

# **Corangamite Shire**

## **AGENDA**

# **Ordinary Council Meeting**

*7.00 pm • Tuesday 23 August 2016*

*Killara Centre  
210-212 Manifold Street, Camperdown*

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# Order of Business

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1. PRAYER
2. APOLOGIES
3. DECLARATIONS OF CONFLICT OF INTEREST
4. CONFIRMATION OF MINUTES  
RECOMMENDATION  
That the Minutes of the Corangamite Shire Ordinary Council meeting held on Tuesday 26 July 2016 be confirmed.
5. DEPUTATIONS & PRESENTATIONS
6. MAYOR'S REPORT
7. COMMITTEE REPORTS
8. INFORMATION BULLETIN
9. PLANNING REPORTS
10. OFFICERS' REPORTS
11. OTHER BUSINESS
12. OPEN FORUM
13. CONFIDENTIAL ITEMS

**ANDREW MASON**  
**CHIEF EXECUTIVE OFFICER**

## **DISCLAIMER**

The advice and information contained herein is given by the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written enquiry should be made to the Council giving the entire reason or reasons for seeking the advice or information and how it is proposed to be used.

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## 5. DEPUTATIONS & PRESENTATIONS

1. Members of the public may address Council under this section of the Agenda of an Ordinary Meeting of the Council if:
  - a) The person is addressing the Council in respect to a submission on an issue under Section 223 of the *Local Government Act*, or
  - b) The person has requested that they address Council on an issue and the Mayor has agreed that they be heard.
2. Requests to address Council must be received by 5.00 pm on the day prior to the scheduled Ordinary Meeting of the Council.
3. Presentations made to Council in this section of the Agenda may not exceed five minutes in length, although Councillors may ask questions proceeding each presentation. If a presentation exceeds five minutes in length, the Mayor may request that the presenter ceases to address Council immediately.

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## 6. MAYOR'S REPORT

### 6.1 Mayor's Report

**Author:** Jo Beard, Mayor

**File No:** D16/556

**Previous Council Reference:** Nil

#### **Declaration**

Chief Executive Officer – Andrew Mason

In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

Author - Jo Beard

In providing this advice to Council as the Mayor, I have no interests to disclose in this report.

#### **Issues**

This Mayor's report has been written with mixed emotions. On one hand, I proudly reflect on the recent time I spent with my family travelling and exploring the United States of America. However, on the other hand, I have been left deflated by the recent embarrassment that was thrust upon local government last week involving councillor codes of conduct.

It was very apparent to me while we were away that Australia is heavily regulated and this could not be more evident in the local government sector. I believe it is fair to say that the State Government has been putting a lot of pressure on local government to comply with a series of new rules and regulations that can be seen as 'red tape'. This was brought into the spotlight last week and appears to be an area that the State Government is keen to focus on during its current term.

While I am fully supportive of the State Government cracking down on any illegal or unethical behaviour that may occur in local government across the State, it is frustrating that this increased scrutiny includes imposing a large amount of extra rules and regulations across the sector by which the State Government is not held to account.

Currently a review of the Local Government Act is being undertaken by the State Government which proposes some wide spread changes for the sector. While I welcome a review of the Act, recent amendments to the existing Act have resulted in several councils being forced to deal with the prospect of being disqualified, due to what I believe was a heavy handed response to minor, administrative issues involving councillor declarations to abide by councillor codes of conduct.

Although Corangamite Shire was fully compliant, the handling of this matter by the State Government has brought embarrassment not only to me as the Mayor of Corangamite Shire Council, but to the whole sector at a time where Council elections are only a couple of months away. It is this type of over-regulation that tarnishes the great work that is achieved by councils across the state.

Councillors are elected representatives from the community, and I know firsthand there is a growing level of frustration from across the sector that the State Government is playing 'big brother' to local government over some really petty issues, without allowing councillors or councils to concentrate on what they are elected to do and that is serve the community.

Candidates who commit to stand for council are usually hardworking, dedicated community members trying to make a difference in their municipality. I feel the Government's constant scrutiny and introduction of over the top regulations with more onerous responsibilities will see fewer people wanting to put their hand up to be part of this fantastic and more personal level of government.

Corangamite Shire Councillors know and respect the importance of team work as a means to ensure good governance and the ability to get things done. It is for this reason that I am concerned about some of the State Government's proposed changes to the role of the Mayor that are part of the Local Government Act review. The Minister has indicated that she wants to strengthen the position of the Mayor by introducing mandatory two year terms, requiring the Mayor to appoint Councillors to committees, as well as making the Mayor and CEO mutually set the Council agendas and lead community engagement. These changes can be seen as stifling the many things that we as Councillors have worked so hard to achieve in terms of all being committed to community engagement, working together as a cohesive team and ensuring the Council Ward structure creates a sense of focus and a point of contact for the community. I am fully supportive of how our Mayor's role is currently placed, remembering that leadership is not given, it is earned and that the current position works well for Corangamite Shire.

While travelling through the United States of America, it was certainly educational for our two young sons to visit places such as the NASA Space Centre in Florida, New York's 9/11 Museum and of course the Washington DC. Even though high levels of security were evident across the country, it still amazes me how relaxed the country is where all levels of government do not appear to try and over-govern its citizens. I believe this is due to respect. Respect that people can and will do the right thing. Sadly, in Australia, I don't think we always see this respect, which leads to a large number of rules being imposed on us that conjures terms such as 'nanny state' and 'red tape'.

While the United States of America does have its own rules and regulation battles, there does seem to be a more relaxed view on many things that we don't see in Australia. While we will always be thankful that we live in the lucky country, it is important that we don't let this great nation get bogged down by too many rules that actually don't make Australia a better place to live.

**Information only.**

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## 7. COMMITTEE REPORTS

### 7.1 Cobden Recreation Centre Committee of Management 2016-2017

**Author:** Jarrod Woff, Manager Facilities and Recreation

**File No:** D16/521

**Previous Council Reference:** Nil

#### **Declaration**

Chief Executive Officer – Andrew Mason

In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

Author - Jarrod Woff

In providing this advice to Council as the Manager Facilities and Recreation, I have no interests to disclose in this report.

#### **Summary**

This report is presented to Council to endorse the membership of the Committee of Management for the Cobden Recreation Centre for 2016-2017.

#### **Introduction**

The Cobden Recreation Centre is managed by a committee of management appointed in accordance with an agreement between the Corangamite Shire, Cobden Technical School and Cobden Recreation Centre Committee of Management (the Agreement).

The Agreement outlines that the Committee shall be responsible for the determination of matters of policy and administration of the Centre in accordance with relevant terms and guidelines.

The Committee consists of the following persons:

- up to two members appointed by Council
- up to two members appointed by School Council
- up to two members representing the student body of the Cobden Technical School
- two members elected by user organisations
- co-opted members (maximum of two) as determined by the Committee.

#### **Issues**

The Annual General Meeting of the Cobden Recreation Centre Committee was held on 21 June 2016.

The following people were nominated for appointment by the relevant groups to the Committee of Management:



| Group                        | Representative   |
|------------------------------|------------------|
| Cobden Technical School      | Rohan Keert      |
| Cobden Technical School      | Belinda Savage   |
| Student Representatives (x2) | To be confirmed  |
| Netball Association          | Denise Robertson |
| Volleyball Association       | Chris Brooks     |
| Basketball Association       | Michelle De Bie  |
| Karate                       | Craig Davis      |
| Council                      | Jarrod Woff      |
| Manager                      | Geanelle Searle  |

Mr Rohan Keert was appointed as Chairperson.

The Committee remains unchanged from 2015-2016.

### Policy and Legislative Context

The Cobden Recreation Centre Committee complies with the Agreement established in 2001 under the *Local Government Act 1989* and *Education Act 1985*.

The establishment of this Committee aligns with the following Council Plan 2013-2017 commitments:

Corangamite Shire's communities are welcoming and provide support and a sense of belonging. Council will work to improve and enhance community health, wellbeing and connectedness. Council has an important role in planning to ensure townships grow in a sustainable manner.

Provide opportunities to improve and enhance the health and wellbeing of our community.

Provide and advocate for a range of services, facilities and support to our people to enable them to fully engage and participate in the community.

### Internal / External Consultation

Notification of the Annual General Meeting was provided in accordance with the Agreement.

### Financial and Resource Implications

Council provides an annual allocation in its budget of \$8,950 for maintenance items as identified in Council's Building Asset Condition and Compliance Assessment and during annual maintenance inspections.

### Options

Council can endorse the Committee's recommendation to appoint the nominated members for the forthcoming year, or reject the recommendation and suggest an alternate committee membership.

### Conclusion

The Committee representatives have been proposed in accordance with the Agreement between the Corangamite Shire, Cobden Technical School and Cobden Recreation Centre Committee of Management. The proposed Committee remains unchanged from 2015-2016 and the recommended membership should see a continuation of the effective supervision over the operation of the facilities and continue to promote new ideas for expansion and growth within the Centre.

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## RECOMMENDATION

**That Council endorse the Committee of Management for the Cobden Recreation Centre for 2016-2017 as follows:**

| Group                   | Representative            |
|-------------------------|---------------------------|
| Cobden Technical School | Rohan Keert (Chairperson) |
| Cobden Technical School | Belinda Savage            |
| Netball Association     | Denise Robertson          |
| Volleyball Association  | Chris Brooks              |
| Basketball Association  | Michelle De Bie           |
| Karate                  | Craig Davis               |
| Council                 | Jarrod Woff               |
| Manager                 | Geanelle Searle           |

## 7.2 Timboon Sporting Centre Committee of Management 2016-2017

**Author:** Jarrod Woff, Manager Facilities and Recreation

**File No:** D16/523

**Previous Council Reference:** Nil

### Declaration

Chief Executive Officer – Andrew Mason

In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

Author - Jarrod Woff

In providing this advice to Council as the Manager Facilities and Recreation, I have no interests to disclose in this report.

### Summary

This report is presented to Council to consider approval of the membership of the Committee of Management for the Timboon Sporting Centre for 2016-2017.

### Introduction

The Timboon Sporting Centre has a committee of management delegated as a Special Committee under Section 86 of the *Local Government Act 1989*.

The Committee is responsible for overseeing the management of the facility.

### Issues

The Annual General Meeting of the Timboon Sporting Centre was held on 2 August 2016. The following members were nominated to the Committee for Council endorsement:

| Group                  | Representative       |
|------------------------|----------------------|
| Community              | Jenny Ackerley       |
| Community              | Ron McMeel           |
| Badminton Association  | Rosie Armistead      |
| Squash Club            | Katrina Currell      |
| Basketball Association | Vicki Askew-Thornton |
| Timboon P-12           | Dean Whitehead       |
| Ballarat YMCA          | Lee Edge             |
| Council                | Jarrod Woff          |

Nicole Oberin stepped down from the Committee as a community representative. There were no nominations to fill this vacancy and as a result the position will remain vacant in 2016-2017. Nicole provided a range of ideas to the committee and was thanked for her contribution and work since being appointed in 2013.

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All other members of the Committee expressed interest in continuing on the management committee. The Committee has operated effectively and efficiently with the current membership and has complete representation from all users of the Centre.

The positions of Chair and Deputy Chair were appointed by the Committee as follows:

- Chairperson: Mrs Jenny Ackerley
- Deputy Chairperson: Mr Ron McMeel
- Council's representative will continue to act as Executive Officer of the committee.

In 2015-2016 the Committee has overseen the following highlights:

- Implementation of a spin room and expanded programming.
- Installation of new footings.
- Repainting of the steel beams throughout the facility.

### **Policy and Legislative Context**

The Timboon Sporting Centre Committee of Management is a Special Committee of Council as delegated under Section 86 of the *Local Government Act 1989*.

Election of committee members is conducted annually and representation from all user groups of the centre is requested.

The establishment of this committee aligns with the Council Plan 2013-2017 in creating and supporting a vibrant and exciting community which has a range of services and lifestyle choices. The following key commitments are in the areas of community wellbeing and lifestyle:

Corangamite Shire's communities are welcoming and provide support and a sense of belonging. Council will work to improve and enhance community health, wellbeing and connectedness. Council has an important role in planning to ensure townships grow in a sustainable manner.

Provide opportunities to improve and enhance the health and wellbeing of our community.

Provide and advocate for a range of services, facilities and support to our people to enable them to fully engage and participate in the community.

### **Internal / External Consultation**

A notice of the Annual General Meeting was advertised two weeks prior to the meeting.

### **Financial and Resource Implications**

Fees are reviewed by the Committee at its December meeting for implementation in conjunction with the calendar year. Fees are retained by the contractor in accordance with the contract.

The Timboon Sporting Centre Committee does not impact on Council's financial position. The Timboon Sporting Centre Committee holds a balance of \$5,359 in a term deposit account and \$1,241 in an operating account to support infrastructure and equipment requirements of the Centre. The Committee contributed \$4,000 to the installation of footings renewal project in 2015-2016.

Council provides assistance with facilitation of meetings.

### Options

Council can accept the Committee's recommendation to appoint the nominated members for the forthcoming year or alternatively reject the recommendation and request an alternate committee membership.

### Conclusion

The membership and operation of the Committee is currently operating in an efficient manner. The recommended membership of the Committee should see a continuation of the effective supervision over the operation of the facilities and continue to promote new ideas for expansion and growth within the Centre.

### RECOMMENDATION

**That Council approve the Timboon Sporting Centre Committee of Management for 2016-2017, comprising:**

| <b>Group</b>                  | <b>Representative</b>                   |
|-------------------------------|---|
| <b>Community</b>              | <b>Jenny Ackerley (Chair)</b>           |
| <b>Community</b>              | <b>Ron McMeel (Deputy Chair)</b>        |
| <b>Badminton Association</b>  | <b>Rosie Armistead</b>                  |
| <b>Basketball Association</b> | <b>Vicki Askew-Thornton</b>             |
| <b>Squash Club</b>            | <b>Katrina Currell</b>                  |
| <b>Timboon P-12</b>           | <b>Dean Whitehead</b>                   |
| <b>Ballarat YMCA</b>          | <b>Lee Edge</b>                         |
| <b>Council</b>                | <b>Jarrold Woff (Executive Officer)</b> |

## **8. INFORMATION BULLETIN**

Nil.

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## 9. PLANNING REPORTS

### 9.1 PP2016/064 Planning Application Licenced Premises for Packaged Liquor Retail Business, Display of Advertising Signs and a Waiver of Car Parking 169 Manifold Street, Camperdown

**Author:** Scott Matheson, Planning Officer

**File No:** D16/507

**Previous Council Reference:** Nil

#### **Declaration**

Chief Executive Officer – Andrew Mason

In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

Author - Scott Matheson

In providing this advice to Council as the Planning Officer, I have no interests to disclose in this report.

#### **Summary**

This planning application proposes a licenced premises for a packaged liquor licence for a retail business, the display of associated business signage and a full waiver of the car parking requirement at 169 Manifold Street in Camperdown. One objection has been received to the application based primarily on amenity concerns. It is recommended to issue a Notice of Decision to Grant a Planning Permit subject to conditions set out in the recommendation.

#### **Introduction**

##### ***Subject Land***

The land is one of several premises on a commercial lot in central Camperdown. The shop is approximately 161sqm in area (22 metres by 7.5 metres) and has a rectangular shape with frontage to Manifold Street and rear service access from common property off McNicol Street. The land is zoned Commercial 1 Zone and is covered by a Heritage Overlay.

##### ***Surrounding Area***

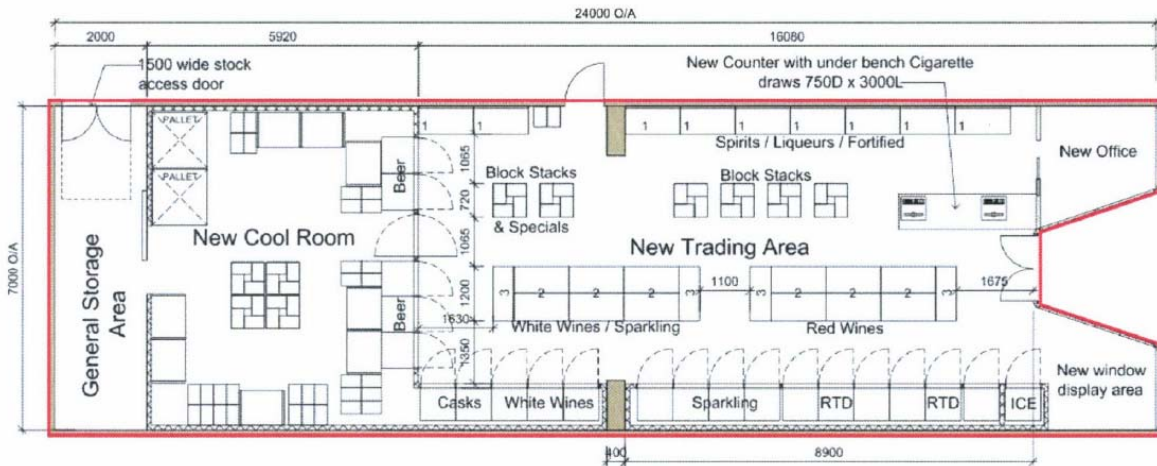
The site is bounded by Manifold Street to the north-east and McNicol Street to the west. Manifold Street houses numerous shopfronts including a hairdresser, clothes shop and an optometrist. South of the subject land is a doctor's office and to the south-west is a vacant lot. The Corangamite Shire offices are further to the west and the Finlay Avenue of Elms run down the centre of Manifold Street. The surrounding area is a mixture of commercial and service-based activities.



**Figure 1: Subject Land at 169 Manifold Street, Camperdown**

***Proposal***

The application proposes a licenced premises associated with a packaged liquor retail business, the display of associated business signage and the full waiver of the car parking requirement. The licenced premises proposes to supply packaged liquor for off-premises consumption; the proposed 'Red Line' area for the sale of packaged liquor is shown below.



**Figure 2: Proposed 'Red Line' Area for 169 Manifold Street, Camperdown**

The proposed operating hours are 9am-11pm Monday to Saturday, 10am-11pm Sunday with no trade on Good Friday and Christmas Day.

The proposal also includes below awning and awning signage. A concept of the proposed signage is shown below.





**Figure 3: Signage sought at 169 Manifold Street, Camperdown**

The applicant also seeks a full waiver of the car parking requirement needed under the Car Parking particular provision.

### **Policy and Legislative Context**

#### ***Zoning and Overlays***

The land is located within the Commercial 1 Zone and is subject to a Heritage Overlay. Pursuant to Clause 34.01-1 of the Corangamite Planning Scheme, the use of land for a 'Bottle Shop' does not require planning permission in the Commercial 1 Zone. No buildings or works are sought as a part of this application; as such, the application is exempt from assessment against the decision guidelines of the Commercial 1 zone.

Pursuant to the Heritage Overlay (Clause 43.01-1) of the Corangamite Planning Scheme, a planning permit is required to construct or display a sign. The decision guidelines and the Statement of Significance for the Leura Hotel and Manifold Street conservation precinct are discussed in the 'Assessment' section of this report.

#### ***State Planning Policy Framework***

Clause 15.03-1 of the Corangamite Planning Scheme has the objective "to ensure the conservation of places of heritage significance". The Leura Hotel and its associated shops are considered as a place of heritage significance within the wider Manifold Street commercial precinct.

#### ***Local Planning Policy Framework***

Clause 21.04-1 of the Corangamite Planning Scheme includes the Camperdown Structure Plan which includes an objective to promote Camperdown as the main commercial and community service centre in the Shire.

Clause 22.06 (Heritage) of the Planning Scheme applies to all land within the Heritage Overlay. The Additions and Alterations section indicates that signage should maintain the integrity of the architectural character of the buildings.

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***Particular Provisions***

**Clause 52.27 – Licenced Premises**

A planning permit is required to use land to sell or consume liquor if a licence is required under the *Liquor Control Reform Act 1998*; a packaged liquor licence requires a licence under the relevant Act. The purpose of Clause 52.27 is to ensure licenced premises are situated in appropriate locations and to ensure that the impact of licenced premises on surrounding amenity is considered. The decision guidelines to this provision will be discussed in the ‘Assessment’ section below.

**Clause 52.05 – Advertising Signs**

Pursuant to Clause 52.05-7, the display of a business identification sign allows for below awning signage of up to 1.5 square metres before triggering the need for a planning permit. The total volume of below awning signage is 2 square metre for this application, therefore a planning permit is required. The purpose of this particular provision is to regulate the display of signs, to provide for signs compatible with local amenity and to ensure that signs do not contribute to visual clutter. The relevant decision guidelines are responded to below.

**Clause 52.06 – Car Parking**

Pursuant to Clause 52.06-5, the use of land for a Shop requires four car parking spaces for every 100 square metres of leasable floor area. The approximate floor area for this premises is 165 square metres, which would require seven car parking spaces. Sought in association with this application is a waiver of this requirement, which triggers the need for a planning permit, pursuant to Clause 52.06-6. The relevant decision guidelines are discussed in the Assessment section.

**Clause 52.07 – Loading and Unloading of Vehicles**

Space has been allocated to the back of the premises for the loading and unloading of vehicles. The minimum loading bay requirements have been met, as such there is no need for assessment against the decision guidelines of this particular provision.

**Internal / External Consultation**

***Referrals***

The application was referred to the Victorian Commission for Gambling and Liquor Regulation (VCGLR) and the Camperdown Police. Neither organisation registered any concerns for the application.

The application was referred to Council’s Heritage Advisor and Environmental Health department. The Environmental Health department registered no concerns. The Heritage Advisor indicated that the installation of the originally proposed above-awning signage would adversely impact the cultural heritage significance of the Leura Hotel. The Advisor proposed window signage or below awning signage as a compromise that would retain the architectural integrity of the site. This was accepted by the applicant and the application was amended accordingly.

***Advertising***

Notice of the application was given in accordance with Section 52 of the *Planning and Environment Act 1987*, with all adjoining landowners and occupiers given notice, a sign placed on the site and the application placed on Council’s website.

***Objections***

One objection was received to the application. The issues raised in the objection and an officer response to each are provided below.

| <b>Objection</b>   | <b>Officer Response</b>  |
|--|--|
| <p>There will be adverse amenity impacts on surrounding businesses and residences, particularly along Scott Street</p> | <p>The subject land is zoned Commercial 1 and the lot has no direct interface with a residential zone. The purpose of the Commercial 1 Zone includes an ambition to create vibrant mixed use commercial centres; a new commercial use would contribute to this purpose. The interface with the residential zone to the rear of the site is not considered to be impacted due to the rear of the building being set-back 100m from the houses.</p> <p>Further, the proposed off-premises consumption licence is unlikely to result in people consuming alcohol near the shop. Local laws limiting the consumption of alcohol in public places are likely to further reduce amenity impacts.</p> |
| <p>Increases in traffic within the vicinity and reduced parking availability along Manifold Street</p>                 | <p>There will be a minor increase in traffic on Manifold and McNicol Streets in association with this application. Manifold Street is an arterial road and considered capable of accommodating the increase in traffic and car parking. McNicol Street is a well-used Council road and the increase in traffic is unlikely to adversely impact its condition or local amenity.</p>   |
| <p>There are already enough licenced premises available within Camperdown</p>  | <p>The cumulative impacts on amenity are addressed by <i>Planning Practice Note 61</i> (March 2011) which offers as a guide that 15 or more licenced premises within a 500m radius of the subject land is an unreasonable cluster. The addition of this premises would bring the number to nine within 500m of 169 Manifold Street. Therefore, the addition is not considered an unacceptable cumulative impact on the surrounding commercial precinct.</p> <p>Commercial demand for a business or service is not a valid planning consideration under the <i>Planning and Environment Act 1987</i>. As such, officers did not consider economic factors.</p>                                  |

|  |   |
|--|---|
| <p>The trading hours sought as a part of the permit are unreasonable</p> | <p>The sought trading hours are considered marginally excessive considering the operating hours of other packaged liquor retail establishments and, particularly, adjoining retail businesses. Council officers consider that while the amenity of the Manifold Street commercial precinct is less likely to be impacted by evening packaged liquor sales, late night sales have the potential to increase antisocial behaviour. Restricting hours of operation to 10 pm is recommended to protect amenity.</p> |
|--|---|

***Consultation***

An onsite consultation meeting was held with the applicant, Councillors and Planning officers on 2 August 2016.

***Assessment***

As this application seeks permission for four separate planning permit triggers, they will be addressed in separate tables below.

The following decision guidelines are relevant to the Licenced Premises trigger under Clause 52.27.

| <b>Decision Guideline</b>  | <b>Officer Response</b>  |
|--|--|
| The cumulative impact of any existing licenced premises and the proposed licenced premises on the amenity of the surrounding area. | As outlined above, Practice Note 61 indicates that more than 15 premises with a 500m radius is considered to have a cumulative impact on an area. The addition of this premises makes nine licences within the vicinity of the subject land. Therefore, officers consider that there will be no cumulative impact from the grant of this permit.   |
| The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.            | The licence sought is a packaged liquor licence for off-premises consumption. Officers believe that localised amenity impacts are unlikely to be detrimental.  |
| The impact of the hours of operations on the amenity of the surrounding area.  | The hours of operation sought are considered marginally excessive compared to other packaged liquor locations in Camperdown. PP2013/112 issued for the Woolworths packaged liquor premises restricted the late night hours to 10 pm; that is seen to be reasonable. Given this, 10 pm trading restrictions will be implemented to protect amenity late at night in the Manifold Street precinct. |
| The impact of the number of patrons on the amenity of the surrounding area.  | As the licenced premises is sought for walk-in, walk-out packaged liquor retail, the number of patrons is not considered a relevant concern.   |

The following decision guidelines relate to the proposed signs in a Heritage Overlay, triggered under Clause 43.01-1.

| <b>Decision Guideline</b>  | <b>Officer Response</b>   |
|--|---|
| The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place. | Through consultation with Council's Heritage Advisor, it was agreed that the below awning and awning signage would not adversely affect the cultural significance of the Leura Hotel and shops. |

| <b>Decision Guideline</b>  | <b>Officer Response</b>   |
|--|---|
| Any applicable statement of significance, heritage study and any applicable conservation policy.                 | A key section of the Statement of Significance for the Leura Hotel reads: “The Leura Hotel at Camperdown is an imposing, eclectic, Federation Free Style building which, because of its substantial scale and prominent position, makes a significant contribution both to the prevailing architectural character of the immediate clock tower precinct and to the Manifold Street and Finlay Avenue townscapes.”<br><br>Given this, officers considered it important to maintain views to the building’s façade, particularly so from Manifold Street’s Elm Avenue. The proposed signage allows for such views to be maintained. |
| Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place. | The colours, design and massing of the signage are not considered to be detrimental.  |

The following decision guidelines relate to the Clause 52.05 – Advertising Signs permit trigger.

| <b>Decision Guideline</b>                                  | <b>Officer Response</b>  |
|--|--|
| The character of the area.                                 | The signs are obscured by their location under the awning. The nature of the signs is unlikely to alter the character of the area. |
| The relationship to the streetscape, setting or landscape. | The below awning location of the signs minimises their intrusion into the streetscape.   |
| The relationship to the site and building.                 | The preferred location for signage is the awning; that is where they are sought to be located.                                     |

The following decision guidelines relate to the waiver of Car Parking requirement – pursuant to Clause 52.06.

| <b>Decision Guideline</b>  | <b>Officer Response</b>  |
|--|--|
| The availability of alternative car parking in the locality of the land.   | There is a significant amount of car parking available along both Manifold Street and McNicol Street and in the general vicinity.  |
| Any car parking deficiency associated with the existing use of the land.   | The land is currently unoccupied, therefore there is no car parking deficiency.  |
| The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas. | Pedestrian connections in the Manifold Street precinct are considered safe and accessible. The waiver of car parking is unlikely to impact residential areas along Scott Street. |

| Decision Guideline  | Officer Response   |
|---|--|
| The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome. | Planning officers consider that the waiver of car parking will deliver a neutral outcome to car parking within the immediate vicinity. Pedestrian access in the precinct is frequent and cars are only likely to stop for short periods while purchasing from the establishment. |

### Options

Council has the following options:

1. Issue a Notice of Decision to Grant a Planning Permit, subject to conditions as set out in the Officer's recommendation. This is the preferred option.
2. Issue a Notice of Decision to Grant a Planning Permit, subject to separate conditions.
3. Issue a Notice of Refusal to Grant a Planning Permit.

### Conclusion

The proposal is consistent with local planning policy, the purpose of the zone and the aims of the Corangamite Planning Scheme. The proposed planning conditions have been considered to address amenity impacts and allow for reasonable operating restrictions for a potentially sensitive use in a commercial area.

### RECOMMENDATION

**That Council, pursuant to Section 64 of the *Planning and Environment Act 1987*, resolve to issue a Notice of Decision to Grant a Planning Permit PP2016/064 for a Liquor Licence for Retail Liquor Business and Associated Advertising Signs on land described as Lot 1 PS621576F Township of Camperdown Parish of Colongulac, 169 Manifold Street subject to the following conditions:**

#### Layout not Altered

1. The use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
2. The location and details of the signs must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.

#### General Amenity

3. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
  - (a) processes carried on;
  - (b) the transportation of materials, goods or commodities to or from the land;
  - (c) the appearance of any buildings, works or materials;
  - (d) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil;
  - (e) the presence of vermin.

---

**Hours of Use**

4. The use may only operate:
  - (a) 9:00am – 10:00pm from Monday until Saturday
  - (b) 10:00am – 10:00pm on Sundays.

This includes deliveries to and from the site, including waste collection. These hours cannot be varied without the written consent of the Responsible Authority.

**Access Roads**

5. Access to and egress from the site for all commercial vehicles (including waste collection vehicles and loading and unloading) must only be from McNicol Street. This access must be open and available during the hours of use to the satisfaction of the Responsible Authority.

**Loading and Unloading**

6. The area designated for loading and unloading of vehicles should be kept clear at all times where this activity is not occurring and should be clearly signed to the satisfaction of the Responsible Authority.

**Expiry of Permit**

7. This permit will expire if the use hereby permitted is not commenced within two (2) years of the date of this permit. The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six (6) months afterwards.

**Attachments**

1. Application Documentation PP2016/064 5105P - Under Separate Cover
2. Submission Objection to Planning Permit PP2016/064 5105P - Under Separate Cover



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## 9.2 Amendment C45 Corangamite Planning Scheme Review Request For Authorisation

**Author:** Stephanie Durant, Planning Officer

**File No:** D16/481

**Previous Council Reference:** 24 May 2016, Item 9.1

### Declaration

Chief Executive Officer – Andrew Mason

In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

Author - Stephanie Durant

In providing this advice to Council as the Planning Officer, I have no interests to disclose in this report.

### Summary

Planning Scheme Amendment C45 is required to implement the recommendations of the adopted *Corangamite Planning Scheme Review 2016*. The amendment replaces the existing Local Planning Policy Framework (LPPF) with a new format Municipal Strategic Statement (MSS), as well as alterations and improvements to local policies. It is recommended that Council seek authorisation from the Minister for Planning to prepare and exhibit Amendment C45 to the Corangamite Planning Scheme.

### Introduction

The *Corangamite Planning Scheme Review 2016* (the Review) was adopted at the May 2016 Ordinary Council Meeting in accordance with the requirements of Section 12B of the *Planning and Environmental Act 1987*. The Review provides an assessment of the strategic performance of the Corangamite Planning Scheme and recommendations for future strategic planning priorities and direction. This has been based on a detailed review process, consultation with stakeholders, review of the format of the Municipal Strategic Statement (MSS) and Local Planning Policy and a review of the strategic planning work undertaken by Council in the inter-review period.

A key recommendation of the Review was the need to amend the LPPF of the Corangamite Planning Scheme to better align with State policy and provide a clearer and more contemporary strategic direction on issues including:

- agricultural land use
- small lot subdivision and rural lifestyle dwellings
- economic development and business facilitation
- urban design in township areas
- aviation and airfield management
- tourism
- land use buffers for industrial and service uses with adverse amenity potential
- resource extraction.

The findings of the Review also identified the need to ensure that recently adopted strategic work is referenced within the Corangamite Planning Scheme.

### Issues

The Review Report recommended the LPPF should clearly separate its objectives and strategies to provide a clearer and stronger policy statement, as well as undergoing layout, content and structural changes to improve the clarity and useability of the scheme. Amendment C45 will implement the key recommendations of the Review by:

- Ensuring that the scheme is up to date and reflects the current Council Plan, Public Health and Wellbeing Plan and related policy documents.
- Updating the MSS to give effect to recently adopted Council policies and strategies.
- Updating the MSS to better reflect the strategic intent of recently introduced planning policy and reforms at a State and regional level. Including the Great South Coast Regional Growth Plan and reformed zones.
- Improving clarity by removing duplication within and between local policies and planning controls and removing redundant local planning provisions.

The revised structure of the LPPF is outlined below.

### ***Municipal Strategic Statement***

| <b>Existing Clause 21</b>                     | <b>Revised Clause 21</b>                  |
|---|---|
| 21.01 Municipal Profile                       | 21.01 Municipal Profile                   |
| 21.02 Key Influences                          | 21.02 Vision and Strategic Framework Plan |
| 21.03 Vision and Strategic Framework Plan     | 21.03 Settlement, Built Form and Heritage |
| 21.04 Objectives, Strategy and Implementation | 21.04 Environment and Natural Resources   |
| 21.05 Monitoring and Review                   | 21.05 Economic Development                |
|   | 21.06 Infrastructure and Transport        |
|   | 21.07 Local Areas                         |
|   | 21.08 Reference Documents                 |

### ***Local Planning Policies***

| <b>Existing Clause 22</b>            | <b>Revised Clause 22</b>              |
|--------------------------------------|---------------------------------------|
| 22.01 Settlement                     | 22.01 Rural Dwellings and Subdivision |
| 22.02 Environment                    | 22.02 Intensive Animal Husbandry      |
| 22.03 Economic Development           | 22.03 Electronic Gaming Machines      |
| 22.04 Particular Use and Development | 22.04 Heritage                        |
| 22.05 Electronic Gaming Machines     |                                       |
| 22.06 Heritage                       |                                       |

The proposed LPPF is located within Attachment 2 and 3.

### **Policy and Legislative Context**

The *Planning and Environment Act 1987* requires all municipalities to review their planning schemes regularly. The Review meets this statutory obligation and has been submitted to the Minister for Planning as required. Amendment C45 includes new policy direction in accordance with the recommendations of the review and in line with State Government policy and relevant Practice Notes.

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### **Internal / External Consultation**

Consultation with internal units and targeted external stakeholders such as Wannon Water, CFA and the Department of Environment, Land, Water and Planning occurred during the preparation of the Review. Planning Scheme Amendment C45 will be publically exhibited in accordance with the requirements of the *Planning and Environment Act 1987*.

### **Financial and Resource Implications**

Funding for Amendment C45 is in the adopted 2016-2017 Budget. It is anticipated that further strategic work can be staged in accordance with future budget allocations.

### **Options**

Council has the following options:

1. Seek authorisation from the Minister for Planning to prepare and exhibit a planning scheme amendment to implement the Corangamite Planning Scheme Review. (Preferred option).
2. Not proceed with a planning scheme amendment.

### **Conclusion**

Amendment C45 is required to replace the existing LPPF with a new format MSS and updated local planning policies which implements the key recommendations of the *Corangamite Planning Scheme Review 2016*. The amendment will build upon existing strategic directions for land use with recently adopted Council strategies and State policy to improve the clarity and useability of the Corangamite Planning Scheme.

## **RECOMMENDATION**

### **That Council:**

1. **Seek authorisation from the Minister for Planning under Section 8A(3) of the *Planning and Environment Act 1987* to prepare a Planning Scheme Amendment to implement recommendations of the Corangamite Planning Scheme Review 2016 by updating the Local Planning Policy Framework.**
2. **Following receipt of authorisation from the Minister for Planning, prepare a planning scheme amendment under Section 12 of the *Planning and Environment Act 1987* and exhibit a planning scheme amendment under Section 17 of the Planning and Environment Act 1987 that implements the recommendations of the Corangamite Planning Scheme Review 2016 by updating the Local Planning Policy Framework.**

### **Attachments**

1. Attachment 1: Explanatory Report Amendment C45 Planning Scheme Review - Under Separate Cover
2. Attachment 2: Proposed Municipal Strategic Statement Amendment C45 - Under Separate Cover
3. Attachment 3: Proposed Local Planning Policies Amendment C45 - Under Separate Cover

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## 10. OFFICERS' REPORTS

### 10.1 Procurement Policy Review 2016

**Author:** David Rae, Director Corporate and Community Services

**File No:** D16/533

**Previous Council Reference:** Nil

#### **Declaration**

Chief Executive Officer – Andrew Mason

In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

Author - David Rae

In providing this advice to Council as the Director Corporate and Community Services, I have no interests to disclose in this report.

#### **Summary**

Council is required to annually review its Procurement Policy under the *Local Government Act 1989* (the Act). The policy has been reviewed and is recommended for approval.

#### **Introduction**

Council's Procurement Policy is an important control for ensuring procurement practices are delivered consistently and in a manner that demonstrates good practice and accountability. The policy is also important for establishing the standards required for operating in an ethical manner free of conflicts of interests and is binding on Councillors, Council officers, contractors and others involved in procurement activities undertaken by Council.

#### **Issues**

Minor amendments are proposed as part of the 2016 review:

- With respect to tenders:
  - Late tenders will not be accepted and will be disqualified from being considered.
  - In-house tenders (or bids) are not permitted.
- Conflict of interest provisions have been strengthened.
- Review of purchasing delegations for all positions including the addition (not previously included) and deletion (old or obsolete) of positions.

The amendments proposed with respect to the conflicts of interest provisions reflects Council's commitment to transparent procurement by codifying existing practices:

- Councillors and Council staff must refrain from procurement activities where they have a conflict of interest. Where a conflict exists this must be declared to the Chief Executive Officer and the Councillor and/or Council staff member must excuse themselves from participating in the associated procurement activity.
- Councillors, Council staff and third party individuals involved in the evaluation of technical assessments, whether or not as part of an evaluation panel, associated with quotations or tenders must declare they do not have a conflict of interest. This must be certified by the Chief Executive Officer or Director Corporate and Community Services.

### **Policy and Legislative Context**

The annual review of the Procurement Policy is in accordance with the following 2013-2017 Council Plan commitments:

Council will demonstrate high levels of ethical behaviour and corporate governance standards. We will make budgetary decisions that are reflective of our financial circumstances. We will advocate for and with the community to achieve outcomes.

Model contemporary standards of corporate governance and professional standards. Council will recognise and make decisions that reflect our financial circumstances.

Under the *Local Government Act 1989* Council is also required to annually review its Procurement Policy. It requires approval of Council.

The Audit Committee, in accordance with its Annual Work Plan, considered the revised policy on 10 June 2016.

### **Internal/External Consultation**

Council has been briefed on the revised policy. The Director Corporate and Community Services and Contracts Administration Co-ordinator have reviewed the policy. Council's Leadership Group has also been engaged and contributed to the proposed amendments. The draft policy was considered by Council's Audit Committee on 9 June 2016.

### **Financial and Resource Implications**

The proposed amendments will not have any significant financial or resource implications.

### **Conclusion**

The review of the Procurement Policy was undertaken and has proven to be beneficial in ensuring that Council has clear procurement processes which comply with the *Local Government Act 1989*.

## **RECOMMENDATION**

### **That Council:**

- 1. Revokes the previous Procurement Policy dated September 2015.**
- 2. Adopts the Procurement Policy dated August 2016.**

### **Attachments**

1. 2016 Procurement Policy
2. 2016 Procurement Policy - Tracked Changes Version - Under Separate Cover



**CORANGAMITE  
SHIRE**

# Procurement Policy

**Corangamite Shire**

August 2016



CORANGAMITE  
SHIRE

# Council Policy

## Procurement Policy

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# 1 Principles

## 1.1 Background

Corangamite Shire Council recognises that developing a procurement strategy and adopting appropriate best practice contracting and procurement principles, policies, processes and procedures for all goods, services and works by Council, will enhance achievement of Council objectives such as bottom-line cost savings, opportunity to support local economies, achieving innovation, better services for communities and sustainable procurement.

The elements of best practice applicable to local government procurement incorporate:

- broad principles covering ethics, value for money, responsibilities and accountabilities;
- guidelines giving effect to those principles;
- a system of delegations (i.e. the authorisation of officers to approve and undertake a range of functions in the procurement process);
- procurement processes, with appropriate procedures covering minor, simple procurement to high value, more complex procurement; and,
- a professional approach.

Best practice procurement requires that Council's contracting, purchasing and contract management activities:

- support Council's corporate strategies, aims and objectives including, but not limited to those related to sustainability, protection of the environment, and corporate social responsibility;
- span the whole life cycle of an acquisition from initial concept to the end of the useful life of an asset, including its disposal, or the end of a service contract;
- achieve value for money and quality in the acquisition of goods, services and works by Council;
- can demonstrate that public money has been well spent;
- are conducted, and are seen to be conducted, in an impartial, fair and ethical manner;
- seek continual improvement including the embrace of innovative and technological initiatives such as electronic tendering processes to reduce activity cost; and,
- generate and support business in the local community.

## 1.2 Scope

This Procurement Policy is made under Section 186a of the *Local Government Act 1989*.

This section of the Act requires Council to prepare, approve and comply with a Procurement policy encompassing the principles, processes and procedures applied to all purchases of goods, services and works by Council.

This policy applies to all contracting and procurement activities at Council and is binding upon Councillors, Council officers and temporary employees, contractors and consultants whilst engaged by Council.

This policy does not apply to investment of Council funds which are not considered to be purchases of “goods, services or works” pursuant to Section 186A of the Act. Investments are made under Council’s Investment Policy and comply with Section 143 of the Act.

### 1.3 Purpose

The purpose of this Policy is to:

- provide policy and guidance to Council to allow consistency and control over procurement activities;
- demonstrate accountability to rate payers;
- provide guidance on ethical behaviour in public sector purchasing;
- demonstrate the application of elements of best practice in purchasing; and,
- increase the probability of obtaining the best value outcome when purchasing goods and services.

### 1.4 Treatment of GST

All monetary values stated in this policy include GST.

### 1.5 Definitions and Abbreviations

| <b>Term</b>                     | <b>Definition</b>   |
|---------------------------------|---|
| <b>Act</b>                      | <i>Local Government Act 1989.</i>   |
| <b>Commercial in Confidence</b> | Information that, if released, may prejudice the business dealings of a party. For example prices, discounts, rebates, profits, methodologies or process information.   |
| <b>Contract Management</b>      | The process that ensures both parties to a contract fully meet their respective obligations as efficiently and effectively as possible, in order to deliver the business and operational objectives required from the contract and in particular, to provide value for money. |
| <b>Council Staff</b>            | Includes full-time and part-time Council officers, and temporary employees, contractors and consultants while engaged by Council.   |

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**Probity**

A Procurement process that conforms to the expected standards of probity is one in which clear procedures that are consistent with Council's policies and legislation are established, understood and followed from the outset. These procedures need to consider the legitimate interests of suppliers and ensure that all potential suppliers are treated equitably.

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**Standing Offer Arrangements (SOA)**

A contract that sets out rates for goods and services which are available for the term of the agreement. However, no commitment is made under the agreement to purchase a specified value or quantity of goods or services.

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**Sustainability**

Activities that meet the needs of the present without compromising the ability of future generations to meet their needs.

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**Procurement**

Procurement is the whole process of acquisition of external goods, services and works. This process spans the whole life cycle from initial concept through to the end of the useful life of an asset (including disposal) or the end of a service contract.

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**Tender Process**

The process of inviting parties to submit a quotation by tender using public advertisement, followed by evaluation of submissions and selection of a successful bidder or tenderer.

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**Value for money**

Value for money in Procurement is about selecting the supply of goods, services and works taking into account both cost and non-cost factors including:

- contribution to the advancement of Council's priorities;
  - non-cost factors such as fitness for purpose, quality, service and support; and
  - cost-related factors including whole-of-life costs and transaction costs associated with acquiring, using, holding, maintaining and disposing of the goods, services or works.
-

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## **2 Effective Legislation and Policy Compliance and Control**

### **2.1 Ethics and Probity**

#### **2.1.1 Requirement**

Council's procurement activities shall be performed with integrity and in a manner able to withstand the closest possible scrutiny.

#### **2.1.2 Conduct of Councillors and Staff**

##### ***2.1.2.1 General***

Councillors and Council staff shall at all times conduct themselves in ways that are, and are seen to be, ethical and of the highest integrity and *will*:

- treat potential and existing suppliers with equality and fairness;
- not seek or receive personal gain;
- maintain confidentiality of Commercial in Confidence information;
- present the highest standards of professionalism and probity;
- deal with suppliers in an honest and impartial manner;
- provide all suppliers and tenderers with the same information and equal opportunity; and,
- be able to account for all decisions.

Council staff who are accountable for, responsible for managing or supervising contracts are prohibited from performing any works under the contract they are supervising.

##### ***2.1.2.2 Members of Professional Bodies***

Councillors and Council staff belonging to professional organisations shall, in addition to the obligations detailed in this policy, ensure that they adhere to any code of ethics or professional standards required by that body.

#### **2.1.3 Tender Processes**

All tender processes shall be conducted in accordance with the requirements of this policy, applicable procedures and guidelines, relevant Australian Standards and the Act. Late tenders will not be considered and will be disqualified.

#### **2.1.4 Conflict of Interest**

Councillors and Council staff shall at all times avoid situations in which private interests conflict, or might reasonably be thought to conflict, or have the potential to conflict, with their Council duties.

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Councillors and Council staff are subject to conflict of interest provisions in:

- The Act: [\*Division 1A - Conduct and Interests\*](#);
- [\*Conflict of Interest in Local Government - February 2009\*](#) guidelines;
- Councillor Code of Conduct; and,
- Staff Code of Conduct.

Councillors and Council staff must refrain from procurement activities where they have a conflict of interest. Where a conflict exists this must be declared to the Chief Executive Officer and the Councillor and/or Council staff member must excuse themselves from participating in the associated procurement activity.

Councillors, Council staff and third party individuals involved in the evaluation of technical assessments, whether or not as part of an evaluation panel, associated with Quotations or Tenders must declare they do not have a conflict of interest. This must be certified by the Chief Executive Officer or Director Corporate and Community Services.

#### **2.1.5 Fair and Honest Dealing**

All prospective contractors and suppliers must be afforded an equal opportunity to tender or quote.

Impartiality must be maintained throughout the procurement process so it can withstand public scrutiny.

The commercial interests of existing and potential suppliers must be protected.

Confidentiality of information provided by existing and prospective suppliers must be maintained at all times, particularly commercially sensitive material such as, but not limited to prices, discounts, rebates, profit, manufacturing and product information.

In-house bids (tenders) are not permitted for tenders.

#### **2.1.6 Accountability and Transparency**

Accountability in procurement means being able to explain and provide evidence of the process followed. The test of accountability is that an independent third party must be able to see clearly that a process has been followed and that the process is fair and reasonable.

The processes by which all procurement activities are conducted will be in accordance with Council's procurement policies and procedures as set out in this policy and related, relevant Council policies and procedures.

Additionally:

- all Council staff must be able to account for all procurement decisions made over the lifecycle of all goods, services and works purchased by Council and provide feedback on them; and,
- all procurement activities are to provide for an audit trail for monitoring and reporting purposes.

---

### **2.1.7 Disclosure of Information**

Commercial in-confidence information received by Council must not be disclosed and is to be stored in a secure location.

Councillors and Council staff are to protect, by refusing to release or discuss the following:

- information disclosed by organisations in tenders, quotation or during tender negotiations;
- all information that is Commercial in Confidence information; and
- pre-contract information including but not limited to information provided in quotes and tenders or subsequently provided in pre-contract negotiations.
- Councillors and Council staff are to avoid references to current or proposed contracts in discussion with acquaintances or outside interests.

Details of the winning price will be released to improve the tender and quotation process and value for money. This will be done with the following conditions:

winning price will only be disclosed to unsuccessful tenderers upon request. Discussion with potential suppliers during tender evaluations should not go beyond the extent necessary to resolve doubt on what is being offered by that supplier.

At no stage should any discussion be entered into which could have potential contractual implications prior to the contract approval process being finalised other than authorized pre-contract negotiations.

## **2.2 Governance**

### **2.2.1 Structure**

The CEO is accountable for organisational procurement.

Management of the procurement policy is the responsibility of the Director of Corporate and Community Services.

Implementation of the policy throughout departments is the responsibility of the respective Director.

The Contracts Administration Officer is responsible for ensuring probity in procurement and monitoring and reporting against the procurement policy.

Council's procurement structure:

- is flexible enough to purchase in a timely manner the diverse range of material, goods, works and services required by Council;
- ensures that prospective contractors and suppliers are afforded an equal opportunity to tender/quote;
- encourages competition; and,
- is communicated to and implemented by all Councillors and Council staff.

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Delegated officers are responsible for application of the policy in their respective areas.

### **2.2.2 Standards**

Council's procurement activities shall be carried out to the professional standards required by best practice and in compliance with:

- The *Local Government Act 1989*,
- *Council's Credit Card Policy*,
- *Contract Management Manual*,
- Councillor Code of Conduct
- Code of Conduct for Staff; and,
- Other relevant legislative requirements such as but not limited to the *Trade Practices Act*, *Goods Act* and the *Environmental Protection Act*.

### **2.2.3 Methods**

Council's standard methods for purchasing goods, services and works shall be by:

- corporate credit card;
- purchase order following a quotation process from suppliers for goods or services that represent best value for money under directed quotation thresholds;
- under contract following a tender process; or,
- using aggregated purchasing arrangements with other Councils, MAV Procurement, Victorian Government, or other bodies.

Other arrangements can only be authorised by Council or the CEO under emergency circumstances, as defined in the Act.

Council may, at its discretion and based on the complexity and cost of the project, conduct one stage or multi-stage tenders.

Typically a multi-stage tender process will commence with a registration of interest stage followed by a tender process involving the organisations selected as a consequence of the registration of interest stage.

Registrations of interest (ROI) may be appropriate where:

- the requirement is complex, difficult to define, unknown or unclear;
- the requirement is capable of several technical solutions;
- Council wishes to consider ahead of a formal tender processes such issues as whether those tendering possess the necessary technical, managerial and financial resources to successfully complete the project;
- tendering costs are likely to be high and Council seeks to ensure that companies incapable of supplying the requirement don't incur unnecessary expense;

- it is necessary to pre-qualify suppliers and goods to meet defined standards; or,
- the requirement is generally known but there is still considerable analysis, evaluation and clarification required (both of the objective and the solution).

Additionally, Council may run sequential tenders, the first to solicit solutions, the second to compete to provide the solution selected by Council. Such sequential tenders may or may not be preceded by the registration of interest phase as required by Council based on the actual needs of the project.

#### **2.2.4 Responsible Financial Management**

The principle of responsible financial management shall be applied to all procurement activities.

Accordingly, to give effect to this principle, the availability of existing funds within an approved budget, or source of funds, shall be established prior to the commencement of any procurement action for the supply of goods, services or works.

This policy applies to all Council expenditure, with the exception of grant monies for and on behalf of community groups (refer to section 2.3.2.5).

### **2.3 Procurement Thresholds and Competition**

#### **2.3.1 Requirement**

Council will publish in this policy clear guidelines for minimum spend competition thresholds. These will be decided by Council by analysing the historical size and complexity of the procurement activity and of proposed procurement activities.

#### **2.3.2 Minimum Spend Competition Thresholds**

##### ***2.3.2.1 Tenders***

Purchase of all goods and services for which the estimated expenditure exceeds the following amounts must be undertaken by public tender as per the thresholds contained in the Act:

- \$150,000 for all purchases, except building and construction works; and,
- \$200,000 for building and construction works.

Should the CEO, or their delegate, consider that the nature of the requirement and the characteristics of the market are such that the public tender process would lead to a better result for Council, public tenders may be called for purchase of goods, services and works for which the estimated expenditure is below these thresholds, having regard to best value principles.

Tender technical evaluation assessments should be completed clearly outlining:

- evaluation panel expertise and position;
- an assessment of tenders against each of the criteria;
- a concise recommendation for the appointment of the successful tender;



### **2.3.2.2 Quotations**

Purchase of goods, services having a total \$150,000 or less (building and construction works having a total of \$200,000 or less) may be undertaken using the procurement by quotation method as described below:

- **Items with a value up to \$5,000.00**

One verbal quotation must be obtained before placing an order.

If more than one supplier has quoted all quotations should be documented.

- **Items with a value of \$5,001 up to \$10,000**

One written quotation must be obtained before placing an order.

Verbal quotations are not acceptable.

- **Items with a value of \$10,001 up to \$150,000 (\$200,000 building and construction works)**

Council's Officer must seek minimum of three written quotations before placing an order.

The quotation offering the best value for money must be confirmed by the supplier in writing and the order placed with that firm. If there is a difference of more than 10% between the lowest quotation and the recommended quotation, this procurement must be approved by a Director/CEO.

Once the three quotation process is undertaken, the Officer will then enter the quotation information into TechOne and then seek approval in accordance with the relevant Officer's purchasing limits under delegation.

Verbal quotations are not acceptable.

- **Items with a value of \$150,000 and over (\$200,000 and over for building and construction works).**

A full public tender must be conducted before placing an order.

Public advertising of works is required.

The use of public advertising may be applied to items with a value up to \$150,000 (\$200,000 building and construction works) at the CEO's, or delegated officer's, discretion. This may occur when a field of potential tenderers has not been established, or an innovative approach is required, or the project has broad appeal that may attract keen prices.

Where Council appoints a tendering agent in accordance with Section 186 of the *Local Government Act*, when the tendering process is completed on behalf of Council, that matter needs to be awarded in accordance with this policy.

It should be noted that a purchase order should be raised and forwarded to the supplier at the time of purchase/award of the works.

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### **2.3.2.3 Procedural Exceptions**

The situation may arise where the officer is unable to seek 3 quotations to satisfy the above requirements.

This may occur for a number of reasons. It may include where there are few suppliers for the goods, services or works being sought or the work is highly specialised or of an urgent nature.

In this case, approval from the CEO or relevant Director is required, prior to proceeding with the purchase. Records and supporting evidence must be kept for procedural exceptions.

A copy of approved procedural exceptions memos will be provided to Contracts Administration Officer for storing in Council's Enterprise Resource System.

Refer to Attachment 1 for Procedural Exceptions Memo.

### **2.3.2.4 Determining Value of Procurement**

In order to determine whether a procurement exceeds the relevant procurement threshold, its value must be estimated at the start of the procurement process.

The value of a procurement must include:

- all forms of remuneration, including any premiums, fees, commissions, interest and other revenue streams that may be provided for in the final contract;
- all taxes and charges, including GST;
- the total maximum value of the property or services being procured, including the value of any options or extensions that may be provided for in the proposed contract; and,
- the total value of the proposed contract over the contracted term.

If it is anticipated that a procurement will be close to the relevant threshold, or if it is likely that the final value of a procurement may exceed the relevant threshold, it should be treated as if it exceeds the threshold

It is not permissible to divide a contract into separate smaller procurements to avoid the procurement thresholds. There shall be no splitting of purchase orders to avoid thresholds.

### **2.3.2.5 Dealing with Grant Monies**

Where Council is disbursing grant monies directly to a Club or Community Group:

- There is no requirement to follow Council's procurement process or delegation limits. Compliance with good governance regarding purchasing is the responsibility of the Club or Community Group.
- The Club or Community Group will be required to provide an acquittal to account for the funds at the completion of the project.
- If a third party organisation is providing the funds and requiring Council to manage funds on behalf of Club or Community Group they be made aware of this section of Council's procurement policy.

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Where Council is paying for goods and services on behalf of a Club or Community Group:

- Council's procurement policy will apply in all circumstances.

### **2.3.2.6 Collaborative Procurement**

Under Section 186 of the Local Government Act 1989, Council has the ability to authorise procurement agencies to act on its behalf to undertake collaborative procurement by way of public tender. There are two agencies that offer this service to Council, those being the Municipal Association of Victoria and Procurement Australia. Those agencies undertake the collaborative process to achieve the best outcomes for Councils, as its appointed agent.

The Minister for Local Government has granted an exemption to allow Councils to access all MAV and Procurement Australia contracts. When utilising Collaborative Procurement, all contracts must be awarded in accordance with Council's procurement thresholds and delegation of authority

### **2.3.3 Requirement**

Delegations define the limitations within which Council staff are permitted to undertake procurement activities. Delegation of procurement authority allows Council staff to approve purchases, quotation, tender and contractual processes without prior referral to Council. This enables Council to conduct procurement activities in an efficient manner whilst maintaining transparency and integrity.

Procurement delegations ensure accountability and provide confidence to Council and the public that purchasing activities are dealt with at the appropriate level.

As such, Council has delegated responsibilities as detailed below relating to:

- the expenditure of funds for the purchase of goods, services and works;
- the acceptance of quotes and tenders; and,
- for Contract Management activities.

Refer to Attachment 2.

### **2.3.4 Delegations**

#### **2.3.4.1 Council Staff**

Council shall maintain a documented scheme of procurement delegations, identifying Council staff authorised to make such procurement commitments in respect of goods, services and works on behalf of Council and their respective delegations contained in Financial Delegations policies:

- Acceptance of tenders
- Acceptance of quotes
- Contract term extensions (within authorised budget)
- Contract amendment (non-financial)
- Contract amendment (financial)

- Register of pre-qualified suppliers
- Credit Card purchases
- Procedural exceptions

#### **2.3.4.2 Delegations Reserved for Council**

Commitments and processes which exceed the CEO's delegation and which must be approved by Council are:

- Signing and sealing of contract documents.
- Tender recommendations and contract approval for all expenditure over \$150,000 for goods and services (\$200,000 for building and construction works and which exceeds the CEO's delegation).
- Contract term extensions requiring additional budget.

## **2.4 Internal Controls**

Delegated officers involved in procurement will adhere to a framework of internal controls over procurement processes that will ensure:

- transparency in the procurement process;
- a clearly documented audit trail exists for procurement activities;
- appropriate authorisations are obtained and documented; and,
- systems are in place for appropriate monitoring and performance measurement.

## **2.5 Commercial Information**

Procurement activities will be carried out in a way that supports Council staff in meeting their obligations - to ensure information of a commercially sensitive or confidential nature is obtained, stored, processed, published (where applicable) in an appropriate manner in accordance with the relevant Council guidelines.

## **2.6 Risk Management**

### **2.6.1 General**

Risk Management is to be appropriately applied at all stages of procurement activities which will be properly planned and carried out in a manner that will protect and enhance Council's capability to prevent, withstand and recover from interruption to the supply of goods, services and works.

### **2.6.2 Occupational Health and Safety**

Health & Safety requirements throughout the lifecycle of the product or service being purchased shall be addressed prior to procurement in accordance with the Council Health & Safety Management System. Lifecycle includes usage of the plant/equipment or substance including maintenance and disposal. Reference should also be made to Council's Health & Safety Management System for additional requirements.

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### **2.6.3 Supply by Contract**

The provision of goods, services and works by contract or quotation potentially exposes Council to risk.

Council will minimise its risk exposure by measures such as:

- standardising contracts to include current, relevant clauses;
- requiring security deposits where appropriate;
- referring specifications to relevant experts;
- requiring contractual agreement before allowing the commencement of work;
- use of or reference to relevant Australian Standards (or equivalent);
- effectively managing the contract including monitoring and enforcing performance;
- undertaking relevant financial checks of companies to ensure they are viable to undertake the contract; and,
- and obtaining copies of certificates of currency for relevant insurances.

### **2.7 Contract Terms**

All contractual relationships must be documented in writing based on standard terms and conditions.

Where this is not possible, approval must be obtained from the appropriate member of Council staff listed in Council Delegations. A request for such an approval should be supported with procurement and legal advice as relevant.

Terms and conditions with a supplier must be settled in advance of any commitment being made. Any exceptions to doing this must be authorised by the appropriate member of Council staff listed in Council Delegations.

### **2.8 Endorsement**

Council staff must not endorse any products or services. Individual requests received for endorsement must be referred to CEO or relevant Director.

### **2.9 Dispute Resolution**

All Council contracts shall incorporate dispute management and alternative dispute resolution provisions, to minimise the risk to both parties of disputes leading to legal action.

### **2.10 Contract Management**

The purpose of contract management is to ensure that Council, and where applicable its clients, receive the goods, services or works provided to the required standards of quality and quantity as intended by the contract by:

- establishing a system monitoring and achieving the responsibilities and obligations of both parties' under the contract;

- 
- providing a means for the early recognition of issues and performance problems and the identification of solutions; and,
  - adhering to Council's Risk Management Framework and adhering to relevant Occupational Health and Safety Contractor Compliance Procedures.

All Council contracts are to include contract management requirements in accordance with the Contract Management Manual. Furthermore, contracts are to be proactively managed by the member of Council staff responsible for the delivery of the contracted goods, services or works to ensure Council receives value for money.

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## **3 Demonstrated Sustained Value**

### **3.1 Integration with Council Strategy**

Council procurement strategy shall support the Council Plan, aims and objectives, meeting the needs of the local community in the areas of:

- governance;
- prosperity;
- environment;
- community wellbeing;
- lifestyle; and,
- infrastructure.

### **3.2 Achieving value for money**

#### **3.2.1 Requirement**

Council's procurement activities will be carried out on the basis of obtaining value for money.

This means minimising the total cost of ownership over the lifetime of the requirement consistent with acceptable quality, reliability and delivery considerations.

Lowest price is not the sole determinate of value for money.

In practice this means weighing up the benefits of the purchase against the cost of the purchase. Value for money factors needs to be specifically included in evaluation criteria and may include:

- fitness for purpose;
- maintenance and running costs over the lifetime of the product;
- the advantages of buying locally:
  - shorter delivery times;
  - local backup and servicing;
  - the availability of spare parts;
  - the contribution to the achievement of other government policy objectives, such as industry development and employment creation;
  - the potential for creating strategic partnerships and cooperative product development;
- quality assurance;
- risks;

- 
- the capacity of the supplier;
  - environmental considerations;
  - energy conservation;
  - ability to meet specified timelines; and,
  - disposal value.

### **3.2.2 Approach**

This will be facilitated by:

- developing, implementing and managing procurement strategies that support the co-ordination and streamlining of activities throughout the lifecycle;
- effective use of competition;
- using aggregated contracts and SOA where appropriate;
- identifying and rectifying inefficiencies in procurement processes;
- developing cost efficient tender processes including appropriate use of e-solutions; and,
- Council staff responsible for providing procurement being acquired.

### **3.2.3 Role of Specifications**

Specifications used in quotations, tenders and contracts are to support and contribute to Council's value for money objectives through being written in a manner that:

- ensures impartiality and objectivity;
- encourages the use of standard products;
- encourages sustainability;
- provides a clear understanding of the works required or goods to be supplied; and,
- eliminates unnecessarily stringent requirements.

## **3.3 Sustainability**

### **3.3.1 General**

Council is committed to achieving sustainability and ensuring it monitors and reports on Council activities and programs that have an impact on or contribute to the environment including but not limited to the following:

- waste management;
- recycling;
- energy management;
- emission management;



- water conservation;
- green building design; and,
- procurement.

### 3.3.2 Sustainable Procurement

Council is committed to adopting a Green Procurement approach by supporting the principles of sustainable procurement within the context of purchasing on a value for money basis.

Value for money purchasing decisions made by Council are made on the basis of whole-of-life cost and non-price factors including contribution to Council's sustainability objectives

Council prefers to purchase environmentally preferred products whenever they achieve the same function and value for money outcomes.

Council will therefore consider the following environmental sustainability criteria:

- **Reduce, Reuse, and Recycle:**  
Council is committed to reduce resources, consumption and minimise waste during the procurement life cycle including:
  - Council shall encourage and prefer Eco-friendly products which are more power efficient.
  - Selecting energy, fuel and water efficient products (ideally Energy and Water Star Ratings of 4 Star and above, and the highest Green Vehicle Guide star rating)
  - Council shall prefer to purchase from a source which is less polluting or uses clean technology
  - Council's procurement projects should automatically consider the provision of re-usable products and recycling as part of the project planning process, including the consideration of whole-life costs and disposal considerations.
- **Buy Recycled:**  
Council is committed to buy recycled/part recycled products to optimise consumption and stimulate demand for recycled products, promoting the collection and reprocessing of waste and working towards zero discharge to landfill.
- **Green the Supply Chain:**  
Council will encourage suppliers to adopt good environmental practices. Council will promote green procurement throughout its supply chain and will give preference to selection which has minimum environmental impact.

## 3.4 Diversity

Promoting equality through procurement can improve competition, value for money, the quality of public services, satisfaction among users, and community relations.

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Diversity should be a consideration in every procurement project and reflect corporate commitment to diversity and equal opportunities.

The Victorian *Charter of Human Rights* will be considered as part of the procurement process. Successful suppliers will be asked to show compliance with the Charter.

### **3.5 Support of Local Business**

Council is committed to buying from local business where such purchases may be justified on value for money grounds.

In all contracts a 5% weighting shall be given to suppliers who demonstrate how they intend to support local suppliers, contractors and services.

This condition is mandatory in all contracts. It should be considered as a criterion for quotes.

Local is defined as within the Corangamite Shire.

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## **4 Apply a Consistent and Sustained Approach**

### **4.1 Standard Processes**

Council will provide effective commercial arrangements covering standard products and provision of standard services across Council to enable employees to source requirements in an efficient manner.

This will be achieved via establishing the following:

- pricing where relevant;
- processes, procedures and techniques;
- tools and business systems (e.g. implementing appropriate e-tendering, e-evaluation; e-catalogue or e-sourcing arrangements);
- reporting requirements; and,
- application of standard contract terms and conditions.

### **4.2 Management Information**

Council seeks to improve its' performance by capturing and analysing procurement management information in a variety of areas, including:

- volume of spend;
- number of transactions per supplier;
- supplier performance;
- user satisfaction;
- category management; and,
- green spend.

The Contracts Administration Officer will complete desktop audits of organisational purchasing. Reports will be provided to the Senior Officer Group monthly including information on:

- dollar value by supplier;
- if purchasing process is compliant , requires investigation, non-compliant or is a procedural exemption;
- purchases without purchase orders; and
- purchases from suppliers approaching tender thresholds,
- all approved procedural exemptions.

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An annual compliance report will be provided to Council's Audit Committee on the following matters:

- the value of total procurement by Council; and
- The number of non-compliant purchases including:
  - the number of purchases with and without purchase orders;
  - purchases from suppliers that exceeded tender thresholds; and
  - the number of approved procedural exemptions.

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## **5 Build and Maintain Supply Relationships**

### **5.1 Developing and Managing Suppliers**

Council recognises that in order to achieve value for money, a strategic assessment of the appropriate 'channel to market' should be undertaken – whether to go to market on its own, participate in regional or sector aggregated projects or panels, access State Government panel agreements or other means.

Council will consider supply arrangements that deliver the best value outcomes in terms of time, expertise, cost, value and outcome.

Council recognises the importance of effective and open working relationships with its suppliers and is committed to:

- managing existing suppliers, via the appropriate development programmes and performance measurements;
- developing new suppliers and improving the capability of existing suppliers where appropriate.

### **5.2 Supply Market Development**

A wide range of suppliers should be encouraged to compete for Council work. The focus for new work need not always be with the larger more familiar businesses. Other types of organisations offering business diversity include:

- Local businesses
- Green suppliers
- Small to medium sized enterprises (SME's)
- Social enterprises
- Ethnic and minority business

### **5.3 Relationship Management**

Council is committed to developing constructive long-term relationships with suppliers.

It is important that Council identifies its key suppliers so that its efforts are focused to best effect. Such areas may include:

- size of spend across Council;
- criticality of goods / services, to the delivery of Council's services;
- availability of substitutes; and,
- market share and strategic share of suppliers

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## **6 Continual Improvement**

Council is committed to continuous improvement and will review the procurement policy on an annual basis in line with the Act and to ensure that it continues to meet its wider strategic objectives.

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## **7 Policy Owner**

Director Corporate and Community Services.

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## Attachment 1- Procedural Exceptions Memo

Part of the goals of Corangamite's procurement policy is to:

- Achieve value for money and quality in the acquisition of goods, services and works by Council;
- demonstrate that public money has been well spent;
- procurements are conducted, and are seen to be conducted, in an impartial, fair and ethical manner.

There are limited circumstances in which there may be legitimate reasons compliance with the minimum spend competition thresholds are not met. This manifests itself by negotiation directly with suppliers without the prescribed competitive quotations or tender process.

The following factors provide guidance in identifying and documenting such circumstances:

1. Emergency – applies when there is extreme urgency brought about by events unforeseen by the organisation and the property or services cannot be obtained in time through an open tender or quotation process.
2. Sole Supplier / Insufficient Quotes – when it is clear beyond doubt that there are not sufficient suppliers to provide requisite quotes. Documentation of recent market testing and well defined specifications of the goods and services sought is required.
3. Scope Change – when there is unforeseen need to alter the scope of the project in a minor way and the cost of obtaining further quotations or retendering will outweigh the potential benefits.
4. Exceptionally Advantageous Time-limited Conditions – this includes unusual disposals by suppliers, unsolicited innovative proposals, liquidation, bankruptcy, or receivership and which are not routine purchases from regular suppliers.
5. Intellectual Property – where the property or services can only be supplied by a particular business and no other reasonable alternative or substitute exists, namely for a work of art; or to protect patent, copyright, or other exclusive right, proprietary information, software as some examples.
6. Absence of Competition – for technical reasons where products are limited by patents or licences. To be supported by comprehensive market research and demonstrated organisational benefits.
7. Support From Original Supplier – for additional property or services by the original supplier or authorised representative where a change in supplier would compel the agency to procure property or services that do not meet the requirements of compatibility with existing services. For example spare parts for vehicles and plant.

The following factors are not reasons that justify seeking a procedural exception:

- 
- Completion of projects prior to end of financial year. Projects should be well planned to avoid end of year deadlines.
  - Use of the “emergency” category should not substitute for good project planning.
  - Desire to include only certain suppliers because of previous relationships.
  - Working with and expending Council funds through a community group.





CORANGAMITE  
SHIRE

|               |                                  |
|---------------|----------------------------------|
| <b>To:</b>    | Choose an item.                  |
| <b>From:</b>  | Click here to enter Name, Title. |
| <b>CC:</b>    | Contracts Administration Officer |
| <b>Date:</b>  | Click here to enter a date.      |
| <b>Topic:</b> | Click here to enter text.        |

*Purpose*

To seek an exemption from the Procurement Policy on the following grounds:

**Supplier:** Click here to enter text.

**Value:** Click here to enter text.

Approval for this exemption must be gained prior to the procurement being undertaken.

*Background*

*Issue*

*Recommendation*

Prepared by:

Click here to enter Name, Title.

Click here to enter a date.

Signature:

---

Approved by:

Choose an item.

Click here to enter a date.

Signature:

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## Attachment 2 – Delegations

| Position Title                                      | Purchasing Limit | Acceptance of Tenders | Acceptance of Quotes | Extensions Works Within Budget | Amendment - Non-financial | Amendment - Financial | Procedural Exceptions | Comments   |
|---|------------------|-----------------------|----------------------|--------------------------------|---------------------------|-----------------------|-----------------------|--|
| Accounts Payable Officer                            | \$1,000          | No                    | Yes                  | No                             | No                        | No                    | No                    | Term deposits & EFT transfer authorisation up to \$2 million with a 2nd authorisation.           |
| Accountant  | \$10,000         | No                    | Yes                  | No                             | No                        | No                    | No                    |  |
| Accounting Officer                                  | \$1,000          | No                    | Yes                  | No                             | No                        | No                    | No                    | EFT transfer authorisation up to \$2 million with a 2nd authorisation.                           |
| Accounts Receivable Officer                         | \$1,000          | No                    | Yes                  | No                             | No                        | No                    | No                    | Debt collection charges & EFT transfer authorisation up to \$2 million with a 2nd authorisation. |
| Administration Officer – Building and Planning      | \$1,000          | No                    | Yes                  | No                             | No                        | No                    | No                    |  |
| Administration Officer – Community Services         | \$1,000          | No                    | Yes                  | No                             | No                        | No                    | No                    |  |
| Administration Coordinator –Home and Community Care | \$1,000          | No                    | Yes                  | No                             | No                        | No                    | No                    |  |
| Administration Coordinator – Planning and Building  | \$1,000          | No                    | Yes                  | No                             | No                        | No                    | No                    |  |

AGENDA - ORDINARY MEETING OF COUNCIL 23 AUGUST 2016



|  |           |     |     |     |     |     |     |  |
|--|-----------|-----|-----|-----|-----|-----|-----|--|
| Administration Coordinator – Environment and Emergency | \$1,000   | No  | Yes | No  | No  | No  | No  |  |
| Administration Coordinator - Works                     | \$10,000  | No  | Yes | No  | No  | No  | No  |  |
| Administration Officer – Works                         | \$10,000  | No  | Yes | No  | No  | No  | No  |  |
| Aged and Disabled Services Coordinator                 | \$10,000  | No  | Yes | No  | No  | No  | No  |  |
| Assessment Officer                                     | \$1,000   | No  | Yes | No  | No  | No  | No  |  |
| Assets Field Officer                                   | \$1,000   | No  | Yes | No  | No  | No  | No  |  |
| Bridge Maintenance Co-ordinator                        | \$10,000  | No  | No  | No  | No  | No  | No  |  |
| Building Assets Officer                                | \$10,000  | No  | Yes | No  | No  | No  | No  |  |
| Chief Executive Officer                                | \$250,000 | Yes | Yes | Yes | Yes | Yes | Yes |  |
| Communications Officer                                 | \$10,000  | No  | Yes | No  | No  | No  | No  |  |
| Contracts Administration Coordinator                   | \$10,000  | No  | Yes | Yes | Yes | No  | No  |  |
| Community Relations Officer                            | \$1,000   | No  | Yes | No  | No  | No  | No  |  |
| Community Development Officer                          | \$10,000  | No  | Yes | Yes | Yes | No  | No  |  |

AGENDA - ORDINARY MEETING OF COUNCIL 23 AUGUST 2016



|   |          |     |     |     |     |     |     |   |
|---|----------|-----|-----|-----|-----|-----|-----|---|
| Director Corporate and Community Services | \$75,000 | Yes | Yes | Yes | Yes | Yes | Yes | Term deposits & EFT transfer authorisation up to \$2 million with a 2nd authorisation |
| Director Sustainable Development          | \$75,000 | Yes | Yes | Yes | Yes | Yes | Yes |   |
| Director Works and Services               | \$75,000 | Yes | Yes | Yes | Yes | Yes | Yes |   |
| Early Years Coordinator                   | \$10,000 | No  | Yes | No  | No  | No  | No  |   |
| Economic Development Officer              | \$5,000  | No  | Yes | No  | No  | No  | No  |   |
| Emergency Management Officer              | \$10,000 | No  | No  | No  | No  | No  | No  |   |
| Engineer – Assets and Design              | \$10,000 | No  | Yes | No  | No  | No  | No  |   |
| Engineer – Works                          | \$10,000 | Yes | Yes | Yes | Yes | No  | No  |   |
| Environment Coordinator                   | \$10,000 | No  | Yes | Yes | Yes | No  | No  |   |
| Environmental Health Officer              | \$1,000  | No  | No  | No  | No  | No  | No  |   |
| Environment Project Officer               | \$10,000 | No  | Yes | Yes | Yes | No  | No  |   |
| Executive Assistant – CEO                 | \$10,000 | No  | Yes | No  | No  | No  | No  |   |
| Family Day Care Coordinator               | \$10,000 | No  | Yes | Yes | Yes | No  | No  |   |
| Human Resource Officer                    | \$1,000  | No  | Yes | No  | No  | No  | No  |   |

AGENDA - ORDINARY MEETING OF COUNCIL 23 AUGUST 2016



|  |          |     |     |     |     |     |    |   |
|--|----------|-----|-----|-----|-----|-----|----|---|
| Immunisation Nurse                         | \$1,000  | No  | Yes | No  | No  | No  | No |   |
| IT GIS Officer                             | \$10,000 | No  | Yes | Yes | Yes | No  | No |   |
| Kindergarten Educator                      | \$1,000  | No  | Yes | No  | No  | No  | No |   |
| Local Laws Officer                         | \$1,000  | No  | Yes | No  | No  | No  | No |   |
| Manager – Assets Planning                  | \$25,000 | Yes | Yes | Yes | Yes | Yes | No |   |
| Manager – Economic Development and Tourism | \$25,000 | Yes | Yes | Yes | Yes | Yes | No |   |
| Manager – Finance                          | \$25,000 | Yes | Yes | Yes | Yes | Yes | No | Term deposits & EFT transfer authorisation up to \$2 million with a 2nd authorisation. Payment of Fire Services Levies for all amounts due to the State Government are permitted. |
| Manager – Human Resources Risk Management  | \$25,000 | Yes | Yes | Yes | Yes | Yes | No |   |
| Manager – Community Services               | \$25,000 | Yes | Yes | Yes | Yes | Yes | No |   |
| Manager – Community Relations              | \$25,000 | Yes | Yes | Yes | Yes | Yes | No |   |
| Manager – Information                      | \$25,000 | Yes | Yes | Yes | Yes | Yes | No |   |
| Manager – Environment and Emergency        | \$25,000 | Yes | Yes | Yes | Yes | Yes | No |   |
| Manager – Facilities and Recreation        | \$25,000 | Yes | Yes | Yes | Yes | Yes | No |   |
| Manager – Statutory Planning and Building  | \$25,000 | Yes | Yes | Yes | Yes | Yes | No |   |

AGENDA - ORDINARY MEETING OF COUNCIL 23 AUGUST 2016



|  |          |     |     |     |     |     |    |   |
|--|----------|-----|-----|-----|-----|-----|----|---|
| Services                                       |          |     |     |     |     |     |    |   |
| Manager – Works                                | \$25,000 | Yes | Yes | Yes | Yes | Yes | No |   |
| Manager – Works<br>(Vehicle Purchases<br>Only) | \$50,000 | Yes | Yes | Yes | Yes | Yes | No | Vehicle Purchases Only  |
| Mechanic                                       | \$2,000  | No  | No  | No  | No  | No  | No | Only when Team Leader Plant and<br>Plant Maintenance Coordinator away                                     |
| Mobile Child Care<br>Coordinator               | \$10,000 | No  | Yes | No  | No  | No  | No |   |
| Occupational Health<br>and Safety Officer      | \$1,000  | No  | Yes | No  | No  | No  | No |   |
| Organisational<br>Development<br>Coordinator   | \$10,000 | No  | Yes | Yes | Yes | Yes | No |   |
| Parks and Gardens Co-<br>ordinator             | \$10,000 | No  | No  | No  | No  | No  | No |   |
| Payroll Officer                                | \$2,000  | No  | Yes | Yes | Yes | No  | No | Payroll related issues only & EFT<br>transfer authorisation up to \$2 million<br>with a 2nd authorisation |
| Plant Maintenance<br>Coordinator               | \$10,000 | No  | No  | No  | No  | No  | No |   |
| Property Officer                               | \$10,000 | No  | Yes | No  | No  | No  | No |   |
| Rates Revenue<br>Coordinator                   | \$10,000 | No  | Yes | No  | No  | No  | No | Payment of Fire Services Levies for all<br>amounts due to the State<br>Government are permitted..         |
| Records Coordinator                            | \$1,000  | No  | Yes | No  | No  | No  | No |   |

AGENDA - ORDINARY MEETING OF COUNCIL 23 AUGUST 2016



|  |          |    |     |     |     |    |    |   |
|--|----------|----|-----|-----|-----|----|----|---|
| Recreation Development Officer         | \$10,000 | No | Yes | Yes | Yes | No | No |   |
| Risk Management Coordinator            | \$1,000  | No | Yes | No  | No  | No | No |   |
| Saleyards Co-ordinator                 | \$1,000  | No | Yes | No  | No  | No | No |   |
| Strategic Finance Accountant           | \$10,000 | No | Yes | Yes | Yes | No | No | Term deposits & EFT transfer authorisation up to \$2 million with a 2nd authorisation |
| Store Clerk                            | \$10,000 | No | Yes | Yes | Yes | No | No |   |
| Team Leader – Building Works Officer   | \$10,000 | No | Yes | Yes | Yes | No | No |   |
| Team Leader – Landfill                 | \$10,000 | No | Yes | Yes | Yes | No | No |   |
| Team Leader – Parks and Gardens        | \$10,000 | No | Yes | Yes | Yes | No | No |   |
| Team Leader – Plant Maintenance        | \$50,000 | No | Yes | Yes | Yes | No | No | Spare parts only  |
| Team Leader – Works                    | \$10,000 | No | Yes | Yes | Yes | No | No |   |
| Team Leader Assistant – Works          | \$1,000  | No | Yes | Yes | Yes | No | No |   |
| Works Technical Support Officer        | \$1,000  | No | Yes | Yes | Yes | No | No |   |
| Visitor Information Centre Coordinator | \$1,000  | No | No  | No  | No  | No | No |   |
| Youth Development Officer              | \$1,000  | No | Yes | Yes | Yes | No | No |   |

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## 10.2 Rates and Charges Collection and Hardship Policy

**Author:** Adam Taylor, Manager Finance

**File No:** D16/554

**Previous Council Reference:** Nil

### Declaration

Chief Executive Officer – Andrew Mason

In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

Author - Adam Taylor

In providing this advice to Council as the Manager Finance, I have no interests to disclose in this report.

### Summary

This report recommends the adoption of the Rates and Charges Collection and Hardship Policy dated August 2016 (attached).

### Introduction

Council adopted the 2014-2017 Rating Strategy in May 2014. The Strategy provides the strategic direction for Council's rating framework under the *Local Government Act* (the Act). The Strategy recommends Council:

- Develop policy and/or procedures for ratepayers seeking a waiver or deferral of rates under sections 170, 171 and/or 171D of the Act.
- Review its policy and procedures, including the development of hardship guidelines, for the recovery of outstanding rates and charges.
- Develop policy for selling land for the non-payment of rates under section 181 of the Act.

The proposed Policy incorporates the recommendations from the Rating Strategy and also includes provisions of the current Rates Payment Methods Policy which was adopted in June 2008.

The waiver/deferral of rates and charges is not currently bound by policy and is currently undertaken on an informal basis. The proposed Policy is seeking to formalise current practices and make it easier for staff and ratepayers to understand the process.

### Issues

The proposed Rates and Charges Collection and Hardship Policy contains administrative provisions for the collection of rates and charges and recovery of money owing to Council using efficient and effective methods of collection.

Council recognises there are cases of genuine financial hardship requiring respect and compassion in special circumstances. The Policy establishes the guidelines for assessment of hardship application based on the principles of fairness, integrity, confidentiality and compliance with statutory requirements. It applies to all applications for waiving or deferring



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interest on debts raised through rates and charges, but not to waiving the whole or part of any rate or charge imposed annually.

### **Policy and Legislative Context**

Consideration of this report is in accordance with the commitment in the Council Plan 2013-2017 that:

Council will demonstrate high levels of ethical behaviour and corporate governance standards. We will make budgetary decisions that are reflective of our financial circumstances. We will advocate for and with the community to achieve outcomes.

The Rates and Charges Collection and Hardship Policy Council has been developed in response to the recommendations contained in the 2014-2017 Rating Strategy.

### **Internal / External Consultation**

The MAV Hardship Policy Guidelines have been used as a reference. The 2014-2017 Rating Strategy was adopted following public exhibition of the draft Strategy which was developed in consultation with Council. The proposed Policy has been discussed with Council's Senior Officer Group and Rate Revenue Co-ordinator. Council was briefed on the proposed Policy on 26 July 2016.

### **Financial and Resource Implications**

Rates and Charges represent the majority of revenue for the Corangamite Shire and as such the timing of payments and granting of deferred payment or waivers has the ability to have large financial implications for Council. The Rates and Charges Collection and Hardship Policy will ensure Council's financial position and cashflow is not adversely effected by entering into arrangements with ratepayers who are not able to sufficiently prove hardship. The cost to administer the Policy will be undertaken with existing resources.

### **Options**

Councillors may choose to adopt the Rates and Charges Collection and Hardship Policy as presented with or without amendment. Alternately, Council may choose to not adopt the Policy.

### **Conclusion**

Council encourages ratepayers to make alternate payment arrangements where they are experiencing financial hardship. The proposed Rates and Charges Collection and Hardship Policy formalises current practice and recognises cases of financial hardship requires respect and compassion. The Policy also provides officers the flexibility to grant minor waivers and outlines the requirements ratepayers must meet to be granted deferred payment or a waiver due to financial hardship.

## **RECOMMENDATION**

### **That Council:**

- 1. Revokes the Rates Payment Methods Policy dated June 2008.**
- 2. Adopts the Rates and Charges Collection and Hardship Policy dated August 2016.**

### **Attachments**

- Rates and Charges Collection and Hardship Policy (August 2016)



**CORANGAMITE  
SHIRE**

# **Rates and Charges Collection and Hardship Policy**

**Corangamite Shire**  
August 2016

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# Council Policy



CORANGAMITE  
SHIRE

## Rates and Charges Collection and Hardship Policy

### Introduction

This policy contains administrative provisions for the collection of rates and charges and recovery of money owing to Council using efficient and effective methods of collection

Council recognises there are cases of genuine financial hardship requiring respect and compassion in special circumstances. This policy establishes the guidelines for assessment of hardship application based on the principles of fairness, integrity, confidentiality and compliance with statutory requirements. It applies to all applications for waiving or deferring interest on debts raised through rates and charges, but not to waiving the whole or part of any rate or charge imposed annually.

### Purpose

The purpose of this policy is to provide a framework for the efficient and effective administration and collection of outstanding rates and charges (including Fire Services Property Levy) whilst treating all ratepayers respectfully, fairly and consistently, and to fulfil statutory requirements in relation to the collection of rates and charge. In this regard the Policy provides:

- Guidance to ratepayers suffering financial hardship.
- Clearly defined options for decisions to be made in accordance with Sections 170 and 171A of the Local Government Act 1989

### Scope

This policy applies to Council employees authorised with the responsibility of raising and collecting Council's rates and charges.

### Definitions

In this Policy the definition of terms used has the same meaning as that defined in the *Local Government Act 1989 (the Act)*. The Act can be access [here](#) or at [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au).

- Payment Plan – A 'payment plan' is a schedule of payments agreed to by both the Council and ratepayer which provides for flexible payment of debts after their due date has lapsed. The payment plan option would generally apply to medium term cases of financial hardship, for example periods of more than three or four months, but less than one year.
- Deferral of Rates –Deferral of Rates is the placing on hold of rates and charges payments for an indefinite period. Rates and charges are deferred until such time as the ratepayer's circumstances improve or the property is sold or transferred to another entity. Interest continues to accrue on deferred rates and charges.
- Waiver of Rates – A Waiver of Rates is a one-off "abandonment (write-off), which removes the liability to pay, and may be offered to include the whole or part of any rate, charge or interest.
- Financial Hardship – The simplest description of hardship is 'a ratepayer who wants to pay but cannot'.

## References

- Local Government Act 1989
- Penalty Interest Act 1983
- Rate Strategy 2013-2017
- Municipal Association of Victoria Hardship Policy Guidelines (November 2013)

## Policy Detail

### 1. Administrative Provisions

#### Billing

Council's rates billing system will record financial information on a transactional basis and maintain debtor information in accordance with established principles of rating in Local Government.

Annual rate notices will be issued in accordance with, and comply with, the provisions of the Act and applicable Regulations which are in force from time to time. Notices will also be issued in accordance with the Act prior to the due date of the first instalment. Subsequent instalment reminder notices will also be issued in accordance with the Act. The onus rests with the ratepayer to ensure a current postal address is held by Council.

#### Interest on overdue rates

Interest will be charged on overdue rates and charges in accordance with the Act (Section 172).

#### Payment of rates and charges

Council allows the payment of rates and charges in accordance with the Act:

- Annually by a lump sum payment on or before the date gazetted by the Minister; or
- By four (4) instalments due and payable on the dates fixed by the Minister by notice published in the Government Gazette.

#### Overdue amounts

Amounts (debts) outstanding after the lump sum due date will be issued with a final notice which contains sufficient information regarding the original debt, any interest penalties imposed, and proposed action to be taken by Council, should the account remain unpaid after a further fourteen days.

The ratepayer will be given the opportunity to make alternative arrangements for payments within that fourteen day period.

Amounts outstanding after the final notice period may be submitted to a collection agency for recovery of the debt. The collection agency will issue a "seven day letter of demand". Amounts outstanding after the expiry of the "seven day letter of demand" may be proceeded against in the legal system (Courts) for the recovery of the debt.

All legal costs incurred as a result of instigation of recovery by legal means will be allocated to the ratepayer's assessment and remain a charge on the property until settled.

Should recovery proceedings culminate in "judgement" against a ratepayer Council may exercise its rights under the Act to sell the land to recover unpaid rates and/or charges. Refer Part 4 Sale of land.

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## 2. Alternative Payment Arrangements

Council will consider all requests for alternative payment arrangements.

Council will not reject any reasonable arrangement request, however, attempts should be made to negotiate full payment of overdue debts by the end of the current financial year, or prior to the next issue of annual rate and valuation notices. Amounts in arrears at the date of a subsequent issue of annual rate and valuation notices may result in overdue amounts being collected in accordance with Part 1 if payment arrangements are not adhered to.

Council will not unnecessarily invade the privacy of a ratepayer's financial and personal circumstances except where previous arrangements have not been adhered to or the Council is of the opinion the arrangement requested is insufficient or unsatisfactory.

Payment arrangements only apply to pre-existing outstanding amounts. Payment arrangements will not extend to future annual rate and valuation notices. Ratepayers will be required to enter into a separate arrangement at that time.

The granting of alternate payment arrangements will be in accordance with guidelines and procedures established by the Chief Executive Officer.

## 3. Financial Hardship

### Deferred Payment of Rates and Charges – Section 170 *Local Government Act 1989*

The intent of providing a deferral for payment of rates or other charge will be to assist a ratepayer who owns and occupies a single rateable property and who can demonstrate, via a completed application form, that payment of rates will cause hardship.

Council will consider an application for the deferred payment of outstanding rates and charges for a period not exceeding 12 months following the due date for lump sum payment for the applicable financial year. If granted the deferred payment arrangement will be subject to the following conditions:

- That the ratepayer pays interest on the amount affected by the deferral at the interest rate applicable to Council for the rating year.
- The deferral ceases and the deferred rates and accrued interest are immediately payable if the ratepayer ceases to own or occupy the property on which the rates are imposed.
- The deferral ceases if Council in its discretion revokes the deferral. In such cases, Council will notify the ratepayer in writing and request full payment of the deferred rates and accrued interest within 30 days.
- If the deferred rates and charges remain unpaid after the agreed due date Council may enter into a subsequent deferred payment arrangement or initiate recovery proceedings.
- Deferred payment arrangements do not apply to future rates and charges. A separate application must be made.
- An increase in the valuation of a property and a subsequent increase in rates cannot be considered grounds for a deferred payment of rates.

The deferral of rates will also be granted in accordance with guidelines and procedures established by the Chief Executive Officer.

### Waiver of Rates and Charges – Section 171A of the *Local Government Act 1989*

Under Section 171A of the Act a person suffering financial hardship may make application to Council for a waiver of the whole or part of any rate, charge or interest. Council will consider applications to waive interest imposed on overdue rates and charges only.

---

Where a ratepayer is unable to make payments and the charging of interest would cause undue financial hardship, an application under section 171A will be considered against the following waivers:

1. Administrative Waiver – Ratepayers may have interest only waived in the event of an administrative error or omissions which caused or significantly contributed to the failure to pay rates.
  - a. An example of an administrative error includes:
    - i. Failure to process a change of address notified to Council in writing and the rate notice was sent to the wrong address.
    - ii. Processing of a payment to an incorrect assessment causing interest to be charged incorrectly.
    - iii. Small balance write offs where the cost to recover the debt would be higher than the debt itself. The maximum small balance write off in any one account will be \$100.
  - b. Applications for waiver under this section will be considered under delegation by the Rate Revenue Coordinator. Applications for waiver for a greater amount may be consider by the Chief Executive Officer and/or Director Corporate and Community Services.
2. Waiver on Compassionate Grounds – Ratepayers may have interest only waived where they have demonstrated compassionate grounds for a payment being late.
  - a. Acceptable compassionate grounds would generally relate to family illness or death.
  - b. Applications for waiver up to \$100 under this section will be considered under delegation by the Rate Revenue Coordinator. Applications for waiver for a greater amount may be consider by the Chief Executive Officer and/or Director Corporate and Community Services.
3. Financial Hardship:
  - a. Ratepayers may have interest, or part thereof, waived subject to the following conditions:
    - i. The ratepayer must be experiencing financial hardship.
    - ii. The ratepayer must make application in accordance with clause 3b below.
    - iii. In the case of a family or individual, the ratepayer may be directed to an independent Financial Counsellor for assistance.
    - iv. Where a ratepayer has complied with clauses a) and b) the interest or part thereof may be waived.
    - v. Where practicable, the ratepayer must enter into an agreement with Council on a payment schedule and perform against such agreement.
    - vi. Applications under this section will be considered under delegation by the Chief Executive Officer and Director Corporate and Community Services.
  - b. Applications for waiver of interest on overdue rates and charges due to Financial Hardship will be considered subject to the following circumstances:
    - i. A Waiver will only be granted:
      - To a person for a property or part of a property used exclusively for residential purposes and is the sole or principal place of residence of the person
      - For land classified as farm land and is the sole or principal place of residence of the applicant
      - For land classified as commercial/industrial and is owned and operated by the applicant.

- ii. The applicant must complete an application form.
- iii. The applicant may be requested to provide:
  - A Certified Statement of Financial Position signed by a qualified accountant or financial counsellor.
  - A Financial Plan to ensure future rates and charges can be paid.
  - Any other information deemed necessary to assist with assessing an application.
- iv. That an application will only apply for the current rating financial year after which a new application will be required.

The waiver of interest on overdue rates and charges will also be granted in accordance with guidelines and procedures established by the Chief Executive Officer.

#### **4. Sale of Land**

In accordance with the Act, Council may sell land, or cause land to be transferred to itself, for an amount equal to or more than the estimated value of the land in order to recover overdue amounts in respect of rateable land

Council will apply the provisions of Section 181 of the Act in the following circumstances:

- a. Where all other recovery attempts have failed; and
- b. Where at least three full years of rates and/or charges remain unpaid; and
- c. The rates and/or charges have not been deferred for the period for which they are unpaid; and
- d. The ratepayer does not permanently reside at the property for residential purposes; and
- e. Council has resolved to sell, or transfer, the rateable land subject to Section 181.

The Council will not enter into any arrangements for payment of overdue rates and/or charges after notices have been served pursuant to the provisions of the Act. Only full payment of all rates, charges, interest and costs will avoid a sale.

#### **5. Other**

Notwithstanding the provisions above, the Chief Executive Officer may from time to time defer rates and charges, waive interest or cease any hardship arrangements at their discretion.

#### **Reference to linked Procedure or Guidelines, if applicable**

- Guidelines for assessment of Deferral of Rates and/or Waiver of Interest due to financial hardship.
- Application form for Deferral of Rates and/or Waiver of Interest due to financial hardship.

#### **Review Date**

July 2018

It is considered that this Policy does not impact negatively on any rights identified in the *Charter of Human Rights Act (2006)*.

---

## 10.3 Fuel Reduction Slashing on Roadsides Policy

**Author:** Lyall Bond, Manager Environment and Emergency

**File No:** D16/235

**Previous Council Reference:** Nil

### Declaration

Chief Executive Officer – Andrew Mason

In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

Author - Lyall Bond

In providing this advice to Council as the Manager Environment and Emergency, I have no interests to disclose in this report.

### Summary

This report recommends that Council adopt the Fuel Reduction Slashing on Roadsides Policy, which has been developed in accordance with Council's Policy Development Framework and relevant legislation.

### Introduction

The Fuel Reduction Slashing on Roadsides Policy will provide direction to land managers in relation to activities on roadsides for the management of fire fuels and fuel reduction.

The unauthorised use of roadsides can pose a significant risk to Council and the community. Unauthorised activities may:

- create a risk to public safety
- create legal liability issues
- lead to damage of services and utilities or native vegetation.

The Policy applies to the slashing or cutting of grass for the management of fire fuel on Council owned and/or managed roadsides outside of township areas. The Policy will provide guidance for roadside slashing where a permit is not required under the *General Local Law 2015*.

Activities that include bailing, grazing, spraying, burning and ploughing are not considered in this policy and require a permit in accordance with the Use of Council Land Policy.

### Issues

Council believes that the activity of slashing and cutting grass on roadsides can reduce fire fuel loads and, if undertaken responsibly, will not negatively impact the community, the environment and Council operations. These fuel reduction activities, however, are not able to be applied uniformly across all Council managed roads. Accordingly, Council has a community responsibility to ensure roadsides continue to provide safe road infrastructure, habitat, bio-links and are managed in a way that they can benefit the region and community into the future.



Land managers (typically adjoining landowners) will be exempt from obtaining a Local Law Permit for the slashing and cutting of grass if the fire fuels to be managed are:

- Located on a low conservation value roadside; and
- Not native vegetation or is considered exempt under the planning Scheme (native vegetation includes grasslands); or
- Non-native grass located on a medium or high conservation road 50m either side of an access point for a residence or property; and
- In an area which has been managed in this way for a period of 10 years or more from the date of this policy commencing; and
- Has not had any unauthorised native vegetation clearing undertaken in the last 10 years; or
- To maintain traffic sight lines around house driveways.

Land managers are encouraged to contact Council for advice relating to any activity on Council managed roadsides and determine whether a permit is required.

If the above criteria does not apply, an application can be made to Council to obtain a permit to undertake roadside slashing or grass cutting.

Activities relating to spraying, burning, bailing, ploughing and earthworks on roadsides will be considered in accordance with Council's Use of Council Land Policy and permits required under *General Local Law 2015*. Ploughing or major disturbance will generally not be permitted.

If a permit is required, applications are to be in writing on the prescribed form contained within *General Local Law 2015*; a permit fee will apply.

The policy includes the following requirements to undertake work on a roadside:

1. The person undertaking the work must ensure that any vehicles or equipment used on roadsides is in a safe and roadworthy condition. The person undertaking the work will be responsible for damage to their own or any other person's vehicles and equipment as a result of undertaking the activity and must have all appropriate insurances to carry out the work.
2. The person undertaking the work must ensure that no activities will be undertaken on roadsides where soil is waterlogged, in order to prevent bogging damage to the ground surface.
3. The person undertaking the work must ensure that vehicle hygiene standards are maintained to prevent the spread of weeds and disease pathogens (such as *Phytophthora cinnamom*). As a rule activities should be undertaken on higher quality areas first and followed by more degraded areas. Vehicles should be washed down after the activity.
4. It is the responsibility of the person undertaking the work to inspect the area for obstacles and utilities prior to commencing the activity and will be solely responsible for any damage to utilities or Council assets.
5. Activities undertaken on the roadside must not be in contradiction to other legislation and the person undertaking the activity on the roadside will be responsible for obtaining all associated permits.

---

### **Policy and Legislative Context**

The policy aligns with the following objectives and strategies in the Council Plan 2013–2017:

Council will demonstrate high levels of ethical behaviour and corporate governance standards.

Model contemporary standards of corporate governance and professional standards.

Advocate on behalf of our communities.

Ensure appropriate land use and development outcomes which make Corangamite more liveable.

### **Internal / External Consultation**

The Chief Executive Officer, senior officers and staff have been consulted during the development of this policy.

### **Financial and Resource Implications**

The implementation of this policy will be through existing Local Laws and other related Council budget allocations.

### **Options**

Council may adopt the Fuel Reduction Slashing on Roadsides Policy as presented or with amendment.

### **Conclusion**

The Fuel Reduction Slashing on Roadsides Policy will provide a clear and consistent direction to land managers in relation to activities on roadsides for the management of fire fuels and fuel reduction.

### **RECOMMENDATION**

**That Council Adopts the Fuel Reduction Slashing on Roadsides Policy dated June 2016.**

### **Attachments**

1. Council Policy Fuel Reduction Slashing on Roadsides June 2016



**CORANGAMITE  
SHIRE**

# **Fuel Reduction Slashing on Roadsides**

**Corangamite Shire**  
June 2016

# Council Policy



CORANGAMITE  
SHIRE

## Fuel Reduction Slashing on Roadsides

### Introduction

The unauthorised use of roadsides can pose a significant risk to Council and the community. Unauthorised activities may

- Create a risk to public safety
- Create legal liability issues
- Lead to damage of services and utilities or native vegetation

### Purpose

To provide a policy direction to land managers in relation to activities on roadsides for the management of fire fuels and fuel reduction.

(This policy should be read in conjunction with the *Use of Council Land Policy* and *CFA Roadside Management Guidelines*.)

### Scope

This policy applies to the slashing or cutting of grass for the management of fire fuel on Council owned and/or managed roadsides outside of township areas. The policy will provide guidance for roadside slashing where a permit is not required under the *General Local Law 2015*.

Activities that include bailing, grazing, spraying, burning and ploughing are not considered in this policy and require a permit in accordance with the Use of Council Land Policy.

### References

General Local Law 2015 and associated application forms  
Use of Council Land Policy  
CFA Roadside Management Guidelines

### Policy

Council believes that the activity of slashing and cutting grass on roadsides can reduce fire fuel loads and, if undertaken responsibly, will not negatively impact the community, the environment and Council operations. These fuel reduction activities however are not able to be applied uniformly across all Council managed roads. Accordingly, Council has a community responsibility to ensure roadsides continue to provide safe road infrastructure, habitat, bio-links and are managed in a way that they can benefit the region and community into the future.

Land managers will be exempt from obtaining a Local Law Permit for the slashing and cutting of grass if the fire fuels to be managed are:

- Located on a low conservation value roadside, and
- Not native vegetation or is considered exempt under the planning Scheme (native vegetation includes grasslands), or

- Non-native grass located on a medium or high conservation road 50m either side of an access point for a residence or property, and
- In an area which has been managed in this way for a period of 10 years or more from the date of this policy commencing, and
- Has not had any unauthorised native vegetation clearing undertaken in the last 10 years, or
- To maintain traffic sight lines around house driveways.

Land managers are encouraged to contact Council for advice relating to any activity on Council managed roadsides and determine whether a permit is required.

If the above criteria do not apply an application can be made to Council to obtain a permit to undertake roadside slashing or grass cutting.

Activities relating to spraying, burning, bailing, ploughing and earthworks on roadsides will be considered in accordance with Council's *Use of Council Land Policy* and permits required under *General Local Law 2015*. Ploughing or major disturbance will generally not be permitted.

### **Permits**

If a permit is required applications are to be in writing on the prescribed form contained within *General Local Law 2015*, a permit fee will apply. .

If the applicant is not the adjoining landowner written consent from the adjoining landowner must be provided as part of the application.

Permits will be issued at the discretion of the Local Laws Department.

The permit period operates from 1 January to 31 December unless cancelled by the permit holder or revoked by Council. All permits must be reviewed annually and there will be no refund of permit fees if the permit is cancelled.

Council may revoke a permit should the permit holder fail to comply with any or all of the conditions or requirements relating to this policy.

### **Decision Criteria**

The assessment of applications must consider the following -

- Municipal Fire Prevention Plan (MFPP)
- Rural Roadside Management Plan 2012
- General Local Law 2015
- And other future plans or overlays that apply to the roadside.

### **Requirements to undertake work**

1. The person undertaking the work must ensure that any vehicles or equipment used on roadsides is in a safe and roadworthy condition. The person undertaking the work will be responsible for damage to their own or any other person's vehicles and equipment as a result of undertaking the activity and must have all appropriate insurances to carry out the work.
2. The person undertaking the work must ensure that no activities will be undertaken on roadsides where soil is waterlogged, in order to prevent bogging damage to the ground surface.

3. The person undertaking the work must ensure that vehicle hygiene standards are maintained to prevent the spread of weeds and disease pathogens (such as *Phytophthora cinnamomi*). As a rule activities should be undertaken on higher quality areas first and followed by more degraded areas. Vehicles should be washed down after the activity.
4. It is the responsibility of the person undertaking the work to inspect the area for obstacles and utilities prior to commencing the activity and will be solely responsible for any damage to utilities or Council assets.
5. Activities undertaken on the roadside must not be in contradiction to other legislation and the person undertaking the activity on the roadside will be responsible for obtaining all associated permits.

### **Exemptions**

Council may exempt any person or class of person/s or an authority from the need for a permit or the payment of a permit fee.

### **Review Date**

June 2020

### **Human Rights**

The policy gives regard to relevant legislation, principles of natural justice and procedural fairness, community values and Council's resource capacity.

It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights Act (2006).

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## 10.4 Records Management Policy 2016

**Author:** Leah Teal, Records Coordinator

**File No:** D16/517

**Previous Council Reference:** Nil

### Declaration

Chief Executive Officer – Andrew Mason

In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

Author - Leah Teal

In providing this advice to Council as the Records Coordinator, I have no interests to disclose in this report.

### Summary

This report recommends the adoption of a revised Records Management Policy (see attached).

The current Records Management Policy was adopted by Council in August 2013. This review has included amendments that cover both internal and external record keeping, including Councillor responsibilities and therefore requires Council adoption.

### Introduction

The Records Management Policy is a general policy designed to outline and assist the way in which Council administers the management of its records. The aim of this policy is to establish a framework for Council when managing its records. This framework is intended to identify the record keeping responsibilities for employees, Councillors, and volunteers of Council.

Council records are all records created, collected and held by Council, by all staff, consultants, contractors, the Mayor, Councillors, and volunteers employed or engaged by the Council.

### Issues

Council is committed to meeting its responsibilities under the *Public Records Act 1973 (Victoria)* and to implement best practice in its document and records management practices and systems. The updated Records Management Policy is essential to remain compliant and ensure effective records management within Council.

Changes have been made to the Policy to ensure references are made to current legislation, Council policy, officer titles, records management system (HP Records Manager), as well as the introduction of Council's Digitisation Plan adopted in September 2014.

---

### **Policy and Legislative Context**

The Records Management Policy is consistent with relevant legislation including the *Local Government Act 1989* and the *Public Records Act 1973*. This policy should be read along with these Acts and other relevant legislation as referred to within the body of the document.

The Records Management Policy is also in keeping with the following commitments in the Council Plan:

Council will demonstrate high levels of ethical behaviour and corporate governance standards. We will make budgetary decisions that are reflective of our financial circumstances. We will advocate for and with the community to achieve outcomes.

### **Internal / External Consultation**

The Chief Executive Officer, directors and Manager Information have been consulted regarding the review of the policy.

### **Financial and Resource Implications**

There will be no costs associated with the implementation of the Records Management Policy.

### **Options**

Council may choose to adopt the Records Management Policy as prepared with or without amendment, or choose not to adopt the policy.

### **Conclusion**

The revised Records Management Policy is a necessary update of Council's policy, which reflects the need to ensure compliance with legislative standards when administering the management and monitoring of Council's records.

## **RECOMMENDATION**

### **That Council:**

- 1. Revokes the Records Management Policy dated August 2013.**
- 2. Adopts the Records Management Policy dated August 2016.**

### **Attachments**

1. Records Management Policy August 2016
2. Records Management Policy with Tracked Changes August 2016 - Under Separate Cover





**CORANGAMITE  
SHIRE**

# Records Management Policy

# Council Policy



## Records Management Policy

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## 1. INTRODUCTION

Corangamite Shire Council (Council) records are our corporate memory, providing evidence of actions and decisions and representing a vital asset to support our daily functions and operations. They support policy formulation, decision-making and protect the interests of the Council. They help us to make good use of precedents and organisational experience. They support consistency, continuity, efficiency and productivity in program delivery, management and administration.

## 2. AUTHORITY

This policy has been approved and authorised by Council. It will be reviewed and amended as required in consultation with CEO, Directors, Managers and Staff of the Council.

## 3. PURPOSE

The purpose of this policy is to ensure the creation and long term maintenance of document and records evidence within Council, by establishing a Records Management Program and clarifying staff accountabilities for document and records management.

Council is committed to meeting its responsibilities under the *Public Records Act 1973 (Victoria)* and to implement best practice in its document and records management practices and systems (please see section 6 for more information on legislative compliance).

To achieve this, Council will comply with the legislative and administrative requirements for record keeping and follow sound procedures for the:

- creation, maintenance and control of all records that document the business of the Council, including electronic records
- retention and disposal of all records, including electronic records
- storage of all records, including electronic records;
- security, privacy and confidentiality of all records and ensure all recordkeeping systems protect the records' authenticity.

## 4. SCOPE

This policy applies to all records created, collected and held by Council, and all staff, consultants, contractors, the Mayor, Councillors, and volunteers employed or engaged by the Council.

## 5. ASSOCIATED DOCUMENTS

This policy should be applied in conjunction with the following documents;

- Document and Records Management Procedures;
- Corangamite Shire Council Document and Records Classification September 2008;
- PROS 09/05 – General Retention and Disposal Authority for Records of Local Government
- PROS 07/01– General Retention and Disposal Authority for Records of Common Administrative Functions
- PROS 10/01 – General Retention and Disposal Authority for Converted Source Records
- Council Digitisation Plan September 2014
- Information Privacy Policy 2013
- Protected Disclosure Act 2012

## 6. LEGISLATIVE FRAMEWORK

State legislation and Australian Standards have been adopted as a code of best practice for the management of documents and records within Council.

They provide details of the conditions and standards by which documents and records management and recordkeeping practices in Council will be guided.

The following information provides an overview of key standards and legislation:

**Public Records Act 1973** requires Victorian Government agencies to manage and control their records in accordance with the records management standards issued by the Keeper of Public Records. The Act requires staff to make and keep full and accurate records of the business of the Council.

**AS:ISO-15489.1 – Information and Documentation – Records Management** provides clear guidelines for the establishment and application of records management practices, procedures and systems that have been incorporated into the Council's Records Management Program.

**Management of Electronic Records PROS 99/007 (Version 2)** is the Victorian Electronic Records Strategy (VERS) which prescribes the specifications and standards required for capturing, maintaining and transferring permanent electronic records to PROV.

**Electronic Transactions Act 2000** facilitates and promotes business and community confidence in the use of electronic transactions. It recognises the legal validity of transactions carried out electronically, and so permits the "recording and retention of information and documents in electronic form". Recordkeeping practices should be applied to all records regardless of the format of those records.

**Public Records Office Victoria Advices**, as issued from time to time, provide guidance on records management procedures in accordance with the Standards.

**Evidence Act 1958** describes the ways in which documents may be admitted as evidence into court. The Act describes the more acceptable formats and the features that would give more value or "weight" to records. Recordkeeping practices must ensure that the more appropriate format of the record is preserved.

**Freedom of Information (FOI) Act 1982** contains the key provisions governing aspects of government recordkeeping, disclosure and public accountability. The FOI Act gives everyone the right to make a request to access "documents" held by the Council. Recordkeeping practices need to ensure that records are accessible and managed.

**Privacy and Data Protection Act 2014** creates a scheme for the responsible collection and handling of personal information across the public sector. Recordkeeping practices must ensure that personal information held by the Council is secure, accurate and only used for the purpose for which it was collected.

**Health Records Act 2001** promotes fair and responsible handling of health information by protecting the privacy of an individual's health information in the public and private sectors; providing individuals with a right of access to their health information; and providing an accessible framework for the resolution of complaints regarding the handling of health information.

**Protected Disclosure Act 2012** provides procedures to establish a system for reporting disclosures of improper conduct or detrimental action by the Council or its employees. The purpose of the Act is to encourage and facilitate the making of disclosures of improper conduct by the Council.

**Local Government Act 1989** The purpose of this Act is to establish a legislative scheme that supports the system of Local Government, it provides procedures to ensure prescribed documents are available for inspection at all reasonable times; Council may fix reasonable fees for the inspection and copying of a prescribed document. Record keeping practices need to ensure that prescribed documents are accessible and managed.

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## 7. RECORDS MANAGEMENT PROGRAM

The *Public Records Act 1973* requires Council to make and keep full and accurate records as evidence of business activities. Therefore Council is required to implement a Records Management Program based on legislation, standards and codes of best practice.

As an organisation we want our records to:

- support our ongoing business activity and customer services;
- meet accountability requirements and community expectations;
- to be managed as efficiently and effectively as possible;
- to be able to be retrieved and used to meet the above needs, and
- to comply with all external requirements relating to recordkeeping practices.

Council is responsible for the protection, safe custody and return of all State records under its control, ensuring accessibility to all equipment or technology dependant records.

Council uses HP Records Manager (HPRM) as its document and records management system. The system is designed to be a compliant document and records management system which manages the lifecycle of documents and records regardless of their format.

Council documents and records must be saved in HPRM and as prescribed by the Document and Records Management Procedures document.

## 8. RECORDS THAT MUST BE KEPT

A record can be folders, documents or data created, received or maintained as evidence and information of work done for or on behalf of Council in either hardcopy or electronic format.

Records received from an external source or generated internally within Council in the course of normal business practice either electronic or in hardcopy are to be registered and captured in HPRM.

Examples of Council records include (but are not limited to):

- Agendas, minutes and papers
- Building Applications
- Capital Works documentation
- Care plans
- Complaint correspondence
- Contracts and agreements
- Correspondence received from members of the public
- Correspondence received from private and public sector organisations, requiring action
- Engineering drawings
- Financial Records
- Permits
- Personnel recruitment and appointment documentation
- Planning Applications
- Planning Permits
- Planning Scheme documentation
- Property documentation and correspondence
- Prosecution documentation
- Reports to Council
- Risk management registers and documentation
- Streetscape plans
- Subdivision Certification
- Tender documentation
- WorkCover documents and files

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Ultimately, if the document or record contains a business transaction or any decision that has been made on behalf of Council it must be kept for the required time as per PROS 09/05 – Retention and Disposal Authority for Records of Local Government Functions, or PROS 07/01 – General Retention and Disposal Authority for Records of Common Administrative Functions.

## 9. RECORDS THAT DO NOT HAVE TO BE KEPT

The Public Record Office Victoria (PROV) permits the destruction of some documents under the principle of normal administrative practice (NAP), these documents include:

- Working papers consisting of rough notes and calculations used solely to assist in the preparation of other records such as correspondence, reports and statistical tabulations
- Advertising material and externally published newsletters
- Duplicate copies of any documents, preserved solely for reference and which do not contain individual comments
- Draft records when superseded by a “final” version;
- Published material preserved solely for reference.

## 10. DISPOSAL OF RECORDS

Records must be protected, maintained, findable, and useable for their entire retention period, as outlined in the PROS 09/05 - General Retention and Disposal Authority for Records of Local Government or the PROS 07/01 – General Retention and Disposal Authority for Records of Common Administrative Functions.

Records cannot be disposed of other than in accordance with the *Public Records Act 1973* and the abovementioned General Retention and Disposal Authorities. In addition to this, records cannot be disposed of without the concurrence of the Knowledge and Record Services Co-ordinator and the relevant owner location of the records.

## 11. RESPONSIBILITIES AND ACCOUNTABILITIES

Specific responsibilities and accountabilities for records management at Council include:

### 11.1. Chief Executive Officer

The overall responsibility for document and records management within Council resides with the CEO;

Therefore the CEO is accountable for ensuring that Council’s Records Management Program satisfies its operational and legislative obligations.

### 11.2. Director Corporate and Community Services

The Director Corporate and Community Services is responsible for:

- Implementing and continually improving Council’s Records Management Program;
- Defining Council’s requirements for records management, recordkeeping and document management;
- Ensuring Council staff are aware of their roles and responsibilities; and
- Maintaining and reviewing these policies and relevant documentation as outlined in section 5.

### **11.3. Council Directors and Managers**

The Council's Directors and Managers are responsible for ensuring that recordkeeping practices within their Department are performed in accordance with this Policy and the procedures outlined in the associated Document and Records Management Procedures.

### **11.4. Knowledge and Records Services Coordinator**

The Knowledge and Records Services Coordinator is responsible for the efficient management, monitoring, capture and disposal of Council documents and records incorporating sound recordkeeping principles and records management best practice guidelines.

This involves initiating and maintaining control over daily document and records management activities and services in accordance with Document and Records Management Procedures, including:

- Processing all incoming correspondence;
- File Creation, Storage and Retrieval; and
- File Archiving and Disposal.

### **11.5. Council Employees**

Staff members should take care to handle documents and records sensibly and with care and respect to avoid damage to the documents and records and to prolong their lifespan. Staff must not alienate, relinquish control over, damage, alter or destroy records of the Council, without authorisation.

Staff members are responsible for using, maintaining and managing all records in accordance with this Policy and the Document and Records Management Procedures.

This includes complying with these policies at all times by:

- Making records that document their activities and decisions;
- Registering electronic records in HPRM;
- Attaching paper records to hardcopy files;
- Using official Council file covers;
- Recording folder movement information in HPRM;
- Storing hardcopy files securely while they are in active use, within their control;
- Learning how and where records are kept within the Council;
- Not destroying records without authorisation and according to PROV Retention and Disposal requirements;
- Not losing records; and
- Being aware of and following records management procedures as outlined in the Document and Records Management.

Council will support staff by including document and record's management training in induction programs.

### **11.6. Mayor, Councillors and Volunteers**

The Mayor, Councillors and volunteers should take care to handle Council records sensibly and with care.

They are responsible for using, maintaining and managing all records in accordance with this Policy and the procedures outlined in the associated Document and Records Management Procedures document.

This includes complying with this Policy at all times by:

- 
- Providing copies of electronic council related records to Records for registration and processing and
  - Providing council related mail or correspondence that is received directly to their home address or hand delivered to them to Records for registration and processing.

## **12. MONITORING THE RECORDS MANAGEMENT PROGRAM**

The Records Management Program will be monitored regularly by the Knowledge and Records Services Co-ordinator and Manager Information with results reported monthly to the Senior Officer Group.



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## 10.5 Corangamite Shire Recreation and Open Space Strategy 2016-2026

**Author:** Jarrod Woff, Manager Facilities and Recreation

**File No:** D16/522

**Previous Council Reference:** Nil

### Declaration

Chief Executive Officer – Andrew Mason

In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

Author - Jarrod Woff

In providing this advice to Council as the Manager Facilities and Recreation, I have no interests to disclose in this report.

### Summary

This report seeks Council adoption of the Recreation and Open Space Strategy 2016-2026.

### Introduction

Corangamite Shire's Recreation and Open Space Strategy 2010-2015 has informed and directed the provision of recreation and open space over the past five years.

Council has developed the Recreation and Open Space Strategy 2016-2026 to direct Council on the current and future sport, recreation and general open space needs and opportunities for the community.

The strategy has been developed as a 10 year strategic plan which primarily concentrates on three key areas being Facilities, Open Space and Recreation Participation.

The Draft Recreation and Open Space Strategy 2016-2026 has been released for public comment and further consultation has been undertaken prior to the Recreation and Open Space Strategy 2016-2026 being presented for adoption by Council.

### Issues

Corangamite Shire's Recreation and Open Space Strategy 2016-2026 provides a strategic analysis of current recreation service and infrastructure provision, emerging trends, challenges, gaps and opportunities.

The objectives of the Recreation and Open Space Strategy 2016-2026 are to:

- Review Corangamite Shire's strategic direction for recreation and open space for the next 10 years.
- Audit and analyse the current scope and quality of recreation services provided by Council and other stakeholders in Corangamite.
- Determine recreational needs for Corangamite for the next 10 years.

- Provide a framework that will assist Council to prioritise projects, activities and funding programs for the next 10 years.
- Develop an annual action plan of activities to deliver on Corangamite Shire's Recreation and Open Space Strategy.
- Gain a greater understanding of key issues and concerns of the community and other stakeholders in relation to recreation and open space in Corangamite.

A significant amount of community consultation has been undertaken to inform the Recreation and Open Space Strategy 2016-2026 including resident surveys, school activities and surveys, sport and recreation forums, face to face interviews with staff, phone interviews with peak sporting bodies and 'pop up' sessions.

Following approval of the draft Recreation and Open Space Strategy 2016-2026, Council sought further feedback from the community in the form of an online and/or hardcopy survey and a range of meetings with interested stakeholders.

There were five submissions received following the release of the strategy, including two online survey responses and three emails sent direct to Council's Manager Facilities and Recreation. Further, two conversations were held with the Nirranda Cricket Club and the Camperdown Hockey Association, both of which were operational discussions, not feedback specific to the Recreation and Open Space Strategy 2016-2026.

A meeting of the Project Steering Committee considered the submissions received and their responses are highlighted in Table 1.

| Organisation/Contact                | Issue   | Response  |
|-------------------------------------|---|---|
| Cobden District Health Service      | 1. Asset renewal versus new facilities will need extensive review prior to decisions being made.<br><br>2. Advice regarding funding to health services for consideration.                 | 1. The strategy is a guiding document. This is an operational matter.<br><br>2. Noted.  |
| Port Campbell Surf Life Saving Club | 1. No mention of club in strategy.<br><br>2. No mention of ocean as a 'key open space'.   | 1. The strategy is a guiding document and does not go into specific detail on individual organisations.<br><br>2. Noted. Ocean to be included in the strategy.              |
| Alan Kerr                           | 1. Advise committees on mega-trends.<br><br>2. Periodic newsletter.<br><br>3. Governance guidance and volunteer task training.<br><br>4. Support 12 A's Trail.<br><br>5. Reinstate annual | 1. Action 11 and Action 16 identifies this.<br><br>2. Action 10 identifies this.<br><br>3. Action 16 identifies this.<br><br>4. Action 33 identifies this.<br><br>5. Noted. |

| Organisation/Contact        | Issue   | Response  |
|-----------------------------|---|---|
|                             | gathering of all trail and open space committees.                                       |   |
| Camperdown Little Athletics | 1. Inclusion in registers to be communicated with as part of Actions 15 and 17.         | 1. Noted. The strategy is a guiding document. This is an operational matter. CLA to be included in database.  |
| Cobrico Hall Committee      | 1. Dancing to be identified.<br><br>2. Promotion and Publicity.<br><br>3. Volunteerism. | 1. The strategy is not prescriptive with all forms of sport and recreation, the actions encourage participation in all recreation activities.<br><br>2. Action 10 identifies this.<br><br>3. Action 19 identifies this. |

**Table 1: Submissions to the Draft Recreation and Open Space Strategy**

Where relevant, the Recreation and Open Space Strategy 2016-2026 has been amended to include feedback.

**Policy and Legislative Context**

The development of the Recreation and Open Space Strategy 2016-2026 aligns with Corangamite Shire’s 2013-2017 Municipal Public Health and Wellbeing Plan, as well as the 2013-2017 Council Plan strategies to:

Encourage the development of tourist products and infrastructure e.g. trails, routes, packages

Provide and advocate for a range of services, facilities and support to our people to enable them to fully engage and participate in the community

Provide opportunities to improve and enhance the health and wellbeing of our community

Expand pedestrian and cycle network which provide greater connectivity, safety, social inclusion and healthy lifestyle

The strategy is also consistent with the Great South Coast Strategic Plan to:

Provide better access for rural communities and disadvantaged groups to employment, recreational and educational facilities

Enhance the quality and increase the use of community and sporting assets and open space areas in rural communities

**Internal / External Consultation**

A Project Steering Committee has overseen the development of this strategy with membership from a broad range of stakeholders, including Council, Sport and Recreation Victoria, South West Primary Care Partnership and South West Sport.

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A significant amount of community consultation was undertaken to develop the strategy, including face to face interviews, surveys, recreation forums, telephone interviews and town pop up sessions.

Further consultation was undertaken in Timboon, Camperdown, Lismore and Terang during the public submission period. These opportunities were advertised in the local newspapers, Council's website and a direct email/mail out to clubs, organisations and those that had expressed interest in the community consultation sessions (recreation forums, pop up sessions, resident surveys).

All interested parties will be advised of the final Recreation and Open Space Strategy 2016-2026 once it has been adopted. Future reporting on the delivery of the strategy will be provided to Council periodically over the next 10 years.

### **Financial and Resource Implications**

Council has committed \$30,000 to the development of the Recreation and Open Space Strategy 2016-2026. An additional \$30,000 was secured through a successful application to the Victorian Governments *2015-2016 Community Facility Funding Program - Planning Category*.

### **Options**

Council has the option to adopt the Recreation and Open Space Strategy 2016-2026, or Council can seek further information and changes to the Recreation and Open Space Strategy 2016-2026.

### **Conclusion**

Sport, recreation and the natural environment form an integral part of the Corangamite Shire culture and are recognised as an important part of a well-balanced lifestyle.

The Recreation and Open Space Strategy 2016-2026 is a critical strategic planning document that will direct Council on the current and future sport, recreation and general open space needs and opportunities for the community. The strategy has been developed following a significant amount of community consultation, literature review, demographic and leisure trend analysis and audit of recreation and open space provision across the Corangamite Shire.

The strategy will provide Council with a 10 year strategic plan and is now ready to be adopted.

## **RECOMMENDATION**

**That Council adopts the Recreation and Open Space Strategy 2016-2026.**

### **Attachments**

1. Recreation and Open Space Strategy August 2016 - Under Separate Cover
2. Submissions Draft Recreation and Open Space Strategy 2016-2026 - Under Separate Cover

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## 10.6 Local Government Act Review

**Author:** Andrew Mason, Chief Executive Officer

**File No:** D16/552

**Previous Council Reference:** 9 November 2015, Item 1  
15 December 2015, Item 10.8  
26 July 2016, Item 3

### Declaration

Chief Executive Officer – Andrew Mason

In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

Author - Andrew Mason

In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

### Summary

To authorise the Chief Executive Officer to make a submission on the Directions Paper on the *Local Government Act* Review.

### Introduction

The Victorian Government is conducting a comprehensive review of the *Local Government Act*.

The purpose of the review is to revise the current legislation governing local government in Victoria to create a more contemporary, accessible, plain English Act, which meets current and future needs of the community and local government sector.

The Minister for Local Government released a Directions Paper on 10 June 2016 which proposes significant changes to the *Local Government Act* (the Act). The Directions Paper proposes 157 directions across 10 broad themes.

Sector and community feedback is sought on the proposed directions following the initial round of consultation and Discussion Paper which was released in November 2015. The Directions Paper identifies possible solutions to the shortcomings of existing arrangements that the discussion paper identified. Where there is a single solution that clearly addresses a shortcoming, a single reform direction is proposed. In some instances, several reform directions are listed as options.

A submission on the Directions Paper, *Act for the Future - Directions for a new Local Government Act*, will ensure Council's views are expressed and informs the review of the Act. The Directions Paper has previously been circulated and is available online at <http://www.yourcouncilyourcommunity.vic.gov.au/DirectionsPaper>.

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**Issues**

The reforms proposed are based on five principles as described in Appendix 1 of the Directions Paper. Principle 5 suggest the new Act should be “principle-based, providing greater autonomy to councils, balanced with effective ministerial intervention”. Whilst this maybe the intent some directions proposed are prescriptive in nature or duplicate existing arrangements imposed by other instruments. For example, Direction 26 will require a Council Chief Executive Officer (CEO) to establish a workforce plan that describes a council's staffing structure. Whilst the principle of a workforce plan is supported the direction also proposes the plan can only be changed in consultation with staff. Such prescriptive matters are best dealt with by Enterprise Agreements, Industrial Awards or the Commonwealth Fair Work Commission. It is also contrary to directions 26 which proposes to “remove matters about employing council staff from the Act”.

It is evident some of the directions proposed will have financial and resource implications. Whilst some efficiencies will be gained some directions proposed will result in an increase in the level of oversight and governance which is beyond the current capacity of Council. For example, Direction 53 proposes to regulate for minimum standards and include in guidelines best-practice processes for ensuring transparency and accountability in council operations and administration, basing the guidelines on the current Melbourne City Council practices. Page 64 details these practices which includes audio recording of council meetings.

An integrated planning and reporting framework not dissimilar to that applying to councils in New South Wales is also proposed. This includes (in addition to the existing four year council plan) a 10-year community plan, 10-year financial plan, 10-year asset plan and the aforementioned workforce plan. The current requirement for councils to adopt a Strategic Resource Plan will not be required.

Many of the 157 directions proposed are logical and will result in beneficial outcomes for Council. For example, directions 105 to 110 propose reforms to streamline procurement practices including the requirement to review a procurement policy once at the beginning of each Council term, as opposed to annually as is currently required. Similarly, councils will be empowered to establish their own arrangements with respect to tendering. Some directions propose to codify existing good practice. For example, councils will be required to adopt an investment policy.

Notwithstanding the expected benefits that will arise from the many of the proposed directions, there are some directions which are undesirable. Councillors should reflect on these and their likely impact. In particularly, the Directions Paper proposes a number of initiatives which will effect elected Councillors, including mandatory two year mayoral terms and the introduction of a deputy mayor. A higher maximum number of 15 Councillors is also proposed. Further discussion is provided below on the adverse changes.

***Mayors Leading Councils***

- Two year mayoral terms are not desirable. The current practice of councils determining mayoral terms should be retained.
- Investing power in mayors to appoint councillors to committees is also not desirable. It should be by council resolution.
- Deputy mayors are opposed based on likely additional cost and the lack of clarity and need for purpose. It is unclear what existing problem this is trying to solve.
- Clarity is required on what is described as mutually setting council meeting agendas between a mayor and Chief Executive Officer.

- The proposed requirement to annually approve committee rules is burdensome. Rules need to be simple so as not to burden volunteers. Approval of committee rules once every four years is sufficient.
- Requiring mayors to lead community engagement is fraught. Effective community engagement requires specialist skills. The proposal also ignores the important role of ward councillors.
- Mayors will have the power to remove a councillor from meetings. However, this should possibly be limited to exceptional circumstances. Strong guidance material should also be provided.

#### ***Consistent representative structures***

- The maximum number of councillors is proposed to be increase from 12 to 15. More Councillors are not required for Corangamite.
- Corangamite is mixture of single and multi-member wards which would not be allowed under the directions. Two options for municipal representation structures are proposed:
  - Option 1: One of two representative structures being unsubdivided or entirely uniform multimember ward;
  - Option 2: Allow for one of three representative structures being unsubdivided, entirely uniform multimember wards or entirely single-member wards.
- The Directions Paper suggests that councils such as Corangamite will not have directly elect mayors. This is supported given the history of popularly elected mayors in Victoria and additional costs.

#### ***Consistent, simpler voting arrangements***

- Partial preferential voting, consistent with Victorian Legislative Council elections, should be introduced for multi-member wards and unsubdivided elections, such that the voter is only required to mark the ballot paper with the number of consecutive preferences for which there are vacancies to be filled.
- Non-resident property owners, as ratepayers, should be able to vote. This could be by application to the Victorian Electoral Commission or continuation of existing arrangements.

#### ***Deliberative community engagement***

- Deliberative Community Consultation is desirable and should be a principle. However, is the council plan for the right vehicle? People are interested in their own communities and tactile issues that are meaningful to them. Engagement with a broad cross section of the community on a four year council plan could be difficult. It would be more beneficial for the new Act to have consultation as a principle and require councils to have an engagement strategy instead of being prescriptive in relation to the council plan.
- The late adoption of council plans (December 31 following year of council elections) is problematic and outside of budget cycles.
- The role of the proposed community plans is unclear in how it integrates into the Council Plan. Will it be one input and does it merely inform? The requirement for community plans is also at odds with the required deliberate community engagement as part of the council plan process.
- Prescription on matters to do with practice, for example consultation and engagement, should be avoided because it stifles innovation and change.

### ***Integrated, strategic planning and reporting***

- The current reporting requirements are onerous – large annual reports are counter to corporate trend of streamline reports. The directions do not give adequate consideration to reducing the reporting and compliance burden on councils. The directions also need to result in efficient obligations with respect to annual budgets.
- Integrated planning is acceptable, but there will be additional costs for councils. Planning needs to be flexible to allow Council to respond to community need or funding from other tiers of government.
- The requirement to have a workforce plan is at odds with other recommendations that suggest employment matters should be kept out of the Act. The requirement to consult over major changes is already covered in Enterprise Agreements.
- The requirement to present the annual report at an annual general meeting is unclear. Firstly we don't have annual general meetings and secondly how is this different to what we do already?
- Expanded oversight of the audit committees includes some functions that are the responsibility of councils or management. For example, the service reviews and continuous improvement oversight obligations proposed.
- Should there be reference to Municipal Health and Wellbeing Plans if integrated planning is a principle?

### ***Effective ministerial intervention***

- The proposed directions will provide the Local Government Minister additional powers to dismiss or suspend councils, suspend councillors, appoint monitors and issue a governance direction. What are the checks and balances? Will governance directions be binding and to what extent?
- Similarly, there is concern a principle based Act will result in more use of regulation which can be amended at the Minister's discretion.
- Behaviour should not be legislated, but this should instead be addressed through good practice. Mechanisms should be development to deal with infrequent bad behaviour rather than legislating for isolated issues.

### ***Transparent Chief Executive Officer (CEO) employment and performance***

- Requiring the Mayor to get independent advice in overseeing CEO contract arrangements and performance monitoring will add additional costs for little benefit. An alternative would be to require getting independent advice at contract renewal or CEO appointment.
- Audit committees will also be required to oversee compliance with a CEO remuneration policy. Will the audit committee have this expertise?

### ***Power to innovate and collaborate***

- Councils will be required to expressly describe in annual budgets any intention to sell, exchange or lease land. There are many small parcels of land that come up for lease or sale that would not be covered through the budget process (e.g. lease of a building to a community group or opportunistic sale). What is the process for dealing with these small land dealings outside the budget process?

### ***A consistent rating system***

- Councils will be required to adopt a revenue and rating strategy and review it after each general revaluation. A review once every Council term should be sufficient. The strategy should not extend beyond rates and charges. User charges and other revenue streams such as grants should be excluded.



- The Fair Go Rating System creates uncertainty about future rate income and will make long term financial planning more difficult.
- Adopting a single methodology, being Capital Improved Value, for rating land is supported. There must be transitional arrangements for councils currently using Net Annual Value.

***Autonomous decision-making balanced by a principle based Act.***

- Generally agree with recommendations regarding confidential items; but will this cover typical procurement matters?
- Requiring two councillors for special committees will create additional workload and cost for no particular benefit.

***Other Matters***

- Cost shifting is not covered within the principles of sound financial management. For example, there are concerns about the proposal to clarify council roles in local drainage, waterways and flood management under the *Water Act 1989*. This could be cost shifting.
- The directions do not include any reference to the Royal Commission into Family Violence specific recommendations for Local Government.
- The Act must respect the principles of representative democracy and avoid a design based on the lowest common denominator of poor behaviour.

In addition to the matters raised above, there are significant differences in capacity across councils to resource many of the directions. A one-size-fits-all approach may not be beneficial and flexibility within the new legislation should be accommodated. Finally, whilst the proposed directions recognise the importance of local democracy and council autonomy, this could be impeded by unnecessary prescription and State Government oversight.

**Policy and Legislative Context**

Consideration of this report and the Directions Paper, *Act for the Future - Directions for a new Local Government Act*, is in accordance with the 2013-2017 Council Plan commitments:

Council will maintain strong and effective relationships with Federal and State Governments, other councils and peak bodies to ensure the needs and expectations of our community are addressed.

Model contemporary standards of corporate governance and professional standards.

**Internal / External Consultation**

Council was briefed on the Discussion Paper on 9 November 2015. Council considered a report at the 15 December 2015 ordinary meeting and resolved to make a submission to the Discussion Paper. Council was briefed on the Directions Paper on 26 July 2016.

Submissions on the Directions Paper are due 16 September 2016. Senior officers have participated in consultation with Local Government Victoria, which has been facilitated by the Municipal Association of Victorian (MAV) and Local Government Professionals (LGPro).

The project lifecycle for the review of the *Local Government Act 1989* is as follows:

- 2015: Identification of Issues through publication of a Discussion Paper and consultation.

- 2016: Identification of options for reform through publication of a Directions Paper and consultation.
- 2017: Drafting of a Bill and ongoing consultation.
- 2018: Implementation of a new Act.

### **Financial and Resource Implications**

There will be additional financial and resource implications associated with the proposed Directions. A desktop assessment has been undertaken and it is estimated the proposed directions will result in an additional \$100,000 in recurrent costs to Council including some obvious implications:

- Direction 6 proposes a review of the formula for setting mayoral allowances in light of the proposed expanded role of mayors.
- Direction 8 and 9 propose the introduction of a deputy mayor and deputy mayoral allowance.
- Direction 16 requires the mayor to get independent advice in overseeing CEO recruitment, contractual arrangements and performance monitoring.
- Direction 21 requires all special committees to have at least two members who are councillors. This requirement will be onerous and may result in a significant impost.
- Direction 26 requires the CEO to establish a workforce plan that can only be changed in consultation with staff.
- Direction 95 proposes an expanded role of the audit and risk committee.
- The directions proposed within Chapter 4 will expand the level of community engagement in the development of Council Plans and will be a costly exercise every four years.

There are no financial and resource allocations associated with making a submission on the Directions Paper, *Act for the Future - Directions for a new Local Government Act*.

### **Options**

Council can choose to authorise the Chief Executive Officer to make a submission to Government on the Directions Paper, *Act for the Future - Directions for a new Local Government Act* or not.

### **Conclusion**

The Victorian Government is conducting a comprehensive review of the *Local Government Act 1989*. The initiatives described within the Directions Paper are far-reaching with financial and resource implications for Corangamite Shire Council. It is recommended Council authorise the Chief Executive Officer to make a submission on its behalf.

## **RECOMMENDATION**

### **That Council:**

- 1. Authorises the Chief Executive Officer to make a submission on its behalf on the Directions Paper, Act for the Future - Directions for a new Local Government Act, in accordance with this report.**
- 2. Provides a copy of the submission to the Municipal Association of Victoria, Rural Councils Victoria and the Member for Polwarth.**

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## 10.7 Planning and Environment Act 1987 - Instrument of Appointment and Authorisation

**Author:** Andrew Mason, Chief Executive Officer

**File No:** D16/551

**Previous Council Reference:** Nil

### Declaration

Chief Executive Officer – Andrew Mason

In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

### Summary

This report provides advice and information on the preparation of a revised Instrument of Appointment and Authorisation for the exercise of powers under the *Planning and Environment Act 1987* and the *Local Government Act 1989*.

### Introduction

Council authorises a range of staff to act on its behalf in the enforcement of a variety of different State legislation specific to their roles.

The Instrument of Appointment and Authorisation covers the roles of Planning Officers and Environmental Health Officers in the administration and enforcement of the *Planning and Environment Act 1987*.

### Issues

The Instrument of Appointment and Authorisation dated 12 July 2016 requires updating due to changes in Environmental Health personnel.

The new Instrument of Appointment and Authorisation would apply to the following officers who are appointed as Planning Officers or Environmental Health Officers with responsibilities under the *Planning and Environment Act 1987*:

- Andrew John Mason
- Ian William Gibb
- Gregory James Hayes
- Stephanie Alexandra Durant
- Scott David Matheson
- Darren Stanley Frost
- Lyall Robert Bond
- Mark Robert Handby
- William Albert Fidler
- Emily Kate Lanman.

### Policy and Legislative Context

The authorisation of officers using this Instrument is consistent with legal advice provided by Maddocks Lawyers. The authorisation is also consistent with the Council Plan 2013-2017 commitment that 'Council will demonstrate high levels of ethical behaviour and corporate governance standards'.

The Instrument ensures officers are authorised for the purposes of the *Planning and Environment Act 1987*, the regulations made under that Act, and under Section 232 of the *Local Government Act 1989* which allows officers to institute proceedings for offences against the acts and regulations described in the Instrument.

### **Internal / External Consultation**

Relevant managers and directors have been consulted in the preparation of this report.

### **Options**

Council may choose to adopt or not adopt the proposed Instrument of Appointment and Authorisation.

### **Conclusion**

Adoption of the Instrument of Appointment and Authorisation fulfils Council's requirement to ensure its officers are appropriately authorised.

## **RECOMMENDATION**

### **That:**

1. **In exercise of the powers conferred by Section 224 of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached Instrument of Appointment and Authorisation, Council resolves that the members of Council staff:**
  - a) **Andrew John Mason**
  - b) **Ian William Gibb**
  - c) **Gregory James Hayes**
  - d) **Stephanie Alexandra Durant**
  - e) **Scott David Matheson**
  - f) **Darren Stanley Frost**
  - g) **Lyll Robert Bond**
  - h) **Mark Robert Handby**
  - i) **William Albert Fidler**
  - j) **Emily Kate Lanman**

**as referred to in the Instrument be appointed and authorised as set out in the Instrument.**
2. **The Instrument comes into force immediately the common seal of the Council is affixed to the Instrument, and remains in force until Council determines to vary or revoke it.**
3. **The Instrument of Appointment and Authorisation (Planning and Environment Act 1987) dated 12 July 2016 be revoked.**
4. **The common seal of Council be affixed to the Instrument.**

### **Attachments**

1. Instrument of Appointment and Authorisation Planning And Environment Act 1987 August 2016



**Corangamite Shire Council**

**Instrument of Appointment and Authorisation  
(*Planning and Environment Act 1987*)**

In this instrument "**officer**" means

- Andrew John Mason
- Ian William Gibb
- Gregory James Hayes
- Stephanie Alexandra Durant
- Scott David Matheson
- Darren Stanley Frost
- Lyall Robert Bond
- Mark Robert Handby
- William Albert Fidler
- Emily Kate Lanman

**By this instrument of appointment and authorisation** Corangamite Shire Council

1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officers to be authorised officers for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under section 232 of the *Local Government Act 1989* authorises the officers generally to institute proceedings for offences against the Acts and regulations described in this instrument.

**It is declared that** this instrument

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked.

This instrument is authorised by a resolution of the Corangamite Shire Council on [date].

The Common Seal of )  
**CORANGAMITE SHIRE COUNCIL** )  
was affixed in the presence of :

.....  
*Chief Executive Officer*

.....  
*Date*

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## 10.8 Records of Assembly of Councillors

**Author:** Andrew Mason, Chief Executive Officer

**File No:** D16/550

**Previous Council Reference:** Nil

### Declaration

Chief Executive Officer – Andrew Mason

In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

### Summary

This report documents the Assembly of Councillors to be reported since the last Ordinary Meeting of Council on 26 July 2016.

### Introduction

The *Local Government Act 1989* (the Act) requires that records of meetings which constitute an Assembly of Councillors be tabled at the next practicable meeting of Council and is incorporated in the minutes of the Council meeting.

### Issues

An 'Assembly of Councillors' is defined in the Act as a meeting at which matters are considered that are intended or likely to be the subject of a Council decision or subject to the exercise of a delegated authority and which is either of the following:

- A meeting of an advisory committee where at least one Councillor is present; or
- A planned or scheduled meeting that includes at least half the Councillors and at least one Council officer.

Typical meetings giving rise to an Assembly of Councillors at Corangamite Shire include Councillor briefings, advisory committees and planning site inspections. However, from time to time additional records may be reported in accordance with the Act.

Section 80A of the Act requires that a record must be kept of an Assembly of Councillors which lists:

- The Councillors and members of Council staff attending.
- The matters discussed.
- Disclosures of conflict of interest (if any are made).
- Whether a Councillor left the meeting after making a disclosure.

Records of an Assembly of Councillors are documented by a Council officer present at a meeting designated as an Assembly of Councillors. Responsibility for the maintenance of records associated with Assembly of Councillors rests with the Chief Executive Officer.

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### **Policy and Legislative Context**

Tabling of the records of Assembly of Councillors ensures Council is compliant with the Act. In addition, this report is consistent with the Council Plan 2013-2017 strategy, "Council will demonstrate high levels of ethical behaviour and corporate governance standards".

### **Conclusion**

The records documenting the below Assembly of Councillors are attached:

- Councillor Briefing 26 July 2016
- Planning Inspection 2 August 2016.

### **RECOMMENDATION**

**That Council accepts the attached Records of Assembly of Councillors.**

### **Attachments**

1. Record of an Assembly of Councillors 26 July 2016
2. Record of an Assembly of Councillors Planning Site Inspection 2-08-2016  
PP2016/064 5105P

# Council

## Record of an Assembly of Councillors

**Councillor Briefing**

**Date:** Tuesday 26 July 2016

**Time:** 2.00pm

**Place:** Killara Centre

**Present:**

**Councillors**

- |   |  |  |  |
|---|--|--|--|
| <input type="checkbox"/> Cr Beard               | <input checked="" type="checkbox"/> Cr Gstrein | <input type="checkbox"/> Cr Harkin             | <input checked="" type="checkbox"/> Cr Oakes |
| <input checked="" type="checkbox"/> Cr O'Connor | <input checked="" type="checkbox"/> Cr Smith   | <input checked="" type="checkbox"/> Cr Trotter |  |

**Officers**

- |  |   |  |   |
|--|---|--|---|
| <input checked="" type="checkbox"/> Ian Gibb | <input checked="" type="checkbox"/> Brooke Love | <input checked="" type="checkbox"/> Andrew Mason | <input checked="" type="checkbox"/> David Rae |
|--|---|--|---|

Adam Taylor and Paul Coverdale (Item 4)

Greg Hayes (Item 4)

**Guests**

Mark Koliba, Regional Director; Nigel Powers, Operations Manager (VicRoads); Jozef Vass, Transport Coordination Manager; Francis Tevere, Marketing Manager Department of Planning & Community Development (DEDJTR) (Item 1)

**Issues Discussed:**

| Item | Discussion Topic   |
|------|--|
| 1    | <b>VicRoads</b>  |
| 2    | <b>Hot Topics:</b><br><i>Chinese Delegation, GSC Update, Port Campbell Bridge, Berrybank Accident, Population Summit, Priorities Update and Regional Jobs and Infrastructure Fund, Curdievale Accident, Agenda Items</i> |
| 3    | <b>Councillor Items:</b><br><i>Discretionary Funding, Street Sweeping, Building Team, Timboon Streetscape, Suicide Prevention Workshop, Ice Project</i>  |
| 4    | <b>Rates and Charges Collection and Hardship Policy</b>  |
| 5    | <b>Tourism Development Update</b>  |
| 6    | <b>Local Government Act Review Directions Paper</b>  |

**Conflicts of Interest declared:** Nil

**Councillors left the meeting at:**

**Councillors returned to the meeting at:**

**Councillor Conflict of Interest Form Completed:**

**Meeting close:** 6.00 pm



**Note taker:** Andrew Mason



# Planning Inspection

## Record of an Assembly of Councillors



**Date:** Tuesday, 2 August 2016

**Time:** 10.00 am

**Location:** 169 Manifold Street Camperdown

**Application No:** PP2016/064

**Proposal:**

Packaged Liquor Licence for Retail Liquor Business and Associated Advertising Signs

**Present:**

Cr O'Connor                       Cr Gstrein                       Cr Oakes     Cr Harkin  
 Cr Beard (Mayor)                       Cr Smith                       Cr Trotter

**Officers:**

Greg Hayes                       Scott Matheson

**Applicant:**

Barry Phillips                       James Robson from On Tap Liquor Pty Ltd  
 Steve Jerman from On Tap Liquor Pty Ltd

**Issues Discussed:**

- Nature of the objection
- Heritage significance of the building
- Restrictions of packaged liquor licences

**Conflicts of Interest declared:** Nil

**Meeting close:** 10.20am

**Note taker:** Scott Matheson

## 11. OTHER BUSINESS

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## 12. OPEN FORUM

Members of the public are very welcome to make statements or ask questions relevant to Corangamite Shire at the Open Forum section of Council meetings.

To assist with the smooth running of the meeting, we ask that you raise a maximum of two items at a meeting and please follow this procedure:

1. Wait until the Mayor asks if there are any items in Open Forum and invites you to speak.
2. Stand if you are able and introduce yourself.
3. Speak for a maximum of five minutes.

We will undertake to answer as many questions as possible at a meeting and if we cannot answer a question at the meeting we will provide a written response no later than five working days after the Council meeting.

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## **13. CONFIDENTIAL ITEMS**

### **RECOMMENDATION**

That pursuant to the provisions of Section 89(2) of the *Local Government Act* the meeting be closed to the public to enable consideration of the following reports as they relate to contractual matters, a matter which the Council considers would prejudice the Council or any person and personnel matters.

**13.1 Supply and Delivery of an Organic Waste Processor**

**13.2 Road Sealing Contract 2016-2017**

**13.3 Intention to Consider Land Purchase for Castle Carey Road Bridge Upgrade Project**

**13.4 Sale of Land - Lot 2(b) 57 Bailey Street, Timboon**

**13.5 Contract 2017005 Supply and Loading of Roadmaking Materials**

**13.6 Contract 2017006 Provision of Tree Services, Vegetation Management and Associated Services to the Corangamite Shire**

**13.7 Light Vehicle Fleet Policy and Procedures**

**13.8 Appointment of Internal Audit Service Provider**