
Nugget	Yes	No duplications found.
Rosella	Yes	No duplications found.
Ti Tree	No	Two roads within the Shire of the same name.
Tween	Yes	No duplications found.

All name submissions must comply with Statutory Naming Rules for places in Victoria under requirements for naming roads, features, and localities.

The proposed road names are in keeping with community expectations and conform to the principles outlined in Sections 1.8 and 4.1 of the GPN.

The names of people who are still alive must be avoided because community attitudes and opinions can change over time.

Options

The options available to Council are:

1. Commence the process to consider renaming Sections 1 and 2 of Mcllwaine Street as proposed (preferred option).
2. Choose other names for consultation purposes for the roads.

To leave Mcllwaine Street as it currently stands is not considered an option due to the confusion it is creating with the three separate sections.

Proposal

It is proposed that Council undertake further community consultation by calling for community comment on the following proposals for Mcllwaine Street, Meeniyah:

1. **Proposal 1** – To rename Section 1 of Mcllwaine Street, traversing in a westerly direction off Meeniyen Promontory Road as “Hewett Street” and renumber accordingly.
2. **Proposal 2** – To rename Section 2 of Mcllwaine Street, traversing in an easterly direction off Morgan's Road as one of the following names;
 - “Gumtree Rise”;
 - “Rosella Lane”;
 - “Nugget Lane”; or
 - “Tween Lane”.
3. **Proposal 3** – Section 3 of Mcllwaine St, traversing in a westerly direction off Morgan's Road to remain as “Mcllwaine Street” and renumbered accordingly.

Refer to **Attachment 2 – Proposed Road Names and New Road Numbering**.

FINANCIAL CONSIDERATIONS

The cost to Council will be for the supply and installation of new signage for the affected roads if approved by Council. The estimated cost to install new signage is approximately \$450 and is accommodated in Council's approved signage budget.

RISKS

There is minimal risk to Council as the methodology for the naming of roads is contained in the GPN and this proposal conforms to the principles outlined in Sections 1.8 and 4.

There is a risk to Council choosing not to apply the principles of the GPN and *AS/NZS4819: Rural and Urban Addressing*, especially where properties will not have appropriate addresses applied and the associated likelihood of emergency and public services provision being impaired or delayed.

CONCLUSION

Renaming Section 1 and Section 2 of Mcllwaine Street as recommended, and aligning the road numbering by having their own unique numbering on all three sections will remove the confusion for emergency services and the general public.

RECOMMENDATION

That Council:

1. Commence a public consultation process by calling for community comment on the proposed renaming of two sections of Mcllwaine Street in the township of Meeniyana (Attachment 2) as follows (the Proposal):
 - a. Proposal 1 – To rename and renumber Section 1 of Mcllwaine Street, traversing in a westerly direction off Meeniyana Promontory Road as “Hewett Street”.
 - b. Proposal 2 – To rename and renumber Section 2 of Mcllwaine Street, traversing in an easterly direction off Morgans Road as one of the following names:
 - i. “Gumtree Rise”;
 - ii. “Rosella Lane”;
 - iii. “Nugget Lane”; or
 - iv. “Tween Lane”.
 - c. Proposal 3 – Section 3 of Mcllwaine St, traversing in a westerly direction off Morgans Road to remain as “Mcllwaine Street” and renumbered accordingly.
 2. Give public notice in its noticeboard section of the local newspapers and on Council's website week commencing 1 August 2016 on the proposal (item 1 above) to commence a public consultation process inviting written submissions from the community by close of business Tuesday 30 August 2016. The submission period is 30 days from publication.
 3. If submissions are received to the public notice:
 - a. Authorise the Chief Executive Officer to set the time, date, and place to hear, consider, and determine submissions.
 - b. Hear submitters who had elected to speak to their submission at a Special Committee of Council in closed session pursuant to Section 89(2)(h) of the Local Government Act 1989 comprising of the Mayor, at least one Ward Councillor, and any other Councillor in attendance.
 - c. Consider submissions with a decision determined at the next available Ordinary Council Meeting in open session.
 4. If no submissions are received to the public notice, a report will be prepared and presented at the next available Council meeting requesting endorsement of the preferred names.
-

MOVED: Cr Newton

SECONDED: Cr Fawcett

THAT COUNCIL:

- 1. COMMENCE A PUBLIC CONSULTATION PROCESS BY CALLING FOR COMMUNITY COMMENT ON THE PROPOSED RENAMING OF TWO SECTIONS OF MCLLWAINE STREET IN THE TOWNSHIP OF MEENIYAN (ATTACHMENT 2) AS FOLLOWS (THE PROPOSAL):**
 - a. PROPOSAL 1 – TO RENAME AND RENUMBER SECTION 1 OF MCLLWAINE STREET, TRAVERSING IN A WESTERLY DIRECTION OFF MEENIYAN PROMONTORY ROAD AS “HEWETT STREET”.**
 - b. PROPOSAL 2 – TO RENAME AND RENUMBER SECTION 2 OF MCLLWAINE STREET, TRAVERSING IN A EASTERLY DIRECTION OFF MORGANS ROAD AS ONE OF THE FOLLOWING NAMES:**
 - i. “GUMTREE RISE”;**
 - ii. “ROSELLA LANE”;**
 - iii. “NUGGET LANE”;**
 - iv. “TWEEN LANE”; OR**
 - v. “BALDWIN STREET”.**
 - c. PROPOSAL 3 – SECTION 3 OF MCLLWAINE ST, TRAVERSING IN A WESTERLY DIRECTION OFF MORGANS ROAD TO REMAIN AS “MCILWAINE STREET” AND RENUMBERED ACCORDINGLY.**
- 2. GIVE PUBLIC NOTICE IN ITS NOTICEBOARD SECTION OF THE LOCAL NEWSPAPERS AND ON COUNCIL'S WEBSITE WEEK COMMENCING 1 AUGUST 2016 ON THE PROPOSAL (ITEM 1 ABOVE) TO COMMENCE A PUBLIC CONSULTATION PROCESS INVITING WRITTEN SUBMISSIONS FROM THE COMMUNITY BY CLOSE OF BUSINESS TUESDAY 30 AUGUST 2016. THE SUBMISSION PERIOD IS 30 DAYS FROM PUBLICATION.**
- 3. IF SUBMISSIONS ARE RECEIVED TO THE PUBLIC NOTICE:**
 - a. AUTHORISE THE CHIEF EXECUTIVE OFFICER TO SET THE TIME, DATE, AND PLACE TO HEAR, CONSIDER, AND DETERMINE SUBMISSIONS.**
 - b. HEAR SUBMITTERS WHO HAD ELECTED TO SPEAK TO THEIR SUBMISSION AT A SPECIAL COMMITTEE OF COUNCIL IN CLOSED SESSION PURSUANT TO SECTION 89(2)(H) OF**

**THE LOCAL GOVERNMENT ACT 1989 COMPRISING OF THE
MAYOR, AT LEAST ONE WARD COUNCILLOR, AND ANY
OTHER COUNCILLOR IN ATTENDANCE.**

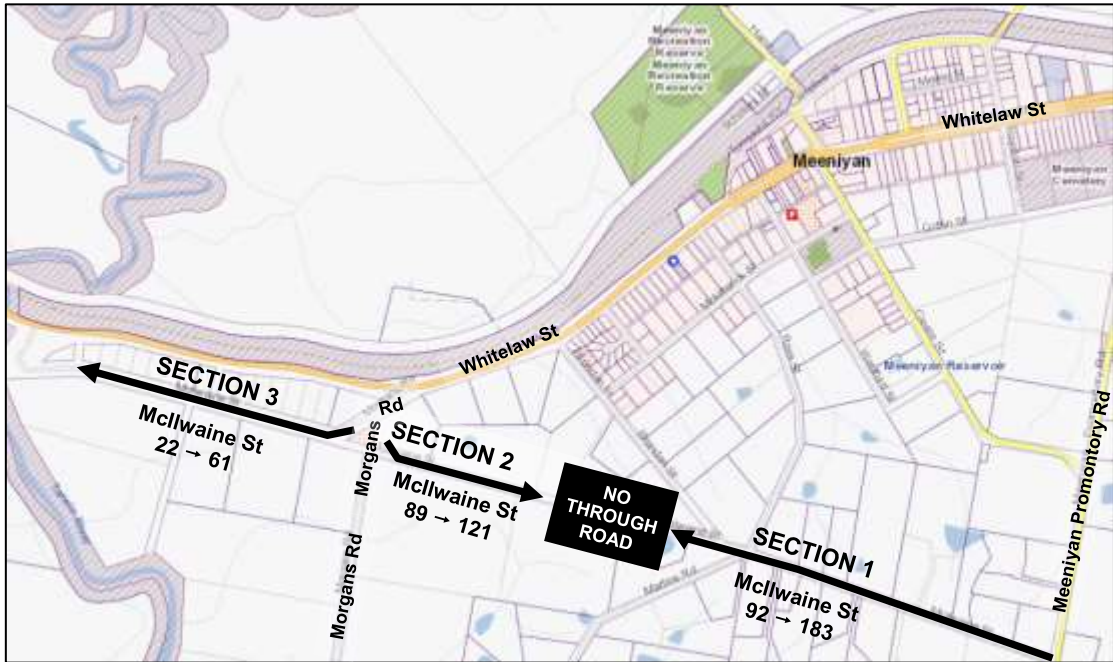
- c. CONSIDER SUBMISSIONS WITH A DECISION DETERMINED
AT THE NEXT AVAILABLE ORDINARY COUNCIL MEETING IN
OPEN SESSION.**

- 4. IF NO SUBMISSIONS ARE RECEIVED TO THE PUBLIC NOTICE, A
REPORT WILL BE PREPARED AND PRESENTED AT THE NEXT
AVAILABLE COUNCIL MEETING REQUESTING ENDORSEMENT OF
THE PREFERRED NAMES.**

Cr Hill returned to the Council Meeting at 4.20pm.

CARRIED UNANIMOUSLY

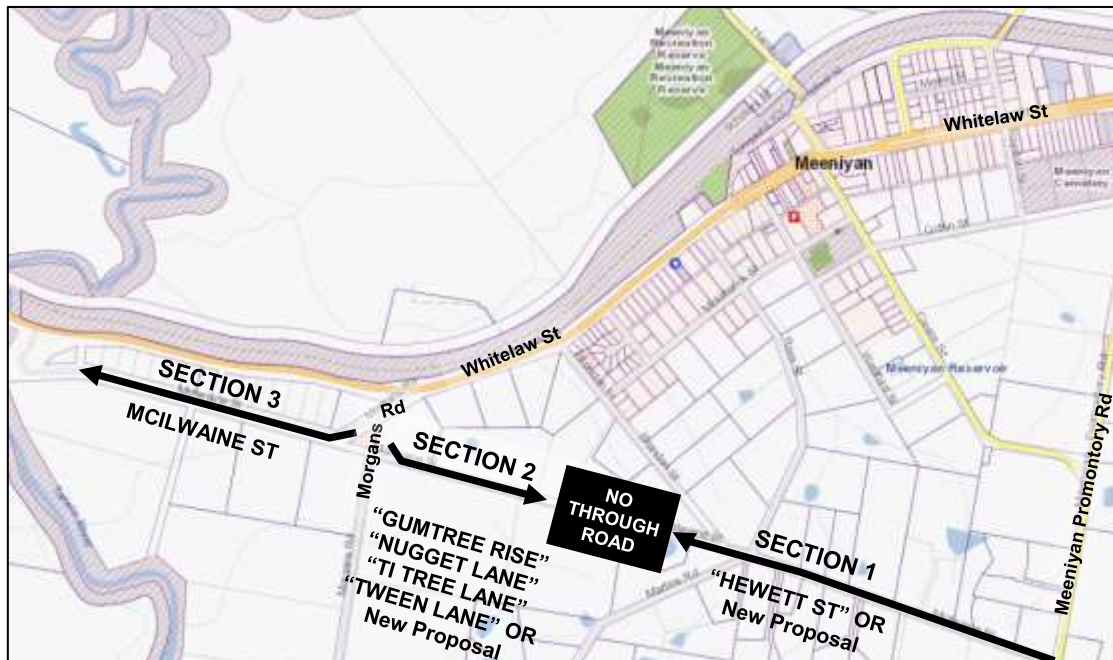
Attachment 1 Map of Mcllwaine Street, Meeniyan and Current Road Numbering



- Section 1** – Enter Mcllwaine Street from Meeniyan Promontory Road, travelling east to west (road ends – no through road). Road length is approximately 1,060 metres to the end.
- Section 2** – Enter Mcllwaine Street from Morgans Road (turn left), travelling west to east (road ends – not through road). Road length is approximately 240 metres to the end.
- Section 3** – Enter Mcllwaine Street from Morgans Road (turn right), travelling east to west. Road length is approximately 300 metres to the end.

Attachment 2 Proposed Road Names and New Road Numbering

PROPOSED FOR COMMUNITY CONSULTATION



Section 1 – Proposed road name change to **“HEWETT STREET”**, entering from Meeniyán Promontory Road.

New unique road numbering commencing from Meeniyán Promontory Road (traversing east to west) to end of road *“no through road access”*.

Section 2 – Proposed road name change to **“GUMTREE RISE”, “NUGGET LANE”, “TI TREE LANE”, or “TWEEN LANE”**, entering from Morgans Road (turn left).

New unique road numbering commencing from Morgans Road (traversing west to east) to end of road – *“no through road access”*.

Section 3 – Road proposed to remain as **“MCILWAINE STREET”**, entering from Morgans Road (turn right).

New unique road numbering commencing from Morgans Road (traversing east to west) to end of road.

E.13 PLANNING SCHEME AMENDMENT C100 - GENERAL AMENDMENT - AUTHORISATION REQUEST

Development Services Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

Planning Scheme Amendment C100 proposes to correct approximately 60 zone and overlay mapping anomalies in the South Gippsland Planning Scheme. Items included in the amendment (known as a General Amendment) are split zonings (land in two different zones), incorrect zonings where it is clearly an error, incorrect or redundant overlays and correcting various VicRoads related zone and overlay applications. The General Amendment is also being used to include one additional dwelling in the Heritage Overlay at the request of the landowner.

All mapping changes included as part of this amendment are considered corrections and do not materially affect how the land may be used and developed.

This report seeks Council's resolution to formally request the Minister for Planning to authorise Council to prepare and exhibit Amendment C100.

Document/s pertaining to this Council Report

- **Attachment 1** - List of properties to be included as part of Amendment C100

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Planning and Environment Act 1987 (the Act)

COUNCIL PLAN

Outcome:	3	Integrated Services and Infrastructure
Objective:	3.1	Deliver affordable modern community services and facilities through an integrated approach to planning and infrastructure development.
Strategy:	3.1.3	We will develop an integrated planning approach for our townships and villages, so that facilities are located in areas where they are most appropriate.

CONSULTATION

Exhibition will occur in accordance with the requirements of the Act and include postal notification to the owners and occupiers of all lands included in the amendment. Exhibition will occur for one month.

REPORT

Background

Council has a statutory obligation under the Act to efficiently administer and enforce the Planning Scheme. This includes ensuring the Planning Scheme is kept up to date and free of basic errors or anomalies.

The purpose of this General Amendment is to combine the mapping anomalies which have been collated by Council officers, external agencies and land owners in recent years.

With the exception of the inclusion of one additional site in the Heritage Overlay, this amendment will not change any written provisions in the Planning Scheme.

Discussion

Correcting mapping anomalies is important in maintaining the Planning Scheme. Mapping anomalies can cause frustration for land owners as they may trigger planning permits for use and/or buildings and works where they would not have been required had the mapping been correct. In some instances, uses may also be prohibited.

Split zoning is not considered best practice, and where appropriate, the land should be placed wholly within one zone. This amendment seeks to remove several lots which are split zoned and wholly contain them within the most appropriate zone. This is ascertained based on the most appropriate zone for the use of the land and typically includes the land in the same zone as the surrounding lands.

There are several lots within the Shire which are not appropriately zoned. This includes lots in private ownership which are zoned a public zone, or public land not in a public use zone. This amendment will apply the most appropriate zone to lots which are clearly inappropriately zoned.

The amendment will also correct overlays which are either redundant, or have been incorrectly placed over a property. Examples include the Environmental Significance Overlay, Schedule 5 (areas susceptible to erosion) being left on land rezoned for residential purposes and public acquisition overlays for VicRoads where VicRoads has already acquired the land.

The amendment includes corrections to Heritage Overlay (HO) mapping, mostly to reduce the extent of HO application, however it is proposed to include the heritage dwelling at 175 Ameys Track Foster in the HO. The

landowner has requested the HO inclusion and it is considered an appropriate item for inclusion in the General Amendment because HO application does not affect any third parties.

Proposal

It is proposed that Ministerial authorisation be sought to prepare the General Amendment and to place the amendment on public exhibition for one month.

RISKS

Council has an obligation to maintain an up to date and correct planning scheme. This amendment will ensure Council is meeting its obligations under the Act and in doing so, reduce the liability risk resulting from not correcting known Planning Scheme errors.

CONCLUSION

The General Amendment will correct currently identified mapping anomalies within the South Gippsland Planning Scheme and benefits both landowners and Council by reducing the administrative and financial burden created by the ongoing application of incorrect zones and overlays.

RECOMMENDATION

That Council:

1. Requests Authorisation from the Minister for Planning to prepare Planning Scheme Amendment C100 - General Amendment; and
2. Formally exhibits Planning Scheme Amendment C100 - General Amendment, after receipt of relevant Authorisation from the Minister for Planning.
3. Following the completion of the public exhibition period, present any submissions to Council and request that the Minister for Planning appoint an Independent Planning Panel to consider any submissions received to Amendment C100 that cannot be resolved by negotiation between Council and the submitters.

MOVED: Cr Fawcett

SECONDED: Cr Davies

THAT COUNCIL:

- 1. REQUESTS AUTHORISATION FROM THE MINISTER FOR PLANNING TO PREPARE PLANNING SCHEME AMENDMENT C100 - GENERAL AMENDMENT; AND**
- 2. FORMALLY EXHIBITS PLANNING SCHEME AMENDMENT C100 - GENERAL AMENDMENT, AFTER RECEIPT OF RELEVANT AUTHORISATION FROM THE MINISTER FOR PLANNING.**
- 3. FOLLOWING THE COMPLETION OF THE PUBLIC EXHIBITION PERIOD, PRESENT ANY SUBMISSIONS TO COUNCIL AND REQUEST THAT THE MINISTER FOR PLANNING APPOINT AN INDEPENDENT PLANNING PANEL TO CONSIDER ANY SUBMISSIONS RECEIVED TO AMENDMENT C100 THAT CANNOT BE RESOLVED BY NEGOTIATION BETWEEN COUNCIL AND THE SUBMITTERS.**

Cr McEwen returned to the Council Meeting at 4.22pm.

CARRIED UNANIMOUSLY

Attachment 1
List of Properties List of properties to be included as part of Amendment C100

Tarwin Valley Ward

Dumbalk

1. 6 Dollar Road, Dumbalk being Lot 1 TP753819 from Farming Zone to Township Zone.
2. 4 Dollar Road, Dumbalk being Lot 2 LP122106 from Farming Zone to Township Zone.
3. 2 Dollar Road, Dumbalk being Lot 1 LP122106 from Farming Zone to Township Zone.
4. 45 Dollar Road, Dumbalk being CA92E from Farming Zone to Public Park and Recreation Zone.
5. 35B Callaway Crescent, Leongatha being Lot Reserve 1 LP148282 from Public Park and Recreation to General Residential Zone.
6. 6 Farmers Road, Dumbalk being Lot 1 LP142495 from Township Zone and Farming Zone to Township Zone.
7. 2-4 Farmers Road, Dumbalk being Lot 2 LP142495 from Township Zone and Farming Zone to Township Zone.
8. 36-38 Farmers Road, Dumbalk being Lot 1 TP551546 from Township Zone and Farming Zone to Township Zone.
9. 40 Farmers Road, Dumbalk being Lot 1 TP532469 from Township Zone and Farming Zone to Township Zone.
10. 280 Stony Creek-Dollar Road, Stony Creek being CA64 Parish of Dumbalk – amend HO111.

Leongatha

11. 13 Symmons Street, Leongatha being Lot 2 PS448872 from Public Use Zone Schedule 3 and General Residential Zone to Public Use Zone Schedule 3.
12. 7 Symmons Street, Leongatha being Lot 1 PS448872 from Public use Zone Schedule 3 and General Residential Zone to Public Use Zone Schedule 3.
13. 1 Haw Street, Leongatha being Lot 1 PS330324 – remove the Environmental Significance Schedule 5

14. 3 Haw Street, Leongatha, being Lot 2 PS330324 – remove the Environmental Significance Schedule 5.
15. 9-23 Johnson Street, Leongatha being Lot RES1 PS330324 - remove the Environmental Significance Schedule 5.
16. 27 Johnson Street, Leongatha being Lot 2 LP218466 - remove the Environmental Significance Schedule 5.
17. 29 Johnson Street, Leongatha being Lot 1 LP218466 - remove the Environmental Significance Schedule 5.
18. 12 Bazley Street, Leongatha being Lot 2 PS514474 - remove the Environmental Significance Schedule 5.
19. 47-53 Johnson Street, Leongatha being Lot 4 PS514474 - remove the Environmental Significance Schedule 5.
20. 3-7 Peart Street, Leongatha being Lot 1 TP190551 from Public Use Zone Schedule 6 and Commercial 1 Zone to Commercial 1 Zone.
21. 2-4 Koonwarra Road, Leongatha being CA37A Section 5 Township of Leongatha – remove the Public Acquisition Overlay.
22. 6-8 McCartin Street, Leongatha being CA6 Section 17 Township of Leongatha – remove HO6, applies HO7 to the entire site.
23. 10 McCartin Street, Leongatha being CA 9 Section 17 Township of Leongatha – apply HO6.

Mirboo North

24. 44-46 Thorpdale Road, Mirboo North being Lot 1 TP82974 from Rural Living Zone and Public Use Zone to Rural Living Zone.

Meeniyah

25. 6 Hanily Street, Meeniyah being CA1A Section 2 Township of Meeniyah – remove the Public Acquisition Overlay.
26. 35 Meikle Street, Meeniyah being CA1A Section 2 Township of Meeniyah – remove the Public Acquisition Overlay.
27. 10 Campbell Street, Meeniyah being CA1C Section 2 Township of Meeniyah – remove the Public Acquisition Overlay.
28. Unit 1/5 McDonald Street, Meeniyah being CA4 Section 2 Township of Meeniyah – remove the Public Acquisition Overlay.
29. Unit 4/5 McDonald Street, Meeniyah being CA5 Section 2 Township of Meeniyah – remove the Public Acquisition Overlay.

Strzelecki Ward

Arawata

- 30.** 421 Fairbank Road, Arawata (known as the former Arawata School site) being Lot 2 LP203919 from Township Zone to Public Park and Recreation Zone.

Korumburra

- 31.** 88 Mine Road, Korumburra being CA26 Section Q Township of Korumburra from Public Park and Recreation and General Residential Zone to Public Park and Recreation Zone.
- 32.** 11 Devlin Place, Korumburra being Lot 2 SP36750 from Mixed Use Zone and Commercial 1 Zone to Mixed Use Zone.
- 33.** 13B-15 Mine Road, Korumburra being Lot 1 SP36750 from Mixed Use Zone and Commercial 1 Zone to Mixed Use Zone.
- 34.** 4-10 Charles Street, Korumburra being Lot 1 TP873913 from General Residential Zone and Public Park and Recreation Zone to Public Park and Recreation Zone.
- 35.** 25 Billing Drive, Korumburra being Lot 1 PS612504 from Public Use Zone Schedule 1 and Rural Living Zone to Public Use Zone Schedule 1.
- 36.** 70 Kellys Road, Korumburra being Lot 2 LP135905 from Farming Zone, Rural Living Zone and Public use Zone Schedule 1 to Farming Zone and Rural Living Zone.
- 37.** 10-12 Nason Street, Korumburra being Lot 1 PS322317 from General Residential Zone and Rural Living Zone and affected by the Environmental Significance Overlay Schedule 5 to Rural Living Zone.
- 38.** 6 Nason Street, Korumburra being Lot 2 PS606179 from General Residential Zone and Rural Living Zone to General Residential Zone.
- 39.** 4 Nason Street, Korumburra being Lot 2 PS632595 from General Residential Zone and Rural Living Zone to General Residential Zone.
- 40.** 6-16 Mine Road, Korumburra being Lot 6 LP3823 – remove the Public Acquisition Overlay.

Bena

- 41.** 6 Johnston Court, Bena being Lot 1 PS607203 from Township Zone and Farming Zone and affected by the Environmental Significance Overlay Schedule 5 to Township Zone.

42. Hennessy Court, Bena being Lot 2 PS607203 from Township Zone and Farming Zone and affected by the Environmental Significance Overlay Schedule 5 to Township Zone.
43. Hennessy Court, Bena being Lot 3 PS607203 from Township Zone and Farming Zone and affected by the Environmental Significance Overlay Schedule 5 to Township Zone.
44. Hennessy Court, Bena being Lot 5 PS607203 from Township Zone and Farming Zone and affected by the Environmental Significance Overlay Schedule 5 to Township Zone.
45. Hennessy Court, Bena being Lot 6 PS607203 from Township Zone and Farming Zone and affected by the Environmental Significance Overlay Schedule 5 to Township Zone.
46. Hennessy Court, Bena being Lot 7 PS607203 from Township Zone and Farming Zone and affected by the Environmental Significance Overlay Schedule 5 to Township Zone.
47. 5 Hennessy Court, Bena being Lot 8 PS607203 from Township Zone and Farming Zone and affected by the Environmental Significance Overlay Schedule 5 to Township Zone.
48. Hennessy Court, Bena being Lot 9 PS607203 from Township Zone and Farming Zone and affected by the Environmental Significance Overlay Schedule 5 to Township Zone.
49. Hennessy Court, Bena being Lot 10 PS607203 from Township Zone and Farming and affected by the Environmental Significance Overlay Schedule 5 Zone to Township Zone.

Koonwarra

50. 1-11 Johnsons Roads, Koonwarra being CA23 Section 3 Township of Koonwarra from Public Conservation and Resource Zone and Township Zone to Public Park and Recreation Zone.

Poowong

51. 68 Nyora Road, Poowong being Lot 1 TP609098 – remove the Environmental Significance Overlay Schedule 5.

Coastal-Promontory Ward

Port Franklin

52. South Street, Port Franklin being CA18 Section E Parish of Toora from Farming Zone to Resource Conservation Zone.

Venus Bay

- 53.** Lees Road, Venus Bay being CA62J Parish of Tarwin from Rural Living Zone to Public Conservation and Resource Zone.

Toora

- 54.** 4664 South Gippsland Highway, Toora being Lot 1 TP239743 from Public Conservation and Resource Zone to Farming Zone.
- 55.** 45 Dorans Road, Toora being Lot 1 PS445723 from Farming Zone and Public Park and Recreation to Farming Zone.

Welshpool and Port Welshpool

- 56.** 2 Railway Avenue, Port Welshpool being CA 16M Section A Parish of Welshpool from Public Park and Recreation to Township Zone.
- 57.** 63 Telegraph Road, Welshpool being Lot 1 TP97538 from Farming Zone and Public Use Zone Schedule 1 to Public Use Zone Schedule 1.
- 58.** 28 Linforths Road, Welshpool being Lot 1 TP447952 from Farming Zone and Public Use Zone Schedule 1 to Farming Zone
- 59.** 40 Main Street, Welshpool being CA2010 Parish of Welshpool from Public Park and Recreation Zone and Public Use Zone Schedule 1 to Public Park and Recreation Zone and Public Use Zone Schedule 1.

Foster

- 60.** 2 Berry Street, Foster being Lot 1 TP 379426 from General Residential Zone to Public Park and Recreation Zone.
- 61.** 79 Main Street, Foster being Lot 2 PS326862 from General Residential Zone to Public Use Zone 6.
- 62.** 133 Station Road, Foster being CA3A4 Section B Parish of Wonga Wonga South from Public Park and Recreation Zone and General Residential Zone to Public Park and Recreation Zone.
- 63.** 175 Ameys Track, Foster being Lot 1 LP113474 – apply the Heritage Overlay.

Fish Creek/Yanakie

- 64.** 15 Old Waratah Road, Fish Creek being Lot 1 TP91540 from Public Park and Recreation Zone to Township Zone.
- 65.** 2748 Meeniyan-Promontory Road, Fish Creek being Lot 1 PS434637 from Public Park and Recreation Zone and Farming Zone to Farming Zone.

- 66.** 2746 Meeniyah-Promontory Road, Yanakie being Lot 1 TP887244 from Public Park and Recreation Zone and Farming Zone to Public Park and Recreation Zone.

The amendment updates RDZ1 across the municipality and removes PAO

This amendment seeks to rezone roads recently declared in the Victorian Gazette to Road Zone Category 1. This amendment will also remove any redundant VicRoads Public Acquisition Overlays.

SECTION F - URGENT OR OTHER BUSINESS

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

1. Urgent Business

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

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

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

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

2. Other Business

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

Nil

SECTION G – GENERAL QUESTION TIME

G.1 QUESTION TIME

Danika Dent representing the South Gippsland Sentinel Times addressed Council with a question regarding Council Agenda item E.12 PROPOSED ROAD NAME CHANGE FOR TWO SECTIONS OF MCILWAINE STREET, MEENIYAN and what was the road name that was perceived as inappropriate?

Cr Brunt responded by indicating that ‘NUGGET LANE’ could be perceived as inappropriate, but that it may refer to a gold nugget.

Ron Wangman addressed council by asking a question regarding about Council Agenda item B.2 NOTICE OF MOTION NUMBER 699 – SMALL TOWN DISCRETIONARY CAPEX COMMUNITY BUDGETING PROGRAM and is there a set formula how infrastructure is allocated?

Tim Tamlin, Chief Executive Officer (CEO) responded by explaining that Council’s Asset Management Plan sets out infrastructure funding and the level that each asset is serviced.

Mr Wangman asked a further question about small communities and how they are supported when their population decreases with respect of grants.

Mr Tamlin responded indicating that it is addressed in many different ways, service standards change according to usage. Council has also developed Social Infrastructure Plans to help guide it on the types of social infrastructure that towns and communities need in the future. It is triggered through need and opportunity.

Matt Sherry addressed Council by asking four questions.

Question 1

Regarding the proposed new Shire Offices can Council please inform the ratepayers the amount that it will cost and how it is to be funded?

Tim Tamlin, CEO responded by referring to the adopted Council Budget and referred to page 8 where it references capital works and shows a projection in 2022/23 and 2023/24 that includes \$24.72 Million funding for a municipal precinct, library and community centre project proposal. Further, reference to borrowings on the following pages, Council has modelled borrowing of \$13.6 Million in 2023/24 to provide funding source for the proposed municipal precinct, library and building project. The remainder of funding \$5.5 Million is

proposed to come from reserves and does not take into account any other funding streams that are most likely.

Question 2

Please explain a comment about reading and believing what is written in the paper and does this apply to what is written by the Shire in the papers and online, including the Mayors message?

The Mayor, Cr Newton responded that it was an old saying that he learnt from his Father and that he often uses this saying.

Question 3

Is Council protecting the contents of the code of conduct findings?

The CEO responded by saying that Council followed the Local Government Act, Section 89M Notice of Determination and Tabling Decisions and that both panel reports have been treated in exactly the same manner.

Question 4

Why are point of orders not the same, regarding use of inaccurate figures?

The CEO responded that a point of order was called because the way Mr Sherry used the figures was considered defamatory against Councillors.

G.2 ANSWERS TO PREVIOUS QUESTIONS ON NOTICE

Noted.

**Gus Blaauw submitted written questions at Council Meeting
22 June 2016 and a response is now provided.**

Question 1

Why does the Council continue to penalise ratepayers by refusing to transfer from the Defined Benefits Superannuation Fund to the already established Accumulation Superannuation Fund?

Response

Unlike many Defined Benefit arrangements, the LASF Defined Benefit arrangement was originally set up under an Act of the Victorian Parliament. When this legislation was repealed, all participating employers contributing to the LASF Defined Benefit plan as at 1 July 1988 were required to continue to be participating employers.

Background

Vision Super was originally known as Local Authorities Super. It was established and operated by the Victorian government up until 1 July 1998 when the Local Authorities Super Act was repealed and LASF became a regulated fund.

Vision Super is now governed by its trust deed and must comply with the superannuation legislation as a regulated fund and is subject to supervision by the Australian Prudential Regulation Authority.

The LASF Defined Benefit plan was originally set up so that a Defined Benefit member could move from one participating employer to another without there being a negative impact on the value of their Defined Benefits. The LASF Defined Benefit plan was closed to new members on 31 December 1993. Only those employees employed by a participating employer prior to 1 January 1994 who have remained employed by a participating employer can be LASF Defined Benefit members.

Question 2

Why the obsessive secrecy?

Response

In relation to Mr Blaauw's original request for detailed ledger information on the Proposed 2016/17 Budget he was advised that:

The budget document has been prepared with reference to Chartered Accountants Australia and New Zealand Victoria Council Model Budget 2016/17' a best practice guide for reporting local government budgets in Victoria. Detailed ledger accounts will not be provided. Section 5 the Analysis of the Operating Budget provides information on the key income and expense items making up the current year forecast and the forthcoming year operating budget including an analysis of significant

items and movements in income, expenditure and adjusted underlying operating result. Section 3 Services, Initiatives and Service Performance Indicators (pages 22-43) provides a description of the services and initiatives to be funded in the budget. This sets out the services, initiatives and major initiatives that will be achieved in line with the Council Plan as required by Section 127 (2) (b) and (c) of the Local Government Act. Appendix D, the Long Term Financial Plan includes the capital works budget (pages 142-151).

Detailed Ledger accounts contain contract and salary matters which are bound by “commercial in confidence” and the Privacy Act and therefore are not available upon public request. However, financial information, at program level, was provided to Mr Blaauw at a meeting between the Director of Corporate and Community Services and the Finance Manager on 1 June with an opportunity for discussion on any area of particular interest to him. Mr Blaauw was asked to treat the information with the goodwill and respect that it was provided to him. He said he could not make such a commitment and did not to take the printed information with him.

CLOSED SESSION

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

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

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

ITEM 1 PERSONNEL MATTER

RECOMMENDATION

That Council close the meeting to the public to allow for consideration of ITEM 1 PERSONNEL MATTER which relates to an employment contract pursuant to section 89(2)(a) of the Local Government Act 1989.

MOVED: Cr Davies

SECONDED: Cr Fawcett

THAT COUNCIL CLOSE THE MEETING TO THE PUBLIC TO ALLOW FOR CONSIDERATION OF ITEM 1 PERSONNEL MATTER WHICH RELATES TO AN EMPLOYMENT CONTRACT PURSUANT TO SECTION 89(2)(A) OF THE LOCAL GOVERNMENT ACT 1989.

CARRIED

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


Against: Cr Hill

SECTION H - MEETING CLOSED

NEXT MEETING

The next Ordinary Council Meeting open to the public will be held on Wednesday, 24 August 2016 commencing at 2pm at the Leongatha RSL.

The Meeting Closed at 5.00pm.

CONFIRMED: 

COUNCILLOR ROBERT NEWTON – MAYOR

Date: 24.8.16