

# **Corangamite Shire**

## **MINUTES**

# **Ordinary Council Meeting**

*Held 7.00 pm • Tuesday 23 May 2017*

*Killara Centre  
210-212 Manifold Street, Camperdown*

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**MINUTES OF THE ORDINARY MEETING OF THE CORANGAMITE  
SHIRE COUNCIL HELD AT KILLARA CENTRE, 210-212 MANIFOLD  
STREET, CAMPERDOWN 7.00 PM ON  
23 MAY 2017**

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**1. PRESENT**

Councillors J. Beard (Chairperson), L. Brown, H. Durant, R. Gstrein,  
S. Illingworth, B. McArthur, N. Trotter.

Officers Andrew Mason, Chief Executive Officer  
Ian Gibb, Director Sustainable Development  
Brooke Love, Director Works and Services  
David Rae, Director Corporate and Community Services  
Matthew Dawson, Manager Community Services  
John Kelly, Manager Assets Planning  
Michele Stephenson, Manager Human Resources and Risk  
Jarrod Woff, Manager Facilities and Recreation  
Belinda Bennett, Environment Coordinator  
Jane Hinds, Property Officer  
Lucy Vesey, Recreation Development Officer

**2. APOLOGIES**

Nil.

**3. DECLARATIONS OF CONFLICT OF INTEREST**

Cr H. Durant declared an indirect conflict of interest by close association in Agenda item 5, for deputations regarding the C45 Amendment, and Agenda items 9.1 and 9.2. Cr Durant left the meeting prior to any discussion or vote on the matters.

**4. CONFIRMATION OF MINUTES**

**RECOMMENDATION**

**That the Minutes of the Corangamite Shire Ordinary Council meeting held on Wednesday 26 April 2017 be confirmed.**

**COUNCIL RESOLUTION**

*MOVED: Cr Trotter*

*SECONDED: Cr Gstrein*

**That the recommendation be adopted.**

**CARRIED**

**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.

Cr H. Durant declared an indirect conflict of interest by close association in relation to deputations concerning Agenda item 9.1 and left the meeting at 7.03 pm before any presentations on the matter.

## 5. DEPUTATIONS & PRESENTATIONS

The Mayor, Cr J. Beard, invited members of the public who had requested to address Council to make their presentations.

The following items were submitted:

- Mr Alan Simpson, Licensed Surveyor, Warrnambool regarding Agenda Item 9.1 Corangamite Planning Scheme Amendment C45 Planning Scheme Review - Consideration of Submissions.
- Mrs Kate Leslie, Timboon regarding Agenda item 9.1 Corangamite Planning Scheme Amendment C45 Planning Scheme Review - Consideration of Submissions and Agenda item 10.1 Council Plan 2017-2021.
- Mrs Mara Pacers, Lower Gellibrand regarding Agenda item 9.1 Corangamite Planning Scheme Amendment C45 Planning Scheme Review - Consideration of Submissions.

Cr H. Durant returned to the meeting at 7.32 pm.

- Mrs Noreen Simper, Cobden regarding Agenda item 10.7 - Intention to Consider Land Acquisition - J.H. Vagg Memorial Reserve.
- Mr Mick Barling, Cobden regarding Agenda item 10.7 - Intention to Consider Land Acquisition - J.H. Vagg Memorial Reserve.
- Mr Frank Martin, Cobden regarding Agenda item 10.7 - Intention to Consider Land Acquisition - J.H. Vagg Memorial Reserve and Agenda item 10.8 - Intention to Consider Sale - 19F Curdie Street, Cobden.

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## 6. MAYOR'S REPORT

### 6.1 Mayor's Report

**Author:** Jo Beard, Mayor

**File No:** D17/332

**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**

I recently had the pleasure of attending a special event to welcome new residents to the Shire at the new Mt Elephant Visitor Information Centre. The welcome event is an annual function organised by our Economic Development unit, and is a wonderful opportunity to meet with some of our new residents and find out how they are settling in to life in our great Shire. The conversations shared during the evening were so enlightening, and very interesting to say the least. I love hearing how our new residents came to call Corangamite home and what we as a council can be doing to help further enhance their transition. Their feedback is relevant as we continue to find ways to attract further residents to re-locate to this amazing part of the world.

The welcome event is now one of Council's population attraction and retention initiatives that previously included successful participation in the State Government's Regional Victoria Living Expo organised by Regional Development Victoria. The Expo was an opportunity for rural and regional councils to showcase lifestyle and investment opportunities for Melbourne residents and businesses interested in relocating to the country. However, the Andrews Government ceased the annual expos and announced that they would instead be developing a new strategy to deal with the challenge of declining populations in rural and regional Victoria. Whilst there is funding available for regional councils through the Stronger Regional Communities Plan and the Regional Jobs and Infrastructure Fund, I feel there is more that can be done at a State level to meet the challenge of population growth in rural and regional Victoria.

Our CEO Andrew Mason has already been working behind the scenes on behalf of Corangamite Shire. He has been involved in the Population Levers for Economic Growth project with Regional Development Victoria. The project, which was funded by Regional Development Australia Barwon South West, sought to identify new ways to leverage population growth in the Barwon South West region.

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Disappointingly the report proved that rural regional councils are and will continue to experience minimal if no population growth. As you can imagine, for so many reasons, this is not ideal, and we as leaders within our region cannot continue to just sit back and watch this happen. Melbourne is rapidly growing, their infrastructure is not capable of handling the growth and yet rural councils are pleading for population growth and have the infrastructure and communities to accommodate future growth.....It's a no brainer right!?!

Well, like anything when it comes to politics, it is often a case of 'it is easier said than done'. But, we as a shire, and now the Rural Councils Victoria group (a group representing 38 rural councils), are advocating to the State Government that we need a clear and definitive strategy to address population decline in rural regions and that the major growth rate in metropolitan areas cannot be sustainable. The strategy required must contain co-ordinated actions or mechanisms to help us all achieve the outcomes we need.

The detailed study produced last year outlines six objectives to lift population in the regions including establishing incentives for businesses and government agencies to relocate, attracting young skilled Australians to live in the region, addressing labour shortages, retaining and improving higher education opportunities in the region, promoting liveability gains, and improving resources for strategic planning in regional and rural areas.

The report also found that lifestyle is a key motivating factor for population movement, this is where Corangamite Shire is well positioned. We have affordable housing, advantages with less traffic congestion (and I should remind everyone, no parking meters or a single traffic light in sight!), amazing medical and education facilities, community networks, train access to major centres, temperate climate, low unemployment and incredible diversity when it comes to our environment.

Corangamite Shire has so much to offer, a life that can be had for the better. We just need to get people to re-locate here, just as the many new fabulous faces I was fortunate enough to meet just a couple of weeks ago have done. Their stories are worth hearing and are another reminder of how lucky we are that we live, work and play where we do.

**Information only.**

## **7. COMMITTEE REPORTS**

Nil.



**8. INFORMATION BULLETIN**

Nil.

## 9. PLANNING REPORTS

Cr H. Durant declared an indirect conflict of interest by close association in Agenda items 9.1 and 9.2 and left the meeting at 7.45 pm before any discussion or vote on these matters.

### 9.1 Corangamite Planning Scheme Amendment C45 Planning Scheme Review - Consideration of Submissions

**Author:** Stephanie Durant, Planning Officer

**File No:** D17/286

**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 - Stephanie Durant

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

#### Summary

The purpose of this report is for Council to consider submissions to Amendment C45 to the Corangamite Planning Scheme. The amendment implements the recommendations of the Planning Scheme Review, and was exhibited during February 2017. Council has received twenty (20) submissions during the public exhibition period. It is recommended that Council consider the submissions and request that the Minister for Planning appoint a Panel to consider all submissions and provide advice back to Council.

#### Introduction

Amendment C45 implements the recommendations of the Corangamite Planning Scheme Review adopted by Council in May 2016. The review recommended changes to the existing Local Planning Policy Framework (LPPF) with a new format Municipal Strategic Statement (MSS) along with alteration and improvements to local policy content.

#### Issues

##### ***Background - Planning Scheme Review***

Council is required by legislation to undertake a review of its planning scheme every four years. The planning scheme review process commenced in July 2015 with the preparation of a Planning Scheme Review Report (The Review) which provided an assessment of the strategic importance of the Corangamite Planning Scheme and made recommendations for future strategic planning priorities. The preparation of The Review report was based on consultation with stakeholders, a review of the MSS and local planning policies and 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.

#### ***Amendment C45***

Council resolved to seek authorisation from the Minister for Planning to prepare and exhibit Amendment C45 in August 2016. Amendment C45 was placed on public exhibition between 28 January and 8 March 2017.

A copy of the Amendment C45 documentation as exhibited is provided at **Attachment 1**.

#### ***Submissions on Amendment C45***

Twenty (20) submissions have been received to the Amendment. A copy of the submissions are provided at **Attachment 2**.

Of the 20 submissions, four (4) support the amendment in its current form, whilst the remaining 16 have requested changes or objected to the amendment.

In summary, the main points raised within the submissions are:

- Too much emphasis being placed on tourism and economic development at the expense of the environment.
- Not enough protection for the environment or the coast.
- Objectives under local planning policy on stone and gas resources should exclude reference to gas resources.
- MSS should be updated to include reference to high pressure gas pipelines and ensure their protection from encroachment and ongoing operation.
- Further minor changes need to be made to tourism policy.
- Supportive of the amendment as it will ensure the planning scheme aligns with Council and regional strategies.
- Local planning policy won't adequately control development.
- Insufficient stakeholder/community consultation on the amendment.
- Amendment is not policy neutral.
- Consider implementation of land use buffers around industrial developments.
- Changes aren't clear and should be presented in tracked changes.
- Further public consultation should occur on the amendment.
- Greater reference in the LPPF to bushfire and flood risk.
- Greater flexibility should be given for rural subdivision and dwellings in the LPPF.

### ***Next Steps***

It is recommended that Council consider the submissions and request that the Minister for Planning appoint an Independent Panel. All submissions would be referred to the Panel for consideration. The Panel will hear submitters and provide a report and recommendations to Council. It is beneficial that Council has the advice of the Panel before deciding on changes to the amendment.

After receipt of the formal Panel request, the Minister or a delegate, will appoint the Panel. Following the appointment of a Panel it would be usual that the Panel would set a Directions Hearing to consider and make directions about the provision of information; calling of expert evidence and the conduct of the Panel Hearing. It is anticipated that a Directions Hearing would occur in early August 2017. It would be usual that a period of one month be allowed between a Directions Hearing and the commencement of the Panel Hearing. It is anticipated that a Panel Hearing would be scheduled in late September 2017.

Following the hearing, the Panel would normally provide a report back to Council in approximately four to six weeks from the final day of the hearing process. Council would then consider the Panel report and recommendations of the Panel before finalising and adopting the amendment. Once the amendment is adopted by Council, it would be forwarded to the Minister for Planning for approval. Adoption of the Amendment is not expected to occur until early 2018.

### ***Consideration of submissions and recommended position at Panel***

Council needs to consider the submissions made on the Amendment and provide guidance as to the position to be advocated before the Panel. A summary of each submission and a recommended Council position at a planning panel is provided in the table below.

<b>Sub. no.</b>	<b>Summary of submission</b>	<b>Recommended Council position at planning panel</b>
<b>1</b>	Supports amendment and raises no concerns.	Note support.
<b>2</b>	Supports amendment as provides clarity.	Note support
<b>3</b>	<p>More explicit linkages need to be made between local planning policies and state planning polices in relation to bushfire ensuring future development does not increase bushfire risk. This includes:</p> <ul style="list-style-type: none"> <li>• Recognition of bushfire and grassfire hazard as extremely important issues within Corangamite Shire.</li> <li>• Reinforcing the links between the amendments and the SPPF at Clause 13.05.</li> </ul> <p>Support direction of future development to locations of lower bushfire risk and avoiding development in locations of higher bushfire risk.</p>	<p>The following recommendations are <b>supported</b>:</p> <p><u>Clause 21.03-1 Township Settlement</u></p> <ul style="list-style-type: none"> <li>• Include the following additional objective: <ul style="list-style-type: none"> <li>○ 'to ensure development is undertaken in a manner that minimises the risk to bushfire.'</li> </ul> </li> <li>• Include the following additional strategies: <ul style="list-style-type: none"> <li>○ Direct development to locations of lower bushfire risk.</li> <li>○ Avoid development in locations of extreme bushfire risk areas or in areas where the planned bushfire protection measures may be incompatible with other environmental objectives.</li> </ul> </li> </ul>

Sub. no.	Summary of submission	Recommended Council position at planning panel
		<p><u>Clause 21.04-3 Environmental Risk</u></p> <ul style="list-style-type: none"> <li>Reword first objective to 'Ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level' to better align with state policy.</li> </ul> <p>The following recommendations are <b>not supported</b> as these either repeat State Policy under Clause 13, are already considered under Clause 56 and the BMO or contain too broad a strategic aim to be useful:</p> <p><i>Council should consider identifying areas outside of Port Campbell boundary where development should be avoided.</i></p> <p>It is considered that the current Structure Plan for Port Campbell and the existing zoning provisions provide a sufficiently robust framework to guide the location of future township development, given the anticipated level of likely new residential development activity.</p> <p><i>Council should consider directing growth to areas of lower bushfire risk such as Camperdown, Cobden and Terang.</i></p> <p>It is not considered feasible to direct future development away from Timboon, Port Campbell, and Princetown. Existing Structure Plans for townships and the existing zoning provisions provide a sufficiently robust framework to guide future development given the anticipated level of likely new residential development activity.</p> <p><u>Clause 21.01-1 Municipal Profile</u></p> <ul style="list-style-type: none"> <li>Include a section outlining the extensive bushfire history of the Shire.</li> </ul> <p><u>Clause 21.01-3 Key Issues, Settlement, Built Environment and Heritage</u></p> <ul style="list-style-type: none"> <li>Include a statement on future development being cognisant of bushfire risk.</li> </ul>

Sub. no.	Summary of submission	Recommended Council position at planning panel
		<p><u>Clause 21.03-2 Rural Settlement, Subdivisions and Dwellings</u></p> <ul style="list-style-type: none"> <li>• Include an objective to ensure subdivision and development is compatible with protection measures such as defensible space.</li> </ul> <p><u>Clause 21.04-1 Native Vegetation and Biodiversity</u></p> <ul style="list-style-type: none"> <li>• Modify to include the caveat that the protection and enhancement of biological diversity does not increase the risk of bushfire.</li> <li>• Include a strategy that restricts development where there is a conflict between bushfire protection measures and biodiversity outcomes.</li> </ul> <p><u>Clause 21.05-2 Tourism</u></p> <ul style="list-style-type: none"> <li>• Place a caveat on expanding nature based tourism that, “does not inappropriately increase population at extreme risk of bushfire”.</li> </ul> <p><u>Clause 21.07 Local Areas</u></p> <ul style="list-style-type: none"> <li>• Include statements for Cobden, Lismore and Port Campbell that: <ul style="list-style-type: none"> <li>○ Managing development within the settlement boundary and exclude further development intensification in areas of extreme bushfire risk.</li> <li>○ Ensure buildings are sited, designed and constructed to reduce the risk of bushfire to human life and where possible minimise the impact on existing vegetation.</li> <li>○ Exclude development in areas where risk to life and property cannot be managed to an acceptable level.</li> </ul> </li> </ul>
4	<ul style="list-style-type: none"> <li>• The amendment should be shown in tracked changes.</li> <li>• Amendment isn't policy neutral and involves major changes to the planning scheme.</li> <li>• Insufficient community consultation has occurred.</li> <li>• Documents which support the changes were not supported by the community.</li> </ul>	<ul style="list-style-type: none"> <li>• The documentation is transparent with new content and current content clearly shown.</li> <li>• C45 is largely policy neutral with the documentation being successfully scrutinised for this by DELWP.</li> <li>• Appropriate consultation has been undertaken during the planning scheme review process and through the exhibition of Amendment C45.</li> </ul>

Sub. no.	Summary of submission	Recommended Council position at planning panel
	<ul style="list-style-type: none"> <li>• Amendment does not provide fair, orderly or sustainable use and development of land.</li> <li>• The amendment appears repetitive and is not clear how objectives will be achieved.</li> <li>• Changes promote tourism development without clarifying what or where it should go.</li> <li>• Allowing greater discretion in planning decisions will lead to ad-hoc development.</li> <li>• Too much emphasis has been placed on growth and economics without consideration on the potential impacts on the environment.</li> </ul>	<ul style="list-style-type: none"> <li>• All documentation relied upon for the recommendations of the Planning Scheme Review were adopted documents of Council.</li> <li>• The recommendations of the Planning Scheme Review and outcomes in the C45 Amendment documentation reduce repetition wherever possible.</li> <li>• The amendment appropriately refers to previous strategic work such as the Shipwreck Coast Master Plan and Tourism Opportunity Study. These documents provide an appropriate framework to inform policy settings, and including guidelines in relation to the assessment of future proposals.</li> <li>• The inclusion of discretion when using local policy will allow for outcome focused decision making. Planning decisions on individual permit applications require consideration of competing objectives. There is no imbalance demonstrated with the proposed local policy framework.</li> <li>• The LPPF gives appropriate recognition to environmental considerations.</li> </ul>
5	<ul style="list-style-type: none"> <li>• Could consider buffers around industrial developments.</li> <li>• Protection of industrial land uses from encroachment by sensitive land uses.</li> <li>• Review of Intensive Animal Husbandry Local Planning Policy added under further strategic work.</li> </ul>	<ul style="list-style-type: none"> <li>• C45 has identified further strategic work to be done to identify options to provide land use buffer areas around odourous industrial facilities, gas plants, service infrastructure and wastewater treatment facilities.</li> <li>• C45 strives to maintain a policy neutral approach and it is considered that minimum or recommended buffer distances are already addressed under Clause 52.10 of the Scheme.</li> <li>• As above C45 already seeks to conduct further strategic work to be done to identify options to provide land use buffer areas around negative amenity facilities.</li> <li>• C45 already identifies a review of the outcome of the Animal Industries Advisory Committee and the government response. This is an ongoing issue.</li> </ul>
6	<ul style="list-style-type: none"> <li>• Do not support the amendment in its current form.</li> <li>• Process was confusing and unfair way of gaining community feedback.</li> </ul>	<ul style="list-style-type: none"> <li>• The documentation is transparent with new content and current content clearly shown.</li> </ul>

Sub. no.	Summary of submission	Recommended Council position at planning panel
	<ul style="list-style-type: none"> <li>• Tracked changes should be provided to assist in understanding what has been changed.</li> <li>• Insufficient community consultation and lack of consideration on the impacts to local communities and the environment.</li> <li>• The proposed changes are major and the documents used to support the amendment such as the Tourism Opportunities Study, Great South Coast Plan and Shipwreck Coast Master Plan do not consider the communities or environment in balance with tourism.</li> <li>• C45 is not clear what objective goes with what strategies. This causes confusion and could lead to inappropriate development without fair and orderly planning.</li> <li>• Amendment appears to be promoting tourism use and development anywhere and at any scale without considering the environment or communities. There doesn't seem to be policy on what, where, scale and limitations.</li> <li>• There is no balance to the LPPF. Too much emphasis is placed on growth and economics without consideration of the environment.</li> <li>• Before any changes are adopted with the amendment more specific objectives, strategies and implementation plans should be developed.</li> <li>• With coastal hazards/climate change impacts already an issue along the shires southern coastal boundary up to date data is needed to draft these policy changes.</li> </ul>	<ul style="list-style-type: none"> <li>• C45 is largely policy neutral with the documentation being successfully scrutinised for this by DELWP.</li> <li>• Appropriate consultation has been undertaken during the planning scheme review process and through the exhibition of Amendment C45.</li> <li>• All documents that have informed the LPPF have been adopted or supported in principle by council and had their own consultation processes and opportunities for comment.</li> <li>• The relevant strategies for achieving the objectives are clearly listed under the objectives each clause and are considered to relate to each other. There is also a section which deals with implementation under each clause.</li> <li>• Planning for and managing the potential coastal impacts of climate change are already dealt with in the SPPF under Clause 13. This has strategies for considering sea level rise, erosion, landslip/landslide, acid sulphate soils, bushfire and geotechnical risk and flooding.</li> </ul>
7	<p>The amendment should return to Councillors for consideration for the following reasons:</p> <ul style="list-style-type: none"> <li>• It should be workshopped with communities to find their vision for their area.</li> <li>• The list of people that were advised of this amendment was selective and was sent to groups who favour development.</li> </ul>	<ul style="list-style-type: none"> <li>• Individual notification of the Review process throughout the municipality was considered impractical as was exhibition of this amendment. Instead notice of the amendment was placed in all local newspapers, on Council's website and emailed to all progress associations. The form of notice for Amendment C45 was considered as part of the authorisation process.</li> </ul>



Sub. no.	Summary of submission	Recommended Council position at planning panel
	<ul style="list-style-type: none"> <li>• Amendment seems all out for tourism development regardless of impact.</li> <li>• Amendment is not policy neutral.</li> </ul>	<ul style="list-style-type: none"> <li>• There are references to the environment, economic development and tourism within the LPPF. No policy is given more weight over another rather it acknowledges that use and development require balancing all these objectives.</li> <li>• Appropriate consultation has been undertaken during the planning scheme review process and through the exhibition of Amendment C45.</li> <li>• C45 is largely policy neutral with the documentation being successfully scrutinised for this by DELWP.</li> </ul>
8	<ul style="list-style-type: none"> <li>• Supports the amendment and wishes to be consulted on aspects of buffer zones on its wastewater treatment facilities and the Commercial Areas Study.</li> </ul>	<ul style="list-style-type: none"> <li>• Note support.</li> </ul>
9	<ul style="list-style-type: none"> <li>• Changes have significant impact on the community and there has not been sufficient stakeholder engagement or communication of the proposed changes.</li> <li>• Amendments do not appear to be in the direct interest of environment or the community.</li> <li>• Amendments do not adequately control development.</li> </ul>	<ul style="list-style-type: none"> <li>• Appropriate consultation has been undertaken during the planning scheme review process and through the exhibition of Amendment C45.</li> <li>• The LPPF has several references to the environment, its value and importance. All the local area policies were developed with community involvement when they were written and are not proposed to be altered as part of this amendment.</li> <li>• There is no proposal under Amendment C45 to change current zoning or overlay provisions applying to land. Therefore the amendment does not propose any major changes to the potential development or use of land. Rather it seeks to provide an improved policy framework to guide decision making.</li> </ul>
10	<p>Supports the amendment however requests three minor modifications to tourism policy:</p> <ul style="list-style-type: none"> <li>• The referenced document, 'Strategic Master Plan for the <i>Great Ocean Road Region Victoria Economy 2015-2025</i> should also be included in the list of reference documents at Clause 21.08.</li> <li>• The exhibited Clause 21.05-2 at the end of the 'Strategies' section states 'Facilitate the use and development of nominated tourism opportunity</li> </ul>	<p>The recommended changes are supported as they clarify and add value to policy direction.</p>

Sub. no.	Summary of submission	Recommended Council position at planning panel
	<p>sites set out in Table 1 to this clause in accordance with their preferred use'. It is submitted that this clause should say, '<i>generally</i> in accordance with their preferred use'.</p> <ul style="list-style-type: none"> <li>Given the 'Tourism Opportunity Sites' table is being moved to Clause 21.05-2 then Schedule 1 to the Rural Activity Zone will also need to be amended to refer to the changed clause as it currently refers to Table 1 as being at Clause 22.03-4.</li> </ul>	
11	<ul style="list-style-type: none"> <li>Request the MSS is updated to consider the Advisory Committee report on Major Hazard Facilities soon to be released and reflect the presence of high pressure transmission gas pipeline and incorporate strategies to protect the pipeline from encroaching activities that may affect it operation.</li> </ul>	<p>Council officers have considered the Advisory Committee report into Major Hazard Facilities released by the Minister for Planning and consider its recommendations below to appropriately address APA Groups concerns:</p> <ul style="list-style-type: none"> <li>Prepare a Ministerial Direction under Section 7(5) of the <i>Planning and Environment Act 1987</i> and an associated Planning Practice Note to guide the development of local policy and the application of the Environmental Significance Overlay and schedules to planning around Major Hazard Facilities.</li> <li>Modify the Clause 65 Decision Guidelines to include an additional decision guideline to refer to hazards associated with Major Hazard Facilities.</li> </ul>
12	<ul style="list-style-type: none"> <li>Objects to the amendment and requests any reference to gas under clause <i>21.05-4 Stone and Gas Resources</i> be removed as need to move towards more renewable energy systems rather than exploration for more gas in order to reduce CO2 emissions.</li> </ul>	<ul style="list-style-type: none"> <li>Clause 21.05-4 acknowledges that Corangamite Shire is home to an important gas industry.</li> <li>Legislation relating to the exploration of conventional and unconventional gas is controlled by the State Government. There is currently a permanent ban on the exploration of all onshore unconventional gas and a moratorium in place on the exploration and development of conventional onshore gas until 30 June 2020.</li> <li>Council supports the ban on unconventional gas (fracking) but does not support the moratorium on conventional gas exploration and development as it could provide an affordable supply of gas critical to local industries such as dairy</li> </ul>

Sub. no.	Summary of submission	Recommended Council position at planning panel
13	<ul style="list-style-type: none"> <li>• Update and streamlining of amendment is appropriate however clauses on environmental risks, natural resource management and economic development need revision as they are too weak and miss out on several points relating natural resource protection and inappropriately prioritise tourism development.</li> <li>• Currently there is an expressed bias towards tourism development at the expense of other values. Tourism development needs to be managed so everyone benefits and not at expense of the environment.</li> <li>• Object to Amendment C45 and request that an inclusive and open community consultation process is undertaken to ensure the priorities of ratepayers and communities are reflected.</li> <li>• Request specific changes to LPPF clauses relating to environment, landscapes and economic development</li> </ul>	<p>processing.</p> <ul style="list-style-type: none"> <li>• There are references to the environment, economic development and tourism within the LPPF. No policy is given more weight over another rather it acknowledges that use and development require balancing all these objectives.</li> <li>• Appropriate consultation has been undertaken during the planning scheme review process and through the exhibition of Amendment C45.</li> <li>• The LPPF has several references to the environment, its value and importance. All the local area policies were developed with community involvement when they were written and are not proposed to be altered as part of this amendment.</li> <li>• There is no proposal under Amendment C45 to change current zoning or overlay provisions applying to land. Therefore the amendment does not propose any major changes to the potential development or use of land. Rather it seeks to provide an improved policy framework to guide decision making.</li> </ul>
14	<ul style="list-style-type: none"> <li>• Local Planning Policy for Princetown has not been adhered to in relation to the Montarosa development at Princetown.</li> <li>• Lack of infrastructure along the Great Ocean Road to cater for number of visitors and this should be fixed up first. More resources need to be provided to maintain and upkeep these facilities.</li> <li>• Request specific changes to LPPF clauses relating to Princetown and tourism.</li> </ul>	<ul style="list-style-type: none"> <li>• Whether a local planning policy has been adequately considered in a specific planning application is not relevant to this amendment.</li> <li>• The suggested additional strategies to be included within the Princetown local planning policy and tourism policy are not considered necessary. Community views and submissions on strategies and individual permit applications are already considered in decision making. There are also existing provisions in the <i>Planning and Environment Act 1987</i> which guide notification and submission processes in relation to planning scheme amendments and permit applications.</li> <li>• Infrastructure provision along the Great Ocean Road is primarily the responsibility of State Government. Council has been advocating for infrastructure improvements.</li> </ul>

Sub. no.	Summary of submission	Recommended Council position at planning panel
15	<ul style="list-style-type: none"> <li>• Has concerns in relation to changes to policy on rural dwellings and subdivision.</li> <li>• There is a need to strike a balance between retaining agricultural land and allowing flexibility in the change of ownership of land for existing landowners and investors.</li> <li>• Excisions of dwellings and boundary realignments are often necessary to reduce debt or provide cash flow to purchase more land.</li> </ul>	<ul style="list-style-type: none"> <li>• Subdivision of existing dwellings for agricultural purposes such as farm worker accommodation is already allowable under current and proposed policy.</li> <li>• The use of discretion in balancing the broader community objectives and an individual's circumstances is appropriately struck in this amendment.</li> <li>• The policy position articulated in Amendment C45 in relation to small lot excision and subdivision is consistent with current Council practice, and the amendment retains sufficient discretion in this regard.</li> </ul>
16	<ul style="list-style-type: none"> <li>• Amendment does partly address policy gap on direction for tourism development beyond identified tourism opportunity sites however further emphasis needs to be placed on the implementation of the Shipwreck Coast Master Plan and the Strategic Master Plan for the Great Ocean Road Region Visitor Economy 2015-2015.</li> <li>• Needs to be a clearer pathway for supporting appropriate tourism development.</li> </ul>	<ul style="list-style-type: none"> <li>• It is considered that there is sufficient reference to both of these documents in Clause 21.05-2 and the amendment proposes the inclusion of the Shipwreck Coast Master Plan as a reference document. This is appropriate given that the Shipwreck Coast Master Plan was released by the Minister for the Environment Climate Change and Water in December 2015, and is supported by the Victorian Government.</li> </ul>
17	<ul style="list-style-type: none"> <li>• Supports the amendment.</li> <li>• Aligning the planning scheme with the Shire and Regions strategy on tourism can only promote efficiency and prove beneficial in encouraging appropriate and relevant development.</li> </ul>	<ul style="list-style-type: none"> <li>• Note support</li> </ul>
18	<ul style="list-style-type: none"> <li>• Recommends minor changes to the wording of strategies and objectives relating to flooding and waterway buffers.</li> </ul>	<ul style="list-style-type: none"> <li>• The suggested rewording of the Objective at Clause 21.04-3 "To ensure that land use and development is compatible with the flood hazard" is supported.</li> <li>• It is considered that the Planning Scheme already contains sufficient measures to protect waterway buffers from development.</li> <li>• The Planning Scheme already contains a mechanism and controls (such as the Environmental Significance Overlay and Land Subject to Inundation Overlay) that can be applied where it can be demonstrated that risk exists.</li> </ul>

Sub. no.	Summary of submission	Recommended Council position at planning panel
19	<ul style="list-style-type: none"> <li>• Whilst the amendment is generally supported the submission suggests changes to Clause 21.03-2 and Clause 22.01. These relate to rural dwellings and subdivision with the recommendations to allow greater discretion for rural subdivisions.</li> <li>• The submission seeks a new policy direction to allow support for the creation of smaller lots in the rural zones. This is to allow the affordable dispersal of land and the increased potential to raise capital from the sale of smaller parcels of land.</li> </ul>	<ul style="list-style-type: none"> <li>• The policy position articulated in Amendment C45 in relation to small lot excision and subdivision is consistent with current Council practice, and the amendment retains sufficient discretion in this regard.</li> <li>• The requirement for consolidation of land or Section 173 agreements are sometimes used in order to ensure that land is not further fragmented or to ensure that further dwellings on vacant land are not developed.</li> </ul>
20	<ul style="list-style-type: none"> <li>• Preventing excisions and realignments will affect farming businesses as having several titles gives greater financial flexibility i.e. borrowing from bank, selling to adjoining landowner.</li> <li>• Preventing excisions will prevent farm workers purchasing their own property close to work and small scale farming businesses from being able to operate.</li> <li>• Understand planning scheme must be reviewed however believe it doesn't need to be changed as it has been operating perfectly.</li> <li>• Each rural subdivision case must be assessed on its own merits and a blanket ban on rural subdivision inappropriate and counterproductive for the future of the area.</li> </ul>	<ul style="list-style-type: none"> <li>• The submitters concern that amendment proposes a blanket ban on small lot excisions and realignment of lot boundaries is incorrect. Whilst the submitter states the scheme is currently operating perfectly the current scheme does control subdivision of land and excision of dwellings. The policy position remains unchanged and enhancements and clarification to the settings are being sought under this amendment.</li> <li>• The planning scheme review found there was a need to update the LPPF.</li> </ul>

### 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 policy direction in accordance with the recommendations of the review and in line with State Government policy and relevant Practice Notes.

### Internal / External Consultation

Notification of the amendment was carried out in accordance with the *Planning and Environment Act 1987*, and included notice in all local newspapers and notice in the Government Gazette. The amendment, Planning Scheme Review Report and Frequently Asked Questions Sheet was available for viewing on Council's website, Council offices, Corangamite Shire libraries, Skipton post office and Port Campbell Visitor Information Centre. In addition to this notice, six drop-in information sessions were held in various locations throughout the Shire where planning staff were available to discuss the amendment and copies of the amendment were available.

### Financial and Resource Implications

Provision has been made in the 2017-2018 budget for a planning scheme amendment and associated panel costs. There are no significant ongoing financial implications for Council arising from this amendment.

### Options

The options open to Council are to:

1. Abandon the Amendment.
2. Alter the amendment to satisfy all submitters and adopt the amendment. This option is not feasible as a number of the submissions raise issues which could not be accommodated in the amendment.
3. Continue with C45 Corangamite Planning Scheme Review Amendment and request that the Minister for Planning appoint an Independent Panel and refer all submissions to the Panel for consideration. The Panel will provide advice to Council before the amendment is adopted.

It is recommended that Council request the Minister for Planning to appoint a Panel; refer all the submissions received to the Panel for consideration, and note the Council position in relation to each submission to be referred to the Panel.

### Conclusion

Amendment C45 proposes to implement the recommendations of the Corangamite Planning Scheme Review. Twenty (20) submissions have been received as a result of the public exhibition period. These submissions have been assessed and it is recommended that all submissions be referred to an independent planning panel.

### RECOMMENDATION

**That Council:**

1. **Requests the Minister for Planning appoint an independent Panel under part 8 of the *Planning and Environment Act 1987*.**
2. **Refers all submissions received to the Panel for consideration.**
3. **Notes the Council position in relation to each submission referred to the Panel.**

### COUNCIL MOTION

**MOVED:** *Cr Gstrein*

**SECONDED:** *Cr Brown*

**That the recommendation be adopted.**

**LOST**

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**COUNCIL RESOLUTION**

*MOVED: Cr Trotter*

*SECONDED: Cr Illingworth*

**That the item be deferred and reconsidered at the July meeting of Council.**

**CARRIED**

**Attachments**

1. Attachment 1 Council Meeting 23 May 2017 Amendment C45 Documentation - Under Separate Cover
2. Attachment 2 Council Meeting 23 May 2017 Submissions Amendment C45 - Under Separate Cover

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## 9.2 Planning Permit Application PP2017/016 Use and Development of Telecommunications Facility 284 Wire Lane, Chocolyn

**Author:** Stephanie Durant, Planning Officer

**File No:** D17/322

**Previous Council Reference:** 26 April 2017, 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

A planning application has been received, proposing to use and develop land for a telecommunications facility at 284 Wire Lane, Chocolyn. Two submissions have been received objecting to the application.

The proposal has been assessed against the relevant provisions of the Corangamite Planning Scheme and it is recommended that a notice of decision to grant a planning permit is issued subject to conditions.

### Introduction

This application was previously considered by Council at its meeting on 26 April 2017. The item was deferred as Council requested further information. The further information requested related to:

- the consideration of alternative locations
- the consideration of co-location options and the outcomes of such consideration
- the justification for the proposal having regard to coverage information
- the justification for the height of the tower and the proposed lattice structure as opposed to other options which would result in reduced visual impact
- the role of Huawei Technologies in the project.

A response to the request for further information has been received. This is provided at **Attachment 4** to this report. In summary the information provided indicates that:

- A number of alternative sites were considered. Optus could not achieve tenure agreements in relation to other sites. The subject site meets all of Optus siting objectives.
- Co-location with Optus or Telstra infrastructure within Camperdown cannot be made as those sites are at capacity or do not have the required height to reach the coverage objectives.



- The proposed facility is required to provide continuous coverage to the Princes Highway, between Camperdown and Weerite. It also aims to meet target signal levels at identified reference points. The coverage maps provided to Council on 26 April 2017 provide a predictive indication of the 4G indoor coverage that will be available once the new facility is built and is in service.
- A structure height of 50m is required to meet Optus' primary coverage objectives. Typically, telecommunications towers that are greater than 40m in height are constructed as lattice towers or as guyed masts. Any reduction in the height of the structure will directly affect coverage.
- Huawei Technologies (Australia) Pty Ltd (Huawei) is a telecommunications vendor contracted by Optus to provide end-to-end services for the delivery of mobile phone base stations Australia-wide.

This report and recommendation remains largely unchanged to that which was presented at the April Council Meeting.

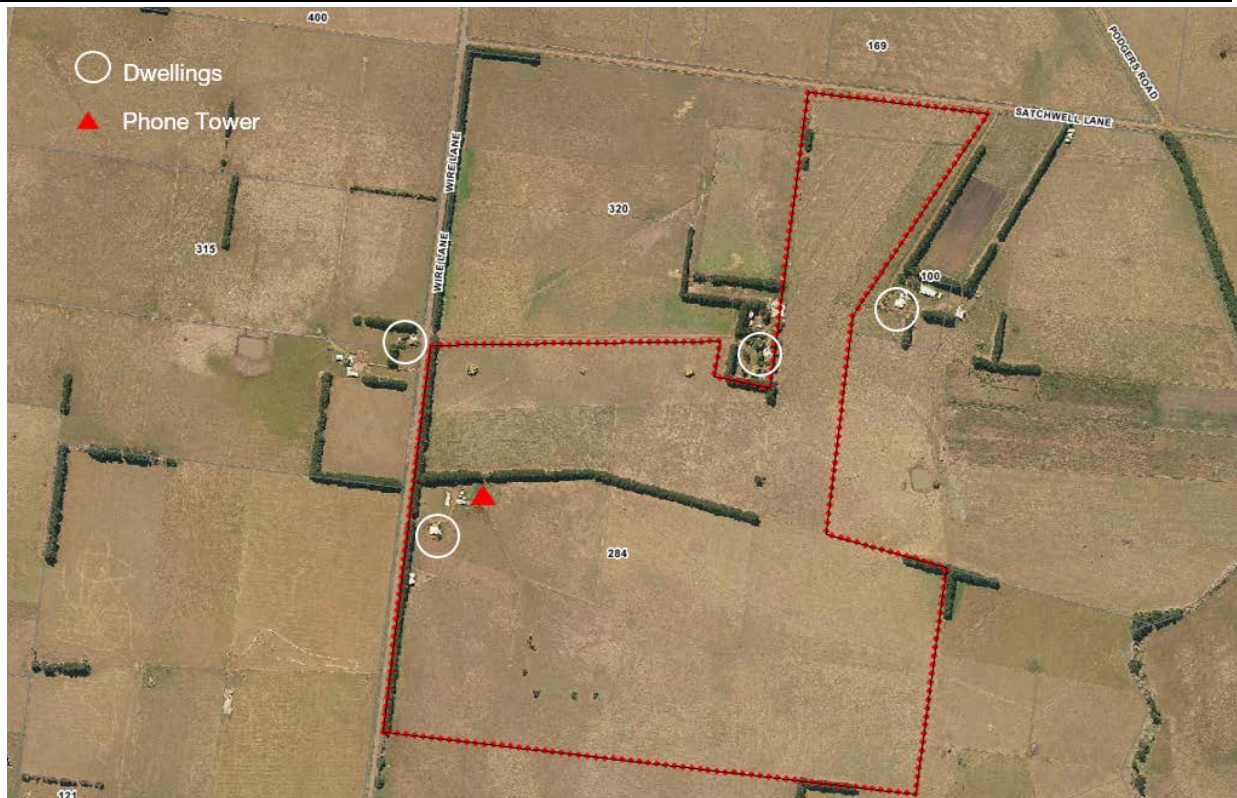
### ***Subject Site and Surrounds***

The subject land has a total area of 75.42 hectares and contains a dairy farm. There is a dwelling owned by the landowner located approximately 80 metres south-west of the proposed tower and a dairy and associated shedding located directly west of where the proposed tower is to be located. There are established Cyprus shelterbelts along the western boundary adjoining Wire Lane and to the north of the proposed tower site. There is existing all weather access to the site from Wire Lane.

The site is located in a rural area approximately two kilometres east of Camperdown. The closest dwelling in a different ownership to the landowner is located approximately 270 metres to the north-west, with the next closest properties located approximately 550 metres and 820 metres to the north-east.



**Figure 1: Site Plan**



**Figure 2: Site Context**

#### Need for the facility

Optus is currently in the process of a nationwide rollout to improve their network coverage. The rollout consists of the upgrade of existing telecommunications facilities and where required, the installation of new mobile base stations. The primary objective of this proposed facility is to provide continuous coverage to the Princes Highway between Camperdown and Weerite. It also aims to meet target signal level points along Wire Lane and Wiridgil Road. These target levels are listed in **Attachment 3**. Meeting these target levels will also increase the capacity of its network in Camperdown and improve the performance of the existing Optus facility at the Caravan Park on Park Road, Camperdown.

The height and the lattice structure design are required as a structure lower than 50 metres would not meet Optus' primary coverage objectives and towers that are greater than 40 metres in height are constructed as lattice towers or guyed masts rather than monopoles.

Figure 3 and 4 shows the current indicative Optus 3G and 4G outdoor coverage. Figure 5 shows the indicative current and proposed 4G indoor coverage (i.e. once the new facility is built and in service). Optus have stated that they are designing their network to cater for indoor coverage requirements.

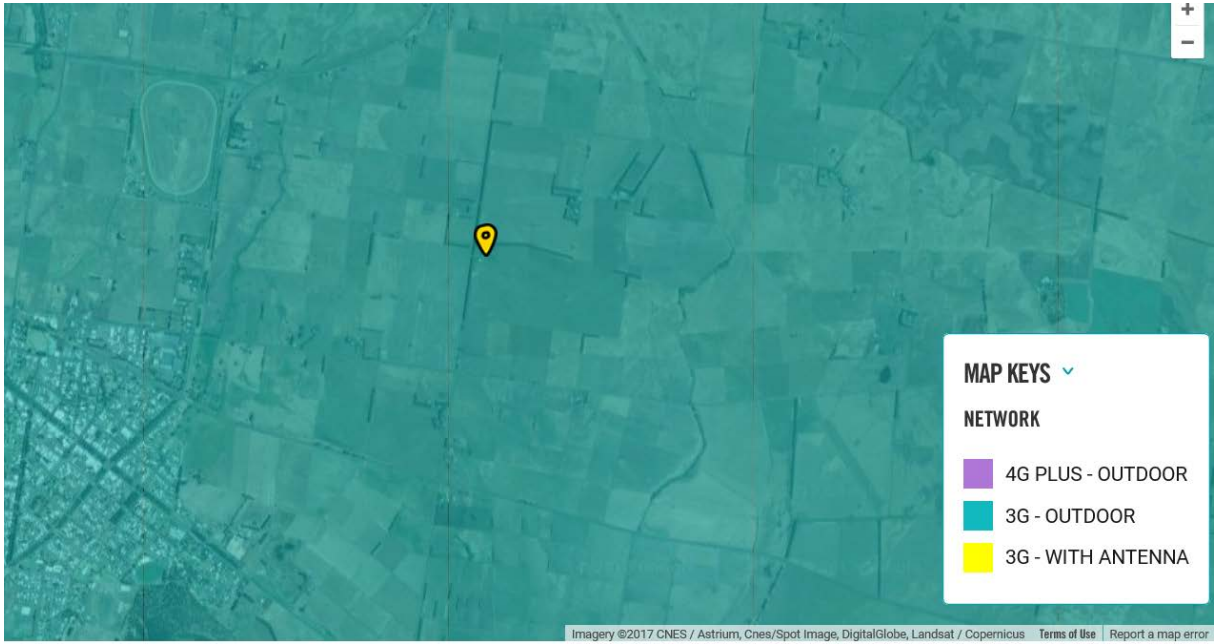


Figure 3 Current Optus Outdoor Coverage for Apple iPhone 5 (source: Optus website)

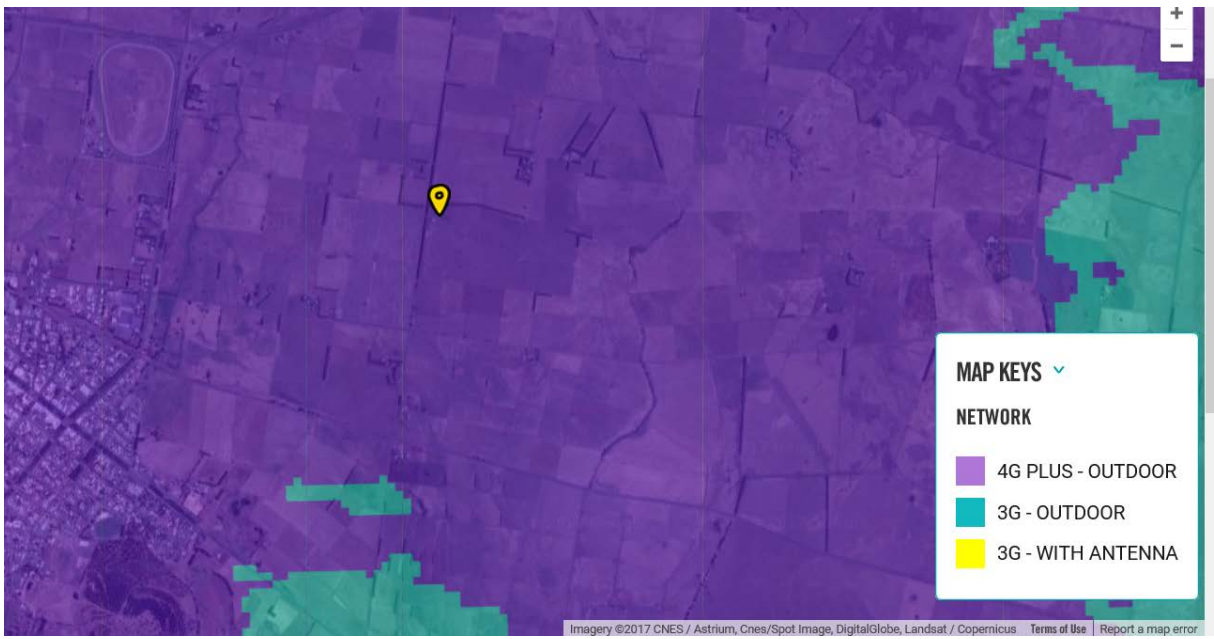
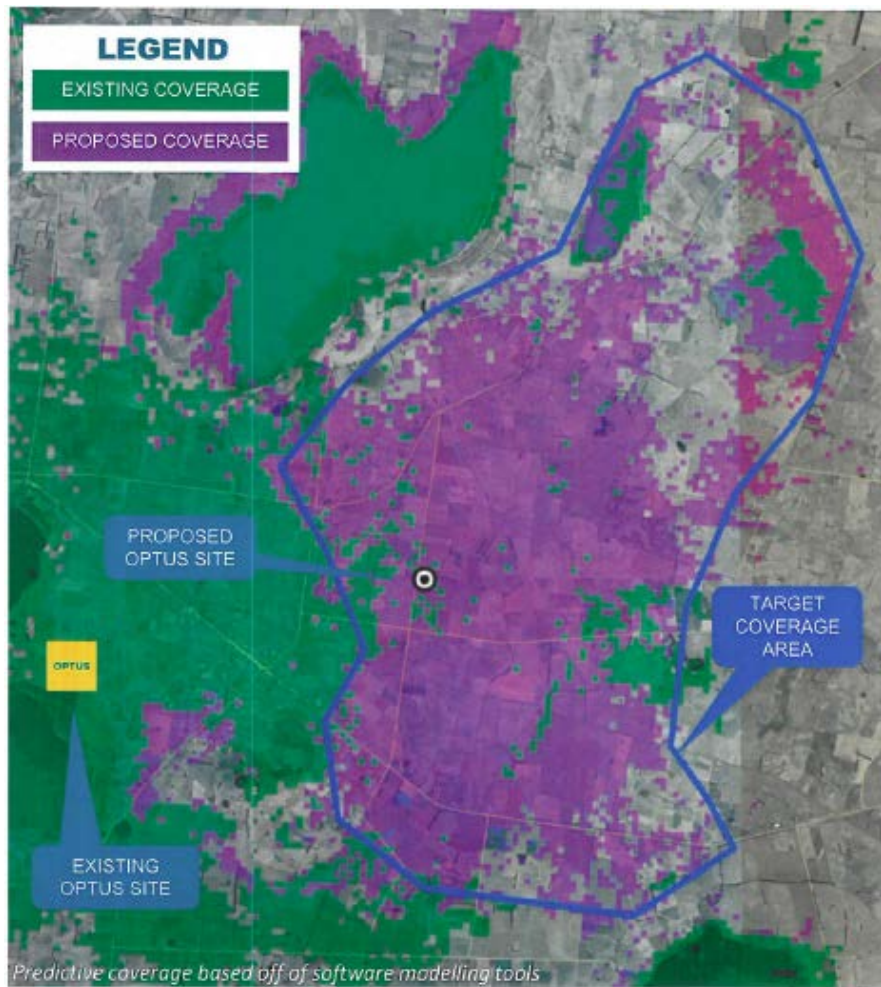


Figure 4 Current Optus Outdoor Coverage Apple iPhone 6 (source: Optus website)



**Figure 5 Current and Proposed Optus Indoor Coverage**

### Proposal

The application proposes to construct a mobile phone base station. The proposed facility will be located approximately 120 metres east of Wire Lane and 250 metres from the northern property boundary. The base station will consist of a 50 metre lattice tower with:

- three panel antennas (2600mm x 548mm x 150mm) mounted at 49 metres;
- twelve radio remote units mounted behind the antennas;
- one radio communications dish 1800mm in diameter mounted at 49 metres;
- one equipment shelter at 7.4m<sup>2</sup> and secure compound with security fence, access gates, cables connecting the antennas to the equipment shelter and proposed underground electrical run to existing power pole.

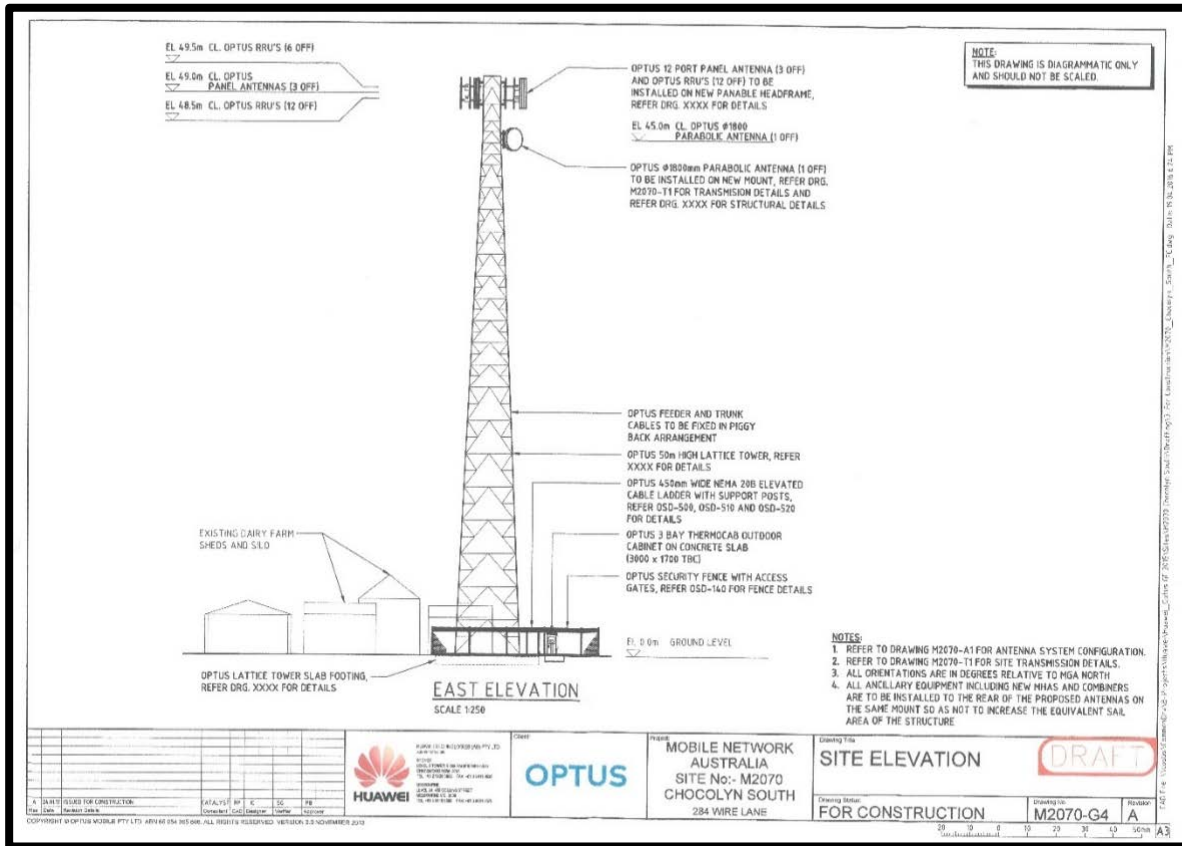


Figure 6: Elevation Plan

Alternative locations considered:

*Lot 2 LP33329 Wiridgil Road, Chocolyn*

The landowner was contacted to determine interest however there was no interest from the landowner in receiving a proposal from Optus.



Figure 7 Lot 2 LP33329 Wiridgil Road, Chocolyn

*Lot 2 LP70734 Wiridgil Road, Chocolyn*

The landowner was contacted to determine interest, however, there was no interest in receiving a proposal from Optus.



**Figure 8 Lot 2 LP70734 Wiridgil Road, Chocolyn**

*Lot 3 LP9384 250 Wiridgil Road Camperdown*

The site was considered largely suitable however a tenure arrangement could not be secured. Accordingly it was not pursued further.



**Figure 9: Lot 3 LP9384 250 Wiridgil Road Camperdown**

### *Lot 2 LP131782 Wiridgil Road Camperdown*

The site is largely suitable however a tenure arrangement could not be secured as the landowner withdrew interest. Accordingly, this location was not pursued further.



**Figure 10: Lot 2 LP131782 Wiridgil Road Camperdown**

### **Policy and Legislative Context** ***Zoning and Overlays***

The subject site is located within the Farming Zone 1 (FZ1) and not covered by any overlays. Under Clause 35.07-1 of the Farming Zone a planning permit is required to use and development land for a telecommunications facility as the buildings and works associated with the telecommunications facility.

The purpose of the Farming Zone is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

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***Particular Planning Scheme Provisions***

**52.19 Telecommunications Facility**

Pursuant to Clause 52.19-2 a planning permit is required to construct a building or construct or carry out works for a Telecommunications Facility as the facility does not meet the requirements of a low-impact facility as described in the *Telecommunications (Low Impact) Facilities Determination 1997*.

The purpose of Clause 52.19 is:

- To ensure that telecommunications infrastructure and services are provided in an efficient and cost effective manner to meet community needs.
- To ensure the application of consistent provisions for telecommunications facilities.
- To encourage an effective statewide telecommunications network in a manner consistent with the economic, environmental and social objectives of planning in Victoria as set out in section 4 of the Planning and Environment Act 1987.
- To encourage the provision of telecommunications facilities with minimal impact on the amenity of the area.

***State Planning Policy Framework (SPPF)***

**Clause 19.03-4 Telecommunications**

The objective of Clause 19.03-4 telecommunications is to 'to facilitate the orderly development, extension and maintenance of telecommunication infrastructure.' Further strategies identified by this provision are as follows:

- Facilitate the upgrading and maintenance of telecommunications facilities.
- Ensure that modern telecommunications facilities are widely accessible to business, industry and the community.
- Ensure the communications technology needs of business, domestic, entertainment and community services are met.
- Do not prohibit the use of land for a telecommunications facility in any zone.
- In consideration proposals for telecommunication services, seek a balance between the provision of important telecommunications services and the need to protect the environment from adverse impacts arising from telecommunications infrastructure.
- Planning should have regard to national implications of a telecommunications network and the need for consistency in infrastructure design and placement.

Planning must consider as relevant *A Code of Practice for Telecommunications Facilities in Victoria, 2004*.

***Incorporated Documents***

**A Code of Practice for Telecommunications Facilities in Victoria, July 2004**

The following four principles of the code of practice must be applied where relevant to the design, siting, construction and operation of any telecommunications facility which is not exempt under Commonwealth legislation:

Principal 1

- A telecommunications facility should be sited to minimise visual impact.

Principal 2

- Telecommunications facilities should be co-located wherever practical.



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Principal 3

- Health standards for exposure to radio emissions will be met.

Principal 4

- Disturbance and risk relating to siting and construction should be minimised.
- Construction activity and site location should comply with State environment protection policies and best practice environmental management guidelines.

Application of these principles includes:

- Equipment associated with the telecommunications facility should be screened or housed to reduce its visibility.
- Overhead lines and antennae should be attached to existing utility poles, towers or other radio-communications equipment to minimise unnecessary clutter.
- Equipment associated with the telecommunications facility should be screened or housed to reduce its visibility.
- A telecommunications facility should be located so as to minimise any interruption to a significant view of a heritage place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land.
- A telecommunications facility must be designed and installed so that the maximum human exposure levels to radio frequency emissions comply with Radiation Protection Standard – Maximum Exposure Levels to Radiofrequency Fields – 3kHz to 300 GHz, Arpana, May 2002.

***General Provisions***

Clause 65 Decision Guidelines

The following decision guidelines are relevant to this application:

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.

**Internal / External Consultation**

***Referrals***

The application was referred internally to Council's Assets department who provided comment on access requirements.

***Advertising***

Notice of the application was provided in accordance with the *Planning and Environment Act 1987*, with all adjoining landowners and occupiers receiving notification and notice being placed on Council's website.

***Submissions***

Two submissions objecting to the application were received per **Attachment 2**. The issues raised in the objections and an officer response to each are provided below.

<b>Objection</b>	<b>Officer Response</b>
Loss of TV and phone reception.	The Australian Communications and Media Authority (ACMA) is the regulatory body that deals with TV and phone reception interference. It is not within the realm of a planning application to assess the potential impacts of TV and phone reception and further a formalised regulatory body exists to manage this issue.
Health impacts on animals and humans.	Optus, along with other mobile carriers must adhere to Commonwealth Legislation and regulations regarding mobile phone facilities and equipment administered by the Australian Communications and Media Authority (ACMA). The ACMA has adopted the ARPANSA standard for continuous exposure of the general public to Radio Frequency Electromagnetic Energy from Mobile Base Stations. Optus has used this methodology to undertake a compliance report that predicts the maximum levels of radiofrequency EME from the proposed installation. The maximum EME level will be 0.23% of the exposure limit under the standard and therefore complies with the ACMA mandated exposure limit. Where a facility operates within the standard, the emissions of EME is not a relevant planning consideration.
The facility will cause power failures in the area.	There is no evidence to suggest that the facility will cause power outages.
The facility is too close to houses.	In order for a phone tower to provide adequate coverage it is required to be in proximity to settlements and dwellings. It is considered that the location of the tower strikes a balance between separation from dwellings and being in proximity to settlements to allow adequate mobile phone coverage in these areas. As the tower will be operating within all National standards and does not directly affect any significant views established by the Corangamite Planning Scheme its location is considered appropriate.
Land is low lying and prone to flooding.	The site is flat and not prone to flooding.

Objection	Officer Response
Existing vegetation may die and no longer provide adequate screening.	A planning permit condition will require that if the existing screening vegetation is no longer sufficient then it must be replaced.
Visual impacts.	<p>In order for telecommunications facilities to be effective they have to be of a height where they will be visible. The site and surrounds although visually attractive are essentially a typical rural landscape and are not considered of a significant nature to preclude the development of a telecommunications facility. Furthermore, the facilities location amongst established vegetation will minimise the visual impacts when viewed from adjoining properties to the north and west.</p> <p>Visual impacts of telecommunications facilities were considered in <i>Optus Mobile Pty Ltd v Ballarat City Council (2010) VCAT 661</i> where tribunal member Baird stated That “<i>it has to be appreciated that facilities of this sort are necessarily visible. They need to be tall enough (and consequently visible) to serve their purpose of providing telecommunications.</i>”</p>
14 days is an insufficient time to comment on the application	Notice was given in accordance with the <i>Planning and Environment Act 1987</i> which specifies a period of 14 day’s notice.

### ***Consultation***

An onsite consultation meeting was held with the applicant, Councillors and planning officers on 4 April 2017.

### **Assessment**

The decision guidelines of Clause 52.19 Telecommunications Facility are the primary planning scheme tools to assess this application. A response to the relevant decision guidelines of the Clause 52.19 are addressed below:

**Clause 52.19 Telecommunications Facility**  
**Decision Guideline**      **Officer Response**

The principles for the design, siting, construction and operation of a Telecommunications facility set out in *A Code of Practice for Telecommunications Facilities in Victoria*.

The application is considered to comply with the principles under code of practice for the following reasons:

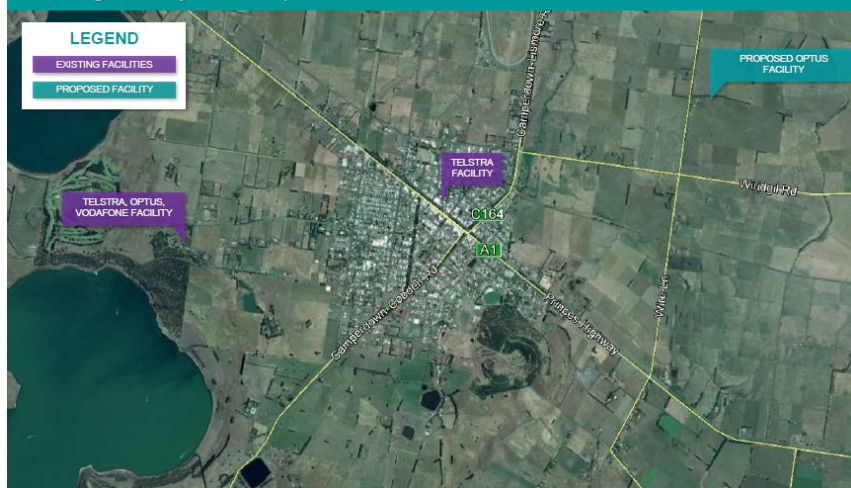
*Principle 1*

- It is not located on or in vicinity of a heritage place.
- The equipment shelter will be screened by existing vegetation on the site.
- The telecommunications facility does not interrupt a significant view of a heritage place, a landmark, a streetscape, vista or panorama.

*Principle 2*

Optus has considered options for co-location with other carrier facilities in the area as well as optimising existing Optus facilities. The maps below show the location of existing facilities in the area.

Existing Facility Site Map - Local



Existing Facility Site Map - Regional



1. Co-location on existing Telstra facility at 3 Church Street Camperdown

The Telstra exchange building currently accommodates a Telstra mobile phone base station, with antennas located on the rooftop of the existing building.

<b>Clause 52.19 Telecommunications Facility</b>	
	<p>This building is considered unsuitable for co-location as:</p> <ul style="list-style-type: none"> <li>• Optus would require a similar sized structure to the proposed facility (i.e. 50m lattice tower) to meet its primary objective coverages and this size and scale is not considered appropriate in the centre of Camperdown.</li> <li>• A smaller scale facility on this site would not meet Optus' primary coverage objective of achieving continuous highway coverage between Camperdown and Weerite could not be achieved in this location and would also create interference to the existing Telstra antennas.</li> </ul> <p>2. <u>Optimisation of the existing Optus site at 219 Park Road Camperdown</u></p> <p>Optus has considered the optimisation of the existing Optus site. The existing site is considered unsuitable as Optus' primary coverage objective of achieving continuous highway coverage between Camperdown and Weerite could not be achieved in this location due to its location west of Camperdown and its current usage is reaching capacity and can't serve additional users in the area.</p> <p>3. <u>Mount Porndon Multi carriers and NBN Pomborneit (approximately 17 km from site)</u></p> <p>4. <u>Optus Tower 380 Jancourt Road Bostocks Creek (approximately 9km from site)</u></p> <p>Both of these sites are too far from the target coverage area and are not suitable for upgrade or optimisation to meet Optus primary coverage objectives.</p> <p><i>Principle 3</i></p> <ul style="list-style-type: none"> <li>• The applicant has stated that like other telecommunications facilities, the proposed facility will operate well within the mandatory standard known as the Radio communications (Electromagnetic radiation-Human Exposure) standard 2003 which is regulated by the Australian Communications and Media Authority (ACMA). The ACMA set standards that limit human exposure to Electromagnetic Energy.</li> </ul> <p><i>Principle 4</i></p> <ul style="list-style-type: none"> <li>• The facility will be located within a security compound of area, comprising a security fence and gates.</li> <li>• All structures on the site will be certified by qualified engineers and the installation will be carried out in accordance with Australian Standards.</li> </ul>
The effect of the proposal on adjacent land.	The telecommunications facility will be visible from some nearby properties, however this has been minimised where possible by locating the facility amongst established vegetation and setback from dwellings.

<b>Clause 52.19 Telecommunications Facility</b>	
<p>If the Telecommunications facility is located in an Environmental Significance Overlay, a Vegetation Protection Overlay, a Significant Landscape Overlay, a Heritage Overlay, a Design and Development Overlay or an Erosion Management Overlay, the decision guidelines in those overlays and the schedules to those overlays.</p>	<p>The telecommunications facility is not located within any of these overlays.</p>

<b>Farming Zone</b>	
<b>Decision Guideline</b>	<b>Officer Response</b>
<p>Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.</p>	<p>The site is considered to be suitable for the telecommunications facility as it not located within a significant landscape and is reasonably separated from dwellings.</p>
<p>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</p>	<p>It is considered that the telecommunications facility won't limit the operation or expansion of adjoining and nearby agricultural uses. There is no evidence to suggest that the levels of EME will have an impact on the behaviour or health of animals.</p>
<p>The impact of the use or development on the flora and fauna on the site and its surrounds.</p>	<p>There is no evidence of any significant flora and fauna on the site or surrounds.</p>
<p>The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.</p>	<p>The telecommunications facility will be visible due to its required height. However it has been located away from major roads and vistas to ensure that its visual impact is minimised.</p>
<p>The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.</p>	<p>The telecommunications facility is not located on an area that is of architectural, historic or scientific significance and will not interrupt a significant view.</p>
<p>Whether the use and development will require traffic management measures.</p>	<p>The proposed facility may require traffic management during the construction period, however ongoing traffic management measures will not be required.</p>

### 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 Refusal to Grant a Planning Permit.

### Conclusion

The planning application proposes to use and develop the land for a 50 metre telecommunications facility. The primary objective of this facility is to provide continuous coverage to the Princes Highway between Camperdown and Weerite. Opportunities for co-location on other nearby facilities as well as optimisation of existing facilities has been investigated by the applicant and no viable option that meets the coverage objectives of Optus is available. As the site is not located within an overly sensitive landscape, is separated from dwellings and has attempted to minimise visual impact by siting it within an area that has mature landscaping, it is recommended that a Notice of Decision to Grant a Planning Permit is issued subject to conditions.

### RECOMMENDATION

**That Council resolves to issue a Notice of Decision to Grant a Planning Permit for Use and Development of a Telecommunications Facility on land described as CP154730, Parish of Purrumbete North 284 Wire Lane, Chocolyn, subject to the following conditions:**

#### **Layout Not Altered**

1. **The layout of the site and the size of any proposed buildings and works shown on the endorsed plans must not be altered or modified unless agreed to by the Responsible Authority.**

#### **Maintenance**

2. **The permitted telecommunications facility, including the lattice tower and associated equipment, must be maintained in good condition to the satisfaction of the Responsible Authority.**

#### **Site Management**

3. **During the construction of the telecommunications facility, the permit holder must use appropriate site management practices to prevent the transfer of mud, dust sand, slurry or other construction material from the site onto nearby roads or properties to the satisfaction of the Responsible Authority.**

#### **Vegetation Screening Maintenance**

4. **The vegetation screen shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.**

#### **Removal of Facility Once Redundant**

5. **Within three months of the date of the facility becoming redundant, all buildings and works must be removed from the site to the satisfaction of the Responsible Authority.**

**Expiry of Permit – Use and Development**

6. This permit will expire if one of the following circumstances applies:

- (a) The use and development is not commenced within two (2) years of the date of this permit.
- (b) The development is not completed within four (4) years of the date of this permit.

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.

**Note 1: Assets Approval Required**

Prior to the construction of any new vehicle crossings or modification of existing vehicle crossings the applicant must apply for and obtain appropriate assets approval from the Responsible Authority.

**COUNCIL RESOLUTION**

*MOVED: Cr Gstrein*  
*SECONDED: Cr Illingworth*

**That the recommendation be adopted.**

**CARRIED**

**Attachments**

- 1. Attachment 1: Application Planning Permit Buildings and Works Associated with a New Telecommunications Facility PP2017/016 2080P - Under Separate Cover
- 2. Attachment 2 Submissions - Under Separate Cover
- 3. Attachment 3 Correspondence 11 April 2017 - Under Separate Cover
- 4. Attachment 4 Correspondence 8 May 2017 - (Response to further information request from 25 April Council meeting) - Under Separate Cover



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Cr H. Durant returned to the meeting at 8.15 pm.

## 10. OFFICERS' REPORTS

### 10.1 Council Plan 2017-2021

**Author:** Penny MacDonald, Executive Services and Governance Coordinator

**File No:** D17/274

**Previous Council Reference:** 28 March 2017, Item 10.1

#### 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 - Penny MacDonald

In providing this advice to Council as the Executive Services and Governance Coordinator, I have no interests to disclose in this report.

#### Summary

Council is required by the *Local Government Act 1989* to prepare and approve a four year council plan by 30 June 2017. At the Ordinary meeting on 28 March 2017, Council endorsed the draft Council Plan 2017-2021 for public exhibition and invited submissions. This report provides Council with the opportunity to consider the submissions received and adopt the Council Plan 2017-2021.

#### Introduction

A council plan is a strategic document that guides the Council over the next four years and broadly outlines how it will achieve its intended outcomes.

The *Local Government Act* (the Act) prescribes that a council plan must include:

1. The strategic objectives of the Council.
2. Strategies for achieving the objectives for at least the next four years.
3. Strategic indicators for monitoring the achievement of objectives.
4. A strategic resource plan outlining the resources required to achieve the strategic objectives for at least the next four financial years.
5. Any other matters which are prescribed by the regulations.

#### Issues

The Council Plan 2017-2021 is the culmination of an extensive strategic planning process which has been conducted since the election of Council in October 2016. The Council Plan 2017-2021 includes:

1. A vision which describes the general direction and aspiration of the organisation.
2. A mission statement which defines its overall purpose.
3. The values of Council.

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4. Key opportunities and challenges identified by Council.
  5. A commitment to community planning within Corangamite Shire.
  6. Six major themes containing a range of objectives and strategies that describe how the objectives will be achieved. The major themes are under the headings of:
    - (a) Governance and Financial Sustainability
    - (b) Roads
    - (c) Vibrant economy, agriculture and tourism
    - (d) Built and Natural Environment
    - (e) Safe and Healthy Communities
    - (f) Organisational Performance.
  7. Performance measures which will be used to monitor the achievement of the Council Plan.
  8. A Strategic Resource Plan which outlines our resource commitments for the next four years.
  9. An Annual Action Plan for 2017-2018 which describes the proposed actions, the persons responsible for performing them and required outcomes for the first year of the Council Plan.

The Annual Action Plan 2017-2018 is provided as an addendum to the Council Plan 2017-2021, with new annual plans developed each year of the Council Plan.

Before adopting its council plan, a council must give public notice of its intention to adopt the plan and invite public submissions. Notice was provided to the community inviting submissions and copies of the draft Council Plan were made available from the Civic Centre, as well as on display at all libraries within Corangamite Shire and on Council's website.

Six submissions were received as part of the consultation process. The submissions are summarised in the table below with officer comments, and are attached to this report under separate cover.

No.	Council Plan Theme/ Objectives/ Section	Submission summary	Officer comments
1	<p><i>Vibrant Economy, Agriculture and Tourism:</i> Support and Facilitate the development of the visitor economy</p>	<ul style="list-style-type: none"> <li>The Shire should undertake independent monitoring of visitors along the Shipwreck Coast as current analysis by the ABS is wrong. A strategy should be developed to undertake on the ground data collection of the local visitor economy.</li> <li>The aim is to increase length of stay not increase visitor numbers. We are working towards low volume, high yield as opposed to current high volume, low yield.</li> </ul>	<ul style="list-style-type: none"> <li>The submission provides suggested actions that support the Council Plan's overarching objective and strategies in relation to Tourism.</li> <li>The suggestion regarding the collection of data has been noted.</li> <li>Council will continue to work on increasing the length of stay of visitors through various actions that are consistent with the Council Plan.</li> </ul>
2	<p><i>Safe and Health Communities:</i> Engage with and listen to our communities</p>	<ul style="list-style-type: none"> <li>It is important the Shire avoids at all costs situations that end with a legal challenge. It would be wise for Councillors to vote against or defer a decision until more facts are available when sections of the community are not happy with Council's proposed action. Local people usually know what they are talking about and many highly qualified.</li> <li>Consultation is appreciated and very important, but experience has demonstrated requests are not incorporated into the final project. "A classic case of we want your opinion but will probably ignore it."</li> <li>Listening to the community matters to the overall wellbeing of the Shire and its people. "We need to be known as a Shire that gets things done using good communication and avoiding problems before they get started."</li> </ul>	<ul style="list-style-type: none"> <li>The submitter provides constructive feedback on Council's community engagement/ consultation process and does not suggest changes to the Council Plan's proposed objectives and strategies.</li> <li>The feedback was noted and has been brought to the attention of senior officers.</li> </ul>

No.	Council Plan Theme/ Objectives/ Section	Submission summary	Officer comments
3	<p><i>Vibrant Economy, Agriculture and Tourism:</i> Support and Facilitate the development of the visitor economy</p> <p><i>Built and Natural Environment:</i> Improve the appearance of our towns and public spaces</p> <p>Deliver high quality, optimally used, sustainable community facilities</p> <p><i>Safe and Healthy Communities:</i> Engage with and listen to our communities</p> <p>Council will provide and support a range of opportunities that support people to engage in healthy and active lifestyles, the arts, recreation and sport</p> <p>Improve the health and wellbeing of our community</p>	<ul style="list-style-type: none"> <li>• There has been little support by Council for those working on the protection and improvement of the Camperdown Botanic Gardens and Arboretum. The gardens have the potential to attract visitors and be a valuable amenity for the local community, but is largely neglected whilst investment is made in the caravan park that is being allowed to ruin the gardens. If the aim is to attract visitors some action to fix the caravan park problem needs to be taken and the gardens should be supported and developed.</li> <li>• The Camperdown Botanic Gardens and Arboretum is a public park where people could engage in recreational activities. Only 1.2 hectares of the 25 hectare public park is made available to the public with minimal maintenance and the remaining land is divided and leased to private individuals.</li> <li>• Volunteers gather regularly to improve the garden, providing opportunity for physical activity and sense of community with no acknowledgement of the value of this work by any Councillor or Council officer over the last five years.</li> </ul>	<ul style="list-style-type: none"> <li>• The submission does not suggest changes to the Council Plan, but rather implies Council would be meeting the proposed objectives and strategies by providing greater support to the Camperdown Botanic Gardens and Arboretum.</li> </ul>

No.	Council Plan Theme/ Objectives/ Section	Submission summary	Officer comments
4	<p>Community Planning section</p> <p><i>Vibrant Economy, Agriculture and Tourism:</i> Support and Facilitate the development of the visitor economy</p> <p><i>Built and Natural Environment:</i> To preserve the natural environment of Corangamite Shire</p>	<ul style="list-style-type: none"> <li>The Community Planning section of the Council Plan mentions maintaining the Tourism Information Centre and Camperdown Botanic Gardens and Arboretum, however no connection is made between these objectives and those in Themes 3 and 4 relating to tourism and preservation of the environment.</li> <li>Landscape sites including Mt Elephant, Mt Leura and the Camperdown Botanic Gardens and Arboretum are significant to the Shire. Landscape and garden tourism are well recognised outside the Shire and should be encouraged at a local level.</li> <li>Theme 5, Safe and Healthy Communities, promoting health and education could be allied to make better use of the Shire's landscape features.</li> </ul>	<ul style="list-style-type: none"> <li>The Community Planning section of the Council Plan includes lists of each community's priority projects that are aspirational and may not be delivered or supported by Council. They are not Council objectives.</li> </ul> <p>Community Planning however, is directly linked to Theme 5, Safe and Health Communities, through the objective to Engage with and listen to our communities.</p> <ul style="list-style-type: none"> <li>The suggestion of including landscape based tourism programs or programs capitalising on our landscape features in the promotion of health and education will be considered during the development of future annual action plans.</li> </ul>
5	<p><i>Built and Natural Environment:</i> Consider the impacts on climate variability on Council operations and infrastructure and provide information and expertise to assist the community to adapt to changes</p>	<ul style="list-style-type: none"> <li>Climate change has been largely overlooked in the Council Plan. Although it is mentioned in Theme 4, it is not listed as a key challenge.</li> <li>Nearly all themes identified in the Council Plan will be impacted by climate change (examples provided).</li> <li>It is prudent for Council to change course and Council needs to go much further including setting an emissions reduction target for Council and the community. The Council Plan should address climate change more directly and</li> </ul>	<ul style="list-style-type: none"> <li>Council recognises the importance of responding to the impact of climate change within the organisation and the community. The proposed Council Plan objective and broad strategies provide a framework for future actions such as those suggested.</li> <li>Council is a member of the Barwon South West Climate Resilient Communities Program and will continue</li> </ul>

No.	Council Plan Theme/ Objectives/ Section	Submission summary	Officer comments
		<p>prominently as a matter of community health and wellbeing.</p>	<p>working on initiatives in response to likely impacts of climate change by adapting practices and infrastructure as part of ongoing designs, as well as participating in regional projects and local actions.</p>
6	<p>Key Challenges and Opportunities: Poor education attainment</p>	<ul style="list-style-type: none"> <li>• Unable to accept that poor education attainment is a main challenge for our region. Data at a recent Beyond the Bell meeting indicated Corangamite schools were performing well compared to other schools and our State standards for Year 12 attainment and retention.</li> <li>• The wording “gives the impression that our Corangamite schools are failing our students which is clearly not the case”, and the statement should be reworded to more accurately describe Corangamite’s aim to “continue to improve education attainment and educational pathways”.</li> <li>• The local misconception regarding poor education attainment is based on 2011 census data regarding people in the 20-24 age group and not local school data and this misinformation should be corrected and explained.</li> </ul>	<ul style="list-style-type: none"> <li>• Council acknowledges that there is not necessarily a causal link between the quality of education and education attainment. The census data, for example, would include population movement into the Shire of people who have not completed Year 12, or more likely the movement out of the Shire of people to undertake higher education, resulting in a lower education attainment rate that is unrelated to the quality of education in Corangamite.</li> <li>• Work is being done on identifying additional measures in relation to education attainment that does not rely on the census data currently used, and there could be an improvement in communicating the context associated with the data.</li> <li>• Council recognises and respects the quality of education provided in our local schools, however it is also recognised that</li> </ul>

No.	Council Plan Theme/ Objectives/ Section	Submission summary	Officer comments
			education is a key determinant of future success for individuals and communities. It is important that education attainment be seen as an issue for the broader community and not just schools.

**Table 1: Submissions**

The six submissions covered a variety of matters including tourism, community consultation, the Camperdown Botanic Gardens and Arboretum, landscape and garden tourism and maximising Corangamite's landscape features, as well as climate change and education attainment.

Upon examination, most of the submissions provide suggestions for specific strategies or actions that would fall under the proposed Council Plan objectives and broad strategies, or offer feedback on past Council projects or interactions. Only one submission suggests a particular amendment to the Plan to reword the key challenge "poor education attainment", due to concerns about misconceptions in the community that low education attainment levels in Corangamite is linked to the quality of education in local schools. While it is acknowledged that communication could be improved when explaining data relating to low education attainment, particularly that there is not necessarily a causal link between the quality of education in Corangamite and education attainment levels in the Shire, low education attainment remains a challenge for Corangamite Shire. It is important that education attainment be seen as an issue for the broader community and not just schools, as education is a key determinant of future success for individuals and communities.

In addition to the formal submission process, Council posed questions on its Facebook page for comment by the community. The initial question, Have you read the draft Council Plan 2017-2021? Do you think we are on the right track?, reached 373 people but received no likes or comments. A summary of the questions that received responses is provided in the table below. Screenshots from Facebook are provided under separate cover and include the number of likes to specific comments. It should be noted that likes to specific comments may have originated through a friend's post and not through direct engagement with Council.

Facebook Question	People Reached	Question Likes	Comment Themes	No. of Comments
What do you think Council's top Priorities should be over the next four years?	4,532	10	Roads	42
			Tourism	6
			Roadside Grass/Weeds	5
			Waste	5
			Cost Cutting at Shire	4
			Waterways (Rivers, Lakes and Algae)	4

Facebook Question	People Reached	Question Likes	Comment Themes	No. of Comments
			Recreation Facilities (Stadiums, Pools and Trails)	3
			Trees	3
			Footpaths	2
			Parks	2
			Population	2
			Small Business	2
			Child Care	1
			Drainage	1
			Employment	1
			Events	1
What do you think Council could do better?	3,583	11	Recreation Facilities (Stadiums, Heated Pools, Playgrounds and Trails)	7
			Roads	4
			Tourism	4
			Consultation	2
			Signage	2
			Animal Reg. Fees	1
			Christmas Decorations	1
			Cost Cutting at Shire	1
			Northern Towns	1
			Pedestrian Crossings	1
			Population	1
			Public Transport	1
			Roadsides (Grass/Weeds)	1
			School Holiday Program	1
			School Linkages	1
			Waterways (Lakes)	1
If there is one thing you would like to see Council achieve in your community, what would it be?	2,815	3	School Crossing/Zone, Cobden	5
			GOR/12 Apostles (Parking/Visitor Numbers)	2
			Intersection near Fonterra	2
			Curdievale Road, Footpath	1
			Finish Timboon Streetscape	1
			Lake Bullen Merri Access Road	1
			Remove Curdie Street Median Strip	1



Facebook Question	People Reached	Question Likes	Comment Themes	No. of Comments
			Roads and Roadsides	1
			Slow Traffic Down in Camperdown	1
			Sport Stadium Ventilation	1
Does a declining population concern you?	481	3	Yes	1

**Table 2: Facebook Comments**

The feedback received from Council's Facebook questions highlights that roads continue to be important to the Corangamite community, which confirms Council's direction in identifying roads as a single Council Plan theme.

Following a review of the submissions and Facebook feedback, it is proposed that no changes be made to the Council Plan, as most of the ideas suggested in the submissions can be accommodated within the broad strategic directions set out in the Council Plan. Specific issues raised in the submissions will be considered during the development of future budgets and annual action plans.

### Policy and Legislative Context

Council is required under section 125 of the *Local Government Act* to prepare and approve a four year Council Plan by 30 June 2017. Council is also required to advertise the draft Council Plan and call for public submissions in accordance with section 125 and section 223 of the Act.

### Internal / External Consultation

The Council Plan 2017-2021 was developed in consultation with Councillors and Council officers.

Members of the community were invited to make a submission regarding the draft Council Plan by way of public notices published in the Standard, all Western District Newspaper and community newsletters published at the time of the submission period. A period of 30 days was provided for submissions after the initial notice was published, which exceeded the minimum 28 days required. At the close of submissions on 1 May 2017 six submissions had been received.

The Plan was made available on Council's website and at all libraries within Corangamite Shire, as well as to interested persons upon request. Councillors were also provided with copies of the draft Council Plan to distribute within their communities and invite feedback.

In addition to the formal submission process, Council posed questions on its Facebook page for comment by the community.

### Financial and Resource Implications

The Council Plan is supported by the Strategic Resource Plan and influences Council's budget.

### Options

Council may adopt the Council Plan 2017-2021 as prepared or with amendment.

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### **Conclusion**

The Council Plan 2017-2021 is a strategic document that reflects where the Council and community will be in four years' time and how it will achieve its intended outcomes. Public notice was provided to advertise the Plan and invite submissions.

Six submissions were received regarding a variety of matters including tourism, community consultation, the Camperdown Botanic Gardens and Arboretum, landscape and garden tourism and maximising Corangamite's landscape features, as well as climate change and education attainment.

### **RECOMMENDATION**

**That Council adopts the Council Plan 2017-2021.**

### **COUNCIL RESOLUTION**

***MOVED:***            *Cr Durant*

***SECONDED:***      *Cr Gstrein*

**That the recommendation be adopted subject to the amendment to remove poor education attainment as a key challenge for Council, on page 4 of the Council Plan 2017-2021.**

**CARRIED**

### **Attachments**

1. Submissions Draft Council Plan 2017-2021 Consolidated for Report - Under Separate Cover
2. Response Council Education Attainment and Council Plan 11-05-2017 - Under Separate Cover
3. Facebook Comments Council Plan Questions April 2017 - Under Separate Cover
4. Council Plan 2017-2021 - Under Separate Cover

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## 10.2 Review of Road Management Plan

**Author:** John Kelly, Manager Assets Planning

**File No:** D17/318

**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 - John Kelly

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

### Summary

Corangamite Shire has conducted a review of its Road Management Plan in accordance with section 8 of the *Road Management (General) Regulations 2016*. This report recommends adoption of the Road Management Plan May 2017 (circulated under separate cover).

### Introduction

The Road Management Plan (the Plan) complements Corangamite Shire's Council Plan by addressing specific elements of maintenance and management of the Council network of roads and pathways, as well as legislative responsibilities under the *Road Management Act 2004*. The Plan specifically identifies the roads and pathways which Council is responsible for, the standards to be applied to them, the regime for the monitoring for hazards and the required response times for treating identified hazards.

In accordance with the *Local Government Act 1989*, an incoming Council must review its road management plan within the period of six months after each general election or by the next 30 June, whichever is later.

Council considered the existing Road Management Plan at its briefing on 28 February 2017 before proceeding to public consultation. There were no submissions received in relation to the Plan and as such there are no changes to the document recommended.

### Issues

The Road Management Plan applies to all roads and pathways for which Council is the coordinating road authority in accordance with Sections 36 and 37 of the *Road Management Act*. The roads are listed in Council's Register of Public Roads. Council has determined that those roads and footpaths are considered to be reasonably required for public use.

Council's standards in the Plan have been developed taking into account community expectations, industry standards, relevant risk factors and available resources.

Maintenance standards and asset performance targets will vary across the road network in line with relevant risk factors such as the nature and volume of traffic using the road, operating speed, the susceptibility of assets to deterioration, the cost effectiveness of repairs and the competing priorities for funding.

Classification systems referred to in the Plan have been developed for both roadways and footpaths, to ensure that appropriate management, resources, engineering standards and planning practices are applied to a road or path based on its function.

Council inspects all roads and footpaths for which it is responsible on a cyclical basis to identify potential safety hazards and defects. The inspection program detailed in the Plan is based on the road priorities identified in Council's road classification system and the appropriate use of resources.

Typical cross sections and standards for construction of new rural local roads and for the expansion, upgrading and renewal of existing rural local roads for the various road classifications are provided in the Plan. The cross sections and standards take into account road user requirements relating to operational comfort, convenience, safety and the funding resources available to Council.

In addition to being identified through the routine monitoring system, defects are logged into Council's Customer Service Request System from other sources, including identification by a customer or road user.

The Plan documents details of hazard descriptions, intervention levels at which defects are considered to be safety hazards and the response times in which Council is required to repair the hazards once they are identified. These intervention levels and response times have been developed in line with industry standards developed by Austroads and VicRoads.

The Plan does not cover the desirable road maintenance standards to be implemented to maximise the life of the road. These performance standards, level of service provided by Council, and renewal requirements form part of Council's Road Asset Management Plan.

### **Policy and Legislative Context**

Council's Road Management Plan was originally prepared in accordance with Division 5 of the *Road Management Act 2004*. The Road Management Plan for the Corangamite Shire was last adopted by Council on 28 May 2013.

The review of the Road Management Plan has been done in accordance with *Road Management (General) Regulations 2016* which supersedes the previous *Road Management (General) Regulations 2005*.

Section 8 of the *Road Management (General) Regulations 2016* states that each incoming council must review its road management plan during the same period as it is preparing its Council Plan under the *Local Government Act 1989*. Section 125(1)(b) of that Act requires that a council prepare a Council Plan within the period of six months after each general election or by the next 30 June, whichever is later.

Section 9 of the *Road Management (General) Regulations 2016* states how the review of road management plans is to be conducted.

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Council's Plan 2013-2017 emphasises the importance of reviewing the Road Management Plan. Relevant commitments include:

We will maintain a focus on the importance of our assets and infrastructure to underpin service delivery

We will implement processes that ensure our infrastructure continues to meet the requirements of our community.

### **Internal / External Consultation**

A copy of Council's current Road Management Plan has been made available for public comment. A notice has been published in the Victorian Government Gazette and in local newspapers advising that any person may make a submission to Council on the proposed review of the Plan. The Plan has been made available for inspection on the Council's website and at the Council's office.

No submissions were received during the prescribed 28 day period following the publication of the notices.

In accordance with direction from Councillors to expand use of social media as a communication tool, a Facebook post was uploaded on the 13 April 2017. The response was minimal with four comments, three shares and 16 likes, however the post reached 1,652 people which is consistent with the average reach for Corangamite Shire Facebook postings of 1000.

Internally, both the Manager of Works and the Risk Management Coordinator for Corangamite Shire were provided with a copy of the Plan and there was no recommended changes to the Plan's content.

### **Financial and Resource Implications**

The current version of the Road Management Plan, if adopted, will not alter Council's current financial and resource commitments for road maintenance. Additional financial and resource commitments would be required if the level of service in relation to the Plan were to be raised.

### **Options**

Council has the option to adopt either the current version of the Road Management Plan or a version of the plan with alterations.

### **Conclusion**

The findings of the review are that the standards and priorities given in the Plan to the inspection, maintenance and repair of the various classes of local roads and pathways within the Corangamite Shire are considered appropriate. As a result, it is proposed that no amendments be made to Council's current Road Management Plan.

## **RECOMMENDATION**

### **That Council**

- 1. Revokes the Corangamite Shire Road Management Plan dated May 2013.**
- 2. Adopts the Corangamite Shire Road Management Plan May 2017.**

**COUNCIL RESOLUTION**

*MOVED: Cr Trotter*  
*SECONDED: Cr McArthur*

**That the recommendation be adopted.**

**CARRIED**

**Attachments**

1. Road Management Plan May 2017 - Under Separate Cover
2. Facebook Posting - Road Management Plan 13 April 2017 - Under Separate Cover

Mr John Kelly left the meeting at 8.27 pm.

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## 10.3 Social Inclusion Policy

**Author:** Matthew Dawson, Manager Community Services

**File No:** D17/291

**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 - Matthew Dawson

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

### Summary

This report recommends that Council adopts the Social Inclusion Policy.

### Introduction

Local government has a responsibility to encourage community involvement by strengthening community wellbeing and reducing the causes of disadvantage. Given communities have their own characteristics, councils can identify and provide for local needs.

The purpose of the policy is to provide guiding principles for Council to support integrated and equitable decisions and actions, particularly for individuals and groups that face barriers in accessing resources and opportunities.

Social inclusion is the opportunity for people to participate fully in economic and community life, to form and foster healthy, meaningful relationships, and to develop their full potential and be treated with dignity and respect.

Social inclusion is based on an understanding of the integrated nature of many social issues, such as the links between socio-economic status, health and wellbeing, and the need for a coordinated approach.

### Issues

Corangamite Shire Council has an obligation to social justice and human rights which foster an equitable and more inclusive community, where marginalised groups and individuals have the same opportunities as others to participate equally in community life.

Social inclusion is based on the principles of human rights; fairness for all, valuing diversity and community connectedness. The policy will use these key social inclusion principles to influence Council's work and allocation of resources in a way which supports social sustainability and social inclusion.

The most recent (2011) Socio-Economic Indexes for Areas (SEIFA Index) of Disadvantage score for Corangamite Shire is 986, which is a lower rating when compared to Victoria as a whole, which has a score of 1,009. An Index below 1,000 indicates an area with greater social disadvantage. The SEIFA Index is derived from attributes that reflect disadvantage, for example low income, low educational attainment, high unemployment, and jobs in relatively unskilled occupations.

Through a practical approach to addressing disadvantage of social, cultural and economic factors, Council can influence and enhance community wellbeing. Some examples of these practical initiatives may include the provision of facilities, programs and support networks.

There are many factors that impact on wellbeing and quality of life, and some individuals and groups face disadvantage and do not enjoy the same opportunities as others. Examples of these factors include:

- economic disadvantage
- rural isolation
- wealth inequality and disadvantage
- disability and access
- gender
- household income and structure
- mental health and other health and wellbeing issues
- cultural diversity
- Gay, Lesbian, Bisexual, Transgender, Intersex, Queer (GLBTIQ) identification
- domestic violence
- housing and homelessness.

Corangamite's population profile can shape Council's approach to social inclusion. Research suggests that specific responses targeted to specific locations are the most appropriate (and effective) when approaching social inclusion.

### **Policy and Legislative Context**

Development of a Social Inclusion Policy is in accordance with the 2015-2016 Council Annual Action Plan and the following 2013-2017 Council Plan 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.

Improve the educational outcomes of our community.

Development of a Social Inclusion Policy is also underpinned by Council's 2013-2017 Health and Wellbeing Plan and the following legislation and key documents:

- National Human Rights Action Plan (2012)
- Australian Human Rights Framework (2010)
- *Victorian Charter of Human Rights and Responsibilities Act (2006)*.

It is considered the development of a Social Inclusion Policy will not impact negatively on any rights identified in the *Charter of Human Rights and Responsibilities Act (2006)*.



### Internal / External Consultation

The Social Inclusion Policy was developed following consultation with Council, the Senior Officer Group (Executive), the Leadership Group (Managers), the Health and Wellbeing Community Reference Group, Council staff and the following key stakeholders:

- Heart of Corangamite Network Leadership Group
- Beyond the Bell Local Action Group
- Women's Health and Wellbeing Barwon South West
- Lifeline
- Gunditjmarra Aboriginal Co-operative
- Wathaurong Aboriginal Co-operative
- Camperdown Community House.

### Financial and Resource Implications

There are no direct financial and resource implications associated with the adoption of the Policy.

Future financial implications associated with the implementation of the Policy will be subject to normal Council budget processes.

### Options

Council may choose to adopt the Social Inclusion Policy or choose to not adopt the policy.

### Conclusion

Council has a key role to play in creating a socially just, inclusive and sustainable community. This responsibility is shared in partnership with other levels of government, the non-government sector, the business community and the general community. However, Council is the natural leader to coordinate a response to reducing social disadvantage in its community and a Social Inclusion Policy will assist in this regard.

## RECOMMENDATION

**That Council adopts the Social Inclusion Policy dated May 2017**

### COUNCIL RESOLUTION

**MOVED:**            *Cr Durant*

**SECONDED:**    *Cr Brown*

**That the recommendation be adopted.**

**CARRIED**

### Attachments

1. Social Inclusion Policy May 2017



**CORANGAMITE  
SHIRE**

# **Social Inclusion Policy**

**Corangamite Shire**

May 2017

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# Council Policy



CORANGAMITE  
SHIRE

## Social Inclusion Policy

### Introduction

This policy confirms Corangamite Shire Council's commitment to social inclusion.

Corangamite Shire Council acknowledges its responsibility and role in strengthening community wellbeing and reducing the causes of disadvantage.

Social inclusion is based on an understanding of the integrated nature of many social issues, such as the links between socio-economic status, health and wellbeing and the need for a coordinated approach. Council recognises there are often cross-overs in disadvantage that create further vulnerability, e.g. women experiencing poverty, culturally and linguistically diverse (CALD) people with disabilities and young people who are gay.

### Purpose

The purpose of the Social Inclusion Policy is to provide guiding principles for Council to support integrated and equitable decisions and actions, particularly for individuals and groups that face barriers in accessing resources and opportunities. Social inclusion is the opportunity for people to participate fully in economic and community life, form and foster healthy, meaningful relationships, develop their full potential and be treated with dignity and respect.

Local government has a key role to play in creating a socially inclusive and sustainable community and is the logical leader to coordinate place-based community planning. Given that all communities have their own characteristics; Council can identify and provide for Corangamite Shire's local needs. This will be achieved most effectively in partnership with all levels of government and particularly with the community sector.

### Scope

The policy applies to all staff, contractors, volunteers and Councillors at Corangamite Shire Council.

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

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## Principles of Social Inclusion

By applying the following Social Inclusion principles, opportunities to improve wellbeing and quality of life are created for those individuals and groups that experience disadvantage.

- **Access** - Council is committed to providing and advocating for services and facilities that are available to all regardless of background, ability or capacity.
- **Equity** - Council is committed to fairness in providing services, making decisions and distributing resources particularly for those in need, so all members of the community benefit.
- **Participation and partnership** - Council recognises the rights of people to contribute to decisions that affect their lives and is committed to supporting opportunities for engaging in planning and decision making. Council recognises that working together with others produces better outcomes. This aligns with Corangamite Shire's Community Engagement Policy.
- **Human rights** - Council recognises and supports the basic rights and freedoms to which all humans are entitled. This includes civil and political rights; economic, social and cultural rights; and the right to be treated with dignity and respect, free from discrimination.
- **Sustainability** - Council is committed to assessing social, cultural, environmental and economic impacts of its decisions and actions on people today and on future generations.
- **Community strengths** - Council recognises that all communities have strengths. Council values and sees the benefits of strengths like diversity and community connections in building strong communities. Council recognises the value of promoting a strong and positive view of the local community rather than focusing on community deficits.
- **Safe and healthy communities** - Council is committed to creating a shire which is safe and healthy and recognises that a safe and healthy community improves wellbeing for all.
- **Evidence based approach** - Council recognises the importance of evidence based solutions. It is committed to being informed about what does and doesn't work, based on best practice principles. Council is also committed to monitoring and evaluating actions and strategies to ensure continuous improvement and effective and efficient service delivery.

## References

The Social Inclusion Policy aligns with policy and legislation at the National, State and local level. The following plans and legislation are embedded within the Social Inclusion Policy:

- National Human Rights Action Plan (2012)
- Australian Human Rights Framework (2010)
- Victorian Charter of Human Rights and Responsibilities Act (2006)

- Local Government Act (1989)
- Corangamite Shire Council Plan (2013-2017)
- Municipal Public Health & Wellbeing Plan (2013 – 2017)
- Corangamite Shire Council 'Tools for Engagement' toolkit.

### **Policy Detail**

Corangamite Shire's population profile can shape Council's approach to social inclusion. Best practice suggests that specific responses targeted to particular locations are the most appropriate and effective when approaching social inclusion. There are many factors that impact on wellbeing and quality of life.

Some individuals and groups do not enjoy the same opportunity as others, therefore experiencing higher rates of disadvantage. Corangamite Shire Council recognises how complex and diverse each group is and the breadth of strengths and challenges each experience

Council will apply social inclusion principles to shape work and allocate resources in a way which supports social sustainability and social inclusion. Some of this will be done directly, and some through advocacy and lobbying other levels of government using evidence based data.

Inclusive language is used in this Council policy and regular auditing processes will be implemented to identify any gaps in inclusive service provision.

The Social Inclusion Policy assists Council to meet the requirements of the Local Government Act 1989. The Act states that Council must "take into account the diverse needs of the local community in decision making" and "foster community cohesion and encourage active participation in civic life".

Local Laws: "must not—(h) be inconsistent with principles of justice and fairness".

### **Reference to linked Procedure or Guidelines**

There is a strong link between this Social Inclusion policy and Council's Community Engagement policy.

There are strong links with Corangamite Shire Councils 'Tools for Engagement' toolkit.

### **Review Date**

April 2020

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## 10.4 Protected Disclosures Policy

**Author:** Michele Stephenson, Manager Human Resources/Risk

**File No:** D17/283

**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 - Michele Stephenson

In providing this advice to Council as the Manager Human Resources/Risk, I have no interests to disclose in this report.

### Summary

This report recommends that Council adopt the Protected Disclosures Policy. This is an existing organisational policy that has been reviewed in accordance with Council's Policy Development Framework, and is supported by procedures for the making, handling and management of protected disclosures as well as the welfare management of people involved in a protected disclosure.

Councillors are subject to the provisions of the *Protected Disclosures Act 2012* (PD Act) and the *Independent Broad-based Anti-corruption Commission Act 2011* (IBAC Act), as 'public officers', therefore this policy now requires Council adoption.

### Introduction

The PD Act is a legislative framework to encourage and assist people to make a disclosure about improper conduct by a public body or officer, or to disclose detrimental action taken against someone because of a disclosure. The Independent Broad-based Anti-corruption Commission (IBAC) was established in 2012. IBAC is Victoria's anti-corruption agency responsible for investigating, exposing and preventing public sector corruption and misconduct. It is one of three independent agencies in Victoria designed to protect the integrity of the Victorian public sector.

A protected disclosure is a report made about improper conduct by public bodies or officers to certain entities, including councils. A report can also be made directly to IBAC. A complaint or allegation that is already in the public domain will not normally be a protected disclosure. Disclosures can also be made about detrimental action taken against a person because of their involvement in a protected disclosure. Improper conduct is either corrupt conduct, or specified conduct, which covers a broader range of conduct, such as mismanagement of public resources or a substantial risk to health and safety or the environment.

Corangamite Shire's Chief Executive Officer, Protected Disclosures Coordinator (Manager HR/Risk) and certain managers can receive disclosures made about the conduct of Council

or its employees. Complaints assessed as meeting the criteria to be a protected disclosure must be referred to IBAC. Council **cannot** receive disclosures about councillors. Anyone making a complaint about a councillor must be referred directly to either IBAC, the Ombudsman or the Inspectorate. There are strict confidentiality provisions imposed on people who make or receive disclosures, with penalties including imprisonment, financial penalties or both.

The Protected Disclosures Policy sets out Council's commitment to the objectives of the PD Act to support and protect those who are involved in a protected disclosure about Council or its employees, and to ensure that their identity and certain information is kept confidential.

### Issues

Changes to the IBAC Act which came into force in 2016 strengthen IBAC's power to expose corruption and misconduct. The definition of corruption has been expanded to go beyond 'serious allegations'. IBAC can now consider allegations of **misconduct in public office**, which is broadly defined to encompass unlawful conduct and failing to meet ethical and professional standards in the exercise of statutory powers. The expansion of the definition of corrupt conduct is not limited to public officers and public bodies, but can include any person. An example could be a person including false information on a resume to obtain employment on Council.

From 1 December 2016, section 57 of the IBAC Act introduced mandatory notifications by 'principal officers' including Council CEO's to IBAC. If the facts and circumstances of a situation lead the CEO to reasonably suspect that corrupt conduct has occurred, or is occurring at Council, he/she must notify IBAC using the mandatory notification form.

The PD Act requires councils to establish and publish procedures about making, handling and notifying protected disclosures, protecting people from detrimental action and the welfare management of those involved in a disclosure. Council has prepared procedures to guide anyone who wishes to make a disclosure and receive the protections under the Act, and a set of procedures to assist Council staff in managing a protected disclosure. The public procedures are published on Council's website.

Council's procedures documents have been updated to reflect the changes to the Act.

### Policy and Legislative Context

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

Model contemporary standards of corporate governance and professional standards.

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

Strengthen our reputation as an organisation.

This policy is consistent with the requirements of the *Independent Broad-based Anti-corruption Act 2011* and the *Protected Disclosure Act 2012*.

### Internal / External Consultation

This is an existing organisational policy which has been reviewed by the Human Resources/Risk Department.

### **Financial and Resource Implications**

The implementation of this policy is not expected to incur any financial costs or other resourcing issues.

### **Options**

Council may adopt the Protected Disclosures Policy as presented, or with amendments. Council can re-appoint the Manager Human Resources/Risk as Protected Disclosure Coordinator or nominate another person as protected disclosure coordinator.

### **Conclusion**

Council must have a framework in place for the making and management of protected disclosures, the welfare management of those involved in a disclosure, and to report suspected corrupt conduct.

The review of this policy will ensure Council is meeting its legislative obligations under the PD Act and IBAC Act.

### **RECOMMENDATION**

**That Council:**

- 1. Adopts the Protected Disclosures Policy dated May 2017.**
- 2. Re-appoints the Manager Human Resources/Risk as Council's Protected Disclosures Coordinator.**

### **COUNCIL RESOLUTION**

**MOVED:** *Cr Illingworth*

**SECONDED:** *Cr Trotter*

**That the recommendation be adopted.**

**CARRIED**

### **Attachments**

1. Protected Disclosures Policy 2017

Ms Michele Stephenson left the meeting at 8.38 pm.





**CORANGAMITE  
SHIRE**

# **Protected Disclosure Policy**

**Corangamite Shire**

May 2017

# Council Policy



CORANGAMITE  
SHIRE

## Protected Disclosures

### Introduction

The *Protected Disclosure Act 2012* (PD Act) is a legislative framework to encourage and assist people to report improper conduct by public bodies and public officers, and to report detrimental action that may be taken in reprisal for being involved in a disclosure. The PD Act provides protections for those who make a disclosure (a discloser) and ensures the confidentiality of disclosers and also the content of disclosures.

The Independent Broad-based Anti-corruption Commission (IBAC) is Victoria's anti-corruption agency responsible for preventing and exposing public sector corruption and police misconduct. It is formed from the *Independent Broad-based Anti-Corruption Commission Act 2011* (IBAC Act)

Further information can be obtained from the Independent Broad-based Anti-Corruption Commission: [www.ibac.vic.gov.au](http://www.ibac.vic.gov.au)

### Purpose

The purpose of this policy is to ensure that there is an effective process for managing the receipt of protected disclosures and their assessment and notification. It also aims to provide protection for those who make a protected disclosure, are the subject of a protected disclosure, and those who might be cooperating in a protected disclosure.

This policy should be read in conjunction with the Protected Disclosure Management Procedures and the Making and Handling Protected Disclosures Procedures, which have been developed to facilitate, handle and manage disclosures, as well as establishing procedures for protecting people against detrimental action.

### Scope

This Policy applies to disclosures of improper conduct or detrimental action by Council or its officers, which are made in accordance with the PD Act.

Any person or group of individuals (not an organisation or company) can make a disclosure under the PD Act about improper conduct by public officers or a public body. The individual or group of individuals could be from within the organisation or from the public.

## Definitions

- Detrimental Action** Is action threatened or taken by a person or group of people against a person(s) in reprisal for their involvement in a protected disclosure.
- Discloser:** A person who makes a complaint, allegation or disclosure
- Disclosure:** Any complaint, concern or allegation made in accordance with the PD Act
- Improper Conduct** Is corrupt conduct including misconduct in public office that would, if proven at trial, constitute a relevant offence or:  
Specified conduct covers a broader range of conduct where that conduct would, if proven, constitute a criminal offence or reasonable grounds for dismissal. It includes all types of corrupt conduct and:
- Conduct of a public officer or public body in their official capacity that:
    - Involves substantial mismanagement of public resources
    - Involves substantial risk to public health or safety, or
    - Involves substantial risk to the environment
- Protected Disclosure Complaint:** A disclosure which has been determined and assessed by the IBAC to be a protected disclosure in accordance with Part 2 of the PD Act
- Protected Disclosure Procedures:** Procedures established by Council to facilitate and encourage the making of disclosures under the Act, the management of disclosures by Council, and to describe how Council will manage the welfare of persons connected with protected disclosures.
- Public Officer :** Public officer includes but is not limited to Local Government Councillors and Council employees or officers.
- Public Body:** A public sector body within the meaning of section 4(1) of the *Public Administration Act 2004*, or a Council established under the *Local Government Act 1989* or a body performing a public function on behalf of the State.

## References

The primary legislative obligations applying to Council's treatment of protected disclosures are contained in the *Protected Disclosure Act 2012* and the *Independent Broad-based Anti-corruption Commission Act 2011*. Other relevant legislation, guidelines and sources are listed below:

- Making and Handling Protected Disclosure Procedures
- Protected Disclosures Management Procedures
- *Local Government Act 1989*
- Victorian Charter of Human Rights and Responsibilities
- Code of Conduct for Staff
- IBAC Guidelines for making and handling protected disclosures October 2016
- IBAC Guidelines for protected disclosure welfare management
- Councillor Code of Conduct.

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## Policy Detail

Corangamite Shire Council is committed to the aims and objectives of the PD Act. We recognise the value of transparency and accountability and will not tolerate improper conduct by the organisation, its employees or Councillors. We support the making of disclosures that reveal improper conduct, or detrimental action taken against anyone who is involved in a disclosure.

Council has obligations under the Act which it takes very seriously, including the requirement to protect the identity of the discloser and the matters raised by a discloser. Maintaining confidentiality in relation to protected disclosures is critical in ensuring reprisals are not made against a discloser.

Council will take all reasonable steps to protect people who make protected disclosures from any detrimental action in reprisal for making the disclosure. It will also afford natural justice to the person who is the subject of the disclosure.

Council has developed processes and procedures to manage disclosures, including notifications to IBAC. Council has also established procedures to protect people against detrimental action that might be taken against them in reprisal for making a protected disclosure, or against people cooperating with a protected disclosure complaint investigation.

Council will:

- Have a secure management system for the handling, storage and notification of protected disclosures including:
  - Identification of the roles and responsibilities of those in the reporting structure
- Have a secure process for receiving verbal or written disclosures
- Have a means of identifying a Protected Disclosure Coordinator
- Have a secure means of notifying IBAC of assessable disclosures
- Have Protected Disclosure Procedures that are accessible to the public and to employees and Councillors
- Have appropriate education and training for Councillors and employees to raise awareness in relation to the PD Act
- Have appropriate education and training for relevant staff in the receipt, handling, assessment and notification of disclosures, and in the welfare management of those associated with a protected disclosure
- Ensure the confidentiality of information received or obtained in connection to a protected disclosure
- Take the appropriate disciplinary action and/or other action against any employees who are engaged in detrimental action
- Have a way to collect and collate statistics on protected disclosures for the purpose of annual reporting.

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**Human Rights**

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

**Review Date**

May 2020

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## 10.5 State Budget 2017-2018

**Author:** Penny MacDonald, Executive Services and Governance Coordinator

**File No:** D17/323

**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 - Penny MacDonald

In providing this advice to Council as the Executive Services and Governance Coordinator, I have no interests to disclose in this report.

### Summary

This report provides Council with information regarding the Victorian State Budget 2017-2018, with particular reference to outcomes for rural and regional communities.

### Introduction

The 2017-2018 Victorian Budget was handed down in Parliament on 2 May 2017 by Treasurer Tim Pallas. The overall economic position of the Victorian Government has remained very strong, with a surplus of \$1.15 billion forecast for 2017-2018. The CPI forecast for 2017-2018 is 2%, with the CPI projected to increase to 2.50% by 2019-2020, which will influence local government rate-capping.

Significant announcements from the Budget include an investment of \$1.9 billion in family violence prevention initiatives and \$1.458 billion for the Regional Rail Revival Plan, including \$100 million for the Warrnambool Line upgrade (contingent on Federal Government funding). Whilst the Budget includes initiatives that will benefit the region, there is little in the way of specific funding for local initiatives in Corangamite Shire.

### Issues

The 2017-2018 Victorian Budget includes the following initiatives relevant to Local Government in rural and regional areas:

- \$556.4 million over four years for rural and regional roads, but nothing for rural council roads and bridges.
- \$5.39 million over two years for local councils to manage roadside weeds and pests.
- \$8.21 million over four years for the Maternal and Child Health program that does not require co-investment by councils.
- \$87.1 million in funding for kindergartens, particularly for vulnerable families, which may be delivered or supported by councils.
- \$16.4 million to increase digital connectivity in rural and regional schools to the same standard of provision as metropolitan schools.
- \$4.9 million for school crossing supervisors, with further funding yet to be determined following a review of the program early 2018.

- \$20.1 million over two years for the Sports Infrastructure Fund to upgrade or improve community sporting facilities and enhance participation in sport.
- \$36.3 million to prepare staff, service providers and systems for the transition to the National Disability Insurance Scheme (NDIS).
- \$45.2 million over four years for the Connecting Regional Communities Program to support mobile and broadband coverage in rural and regional areas.
- 25% payroll tax reduction for eligible regional businesses.
- \$29 million for Regional Partnerships priorities, including Delivery of the Food and Fibre Action Plan, upgrade of infrastructure to encourage tourism in the Great South Coast and Barwon regions, and establishment of a taskforce and project management team to simplify management arrangements for the Great Ocean Road.
- \$14.9 million for SES operational costs.
- \$7.5 million for the Stage 2 upgrade of the Warrnambool Base Hospital.
- \$1 million for the Regional Sustainability Reform Fund to explore the challenge of financial sustainability facing rural and regional councils.

In addition to the above initiatives, the Government has announced that municipal valuations will be centralised with the Valuer General, with a move towards annual property revaluations from 2019. This move is of particular concern as revaluations are currently conducted by Council every two years at a cost of approximately \$40,000, with significant workload and disruption. Although it is yet to be determined whether Council will be required to update its valuations annually, should yearly revaluations be required, the impact on Council would be significant. It is expected that costs would be approximately \$40,000 per annum to conduct the revaluations, with an increase in workloads that would require a review of resources in the Rates department and a potential increase in staffing levels and costs, expected to be approximately \$50,000 annually.

Also of concern is the Victorian Government's announcement of \$141.9 million dollars over five years for the implementation of reforms to the Environment Protection Authority to be funded from the Sustainability Fund and the municipal landfill levy. It is believed initiatives will include the Parks Victoria Asset Management System and a website redevelopment. The announcement is disappointing, as the original intent of the Fund was to improve waste management and rehabilitate old landfill sites, and very little benefit will be derived for waste management initiatives in south-west Victoria.

A major disappointment from the Budget was the lack of significant funding for the Shipwreck Coast Master Plan. It is believed that only \$5 million has been allocated to progress the Plan, however this will not deliver much in the way of on ground works urgently required to improve infrastructure and facilities for visitors to the iconic 12 Apostles region.

### **Conclusion**

The Victorian Government's 2017-2018 Budget provides little in the way of specific funding for local initiatives, however Corangamite Shire residents will benefit from the funding of a variety of initiatives including the Warrnambool rail upgrade, family violence prevention, Warrnambool Base Hospital Stage 2 upgrade and road improvements.

The Victorian Government's announcements regarding annual revaluations and the use of funds from the Sustainability Fund for certain initiatives, with limited funding for waste improvements in south-west Victoria, are of concern. It was also disappointing that the Shipwreck Coast Master Plan failed to receive significant funding through the Budget.

## RECOMMENDATION

That Council:

1. Writes to the Minister for Local Government and Treasurer, with copies sent to all local members of Parliament and the MAV, outlining the anticipated impact of annual revaluations and calling for greater consultation with Local Government regarding any changes to property revaluations.
2. Writes to the Minister for Energy, Environment and Climate Change, with copies sent to all local members of Parliament, the MAV and the Barwon South West Waste and Resource Recovery Group, advising of Council's concerns regarding the lack of funding from the Sustainability Fund for waste initiatives in south-west Victoria.

## COUNCIL RESOLUTION

*MOVED: Cr McArthur*

*SECONDED: Cr Illingworth*

That the recommendation be adopted subject to the amendment of part 1 to include the Leader of the Opposition, the Hon. Matthew Guy MP, and the Shadow Minister for Local Government, the Hon. David Davis MP, and calling for yearly valuations to be replaced by four yearly valuations for rural councils.

**CARRIED**



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## 10.6 Federal Budget 2017-2018

**Author:** Penny MacDonald, Executive Services and Governance Coordinator

**File No:** D17/325

**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 - Penny MacDonald

In providing this advice to Council as the Executive Services and Governance Coordinator, I have no interests to disclose in this report.

### Summary

This report provides Council with information regarding the 2017-2018 Federal Budget.

### Introduction

The 2017-2018 Federal Budget was handed down in Parliament on 9 May 2017 by Treasurer Scott Morrison. Total revenue for 2017-2018 is expected to be \$444.4 billion, an increase of 7.8 per cent on estimated revenue in 2016-2017. Total expenses for 2017-2018 are expected to be \$464.3 billion, an increase of 3.0 per cent on estimated expenses in 2016-2017. The Government continues to aim to return the Budget to balance by 2020-2021.

The Federal Government's overall principles on which the Budget is based are fairness, security and opportunity. From these principles four pillars have been established to underpin the Budget, namely Stronger [economic] Growth to Deliver More and Better Paying Jobs, Guaranteeing the Essential Services that Australians Rely On, Tackling Cost of Living Pressures (such as housing affordability, power prices and child care), and Ensuring the Government Lives Within its Means.

### Issues

Significant announcements from the Budget include the establishment of the Medicare Guarantee Fund (to ensure access to timely and affordable health care), full funding of the National Disability Insurance Scheme by increasing the Medicare levy by 0.5 per cent, an additional \$18.6 billion over 10 years for schools through Gonski 2.0 (with schools in Wannon receiving a funding increase of \$22.3 million between 2017 and 2021), and an initiative to assist first home buyers enter the housing market through pre-tax savings.

Other Federal Budget announcements include:

- An increase in GST funding for Victoria to \$14.77 billion (an increase of \$1.14 billion from last year due to population growth)
- \$1 billion for new and upgraded infrastructure in Victoria, using funds previously allocated to the Asset Recycling Initiative.
- \$37.3 billion investment in child care to help ease cost of living pressures for families, including those that need before and after school care.

- Extension of the \$20,000 instant asset write-off to June 2018 for small business (with an annual turnover less than \$10 million).

Budget announcements of relevance to Local Government in rural and regional areas include:

- \$500 million to improve rail infrastructure in regional Victoria (as part of the reallocated \$1 billion infrastructure package), including \$100 million for duplication on the Geelong line which will benefit the south-west.
- \$472.2 million over four years for the Regional Growth Fund, including \$200 million for a further round of the Building Better Regions Fund supporting the construction of community infrastructure.
- \$27.7 million over two years for round three of the Stronger Communities Programme, which will see each electorate receiving \$150,000 for the funding of small capital projects (between \$5,000 and \$20,000) that deliver social benefits to local communities.
- \$28.5 million to establish the Regional Investment Corporation to streamline the delivery of \$4 billion in concessional loans, including \$2 billion for the Farm Business Concessional Loan Scheme which has assisted struggling dairy farmers.
- \$24 million over four years for Rural and Regional Enterprise Scholarships to improve education attainment, skills development and employment opportunities.

The Federal Government's announcement of \$1 billion for additional funding for new and upgraded infrastructure in Victoria, using reallocated funds from the Asset Recycling Initiative, includes \$46 million in 2017-2018 for Princes Highway West to duplicate a further nine kilometres from Warncoort to Colac East. Funding will also be made available from the 2016 \$3 billion Victorian Infrastructure Package (for the cancelled East West Link project) for a Rural and Regional Roads Package of \$345 million, including an additional \$25 million to continue the upgrade of the Great Ocean Road beginning with \$3 million in 2017-2018. The Black Spot Programme, Bridges Renewal Programme and the Heavy Vehicle Safety and Productivity Programme will all continue, as well as the Roads to Recovery program, which will continue to be funded until at least 2020-2021. This is particularly welcome news, as it will mean much needed funds will continue to be directed to councils for the construction, repair and upgrade of local roads.

Another welcome announcement is the end of the indexation freeze on Financial Assistance Grants. The indexation freeze on the grants commenced in 2014 and has resulted in a significant cost to Council, with a cumulative loss of approximately \$1 million. The Government's delivery on its promise to restore indexation of the grant program, will result in much needed funding to councils for local infrastructure and services for communities.

The Government's announcement of \$428 million to extend the National Partnership Agreement on Universal Access to Early Childhood Education for the 2018 school year is also welcome news, however concerns regarding ongoing funding for this valuable program remain.

### **Conclusion**

The Federal Government has focussed its Budget on economic growth, essential services, cost of living pressures, as well as the Government living within its means.

Significant announcements from the 2017-2018 Budget include the establishment of the Medicare Guarantee Fund, full funding of the National Disability Insurance Scheme by increasing the Medicare levy by 0.5 per cent and funding for schools. Of particular relevance for Local Government is the Government's announcement that it will restore indexation of

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Financial Assistance Grants and the continuation of the Roads to Recovery program until at least 2020-2021.

## RECOMMENDATION

That Council writes to the Member for Wannon, the Hon Dan Tehan MP and the Minister for Local Government and Territories, Senator the Hon Fiona Nash, in appreciation of the lifting of the indexation freeze on Federal Assistance Grants and continuation of Roads to Recovery funding.

## COUNCIL RESOLUTION

*MOVED:* Cr Illingworth

*SECONDED:* Cr Gstrein

That the recommendation be adopted.

**CARRIED**

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## 10.7 Intention to Consider Land Acquisition - J.H. Vagg Memorial Reserve

**Author:** Jane Hinds, Property Officer

**File No:** D17/276

**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 - Jane Hinds

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

### Summary

This report is for Council to consider the land acquisition of J.H. Vagg Memorial Park, situated on Curdie Street, Cobden.

### Introduction

J.H. Vagg Memorial Park, is Crown Land and owned by the Department of Environment Land Water and Planning (DELWP). Council acts as Committee of Management for the reserve.



**Figure 1: J.H. Vagg Memorial Park, Curdie Street, Cobden**

In May 1935 a meeting was held to oppose a proposal by the Lands Board to sell the parcel of land known then as Market Square. It was decided that the land should be kept as public open space for the benefit of the people of the town. The Heytesbury Shire Council, at its December 1935 meeting, agreed to name the reserve, the J.H. Vagg Memorial Park and to beautify the area. As a result, the Market Square reservation was revoked and the land was temporarily reserved as a site for Public Recreation by Order in Council of 23 September 1935, as published in the Government Gazette on 2 October 1935.

The park was named after James Henry Vagg, one of the original settlers of the district. J.H. Vagg arrived in Cobden in 1866, and until 1931, when he died, had worked wholeheartedly for the advancement of the town and district. He had been a director of the butter factory, chairman of the cemetery trustees and a trustee of the public hall. He donated the land behind the public hall and had been instrumental in the purchase of the land for the racecourse.

The dimensions of the land are 97.46m x 48.48m with a total land area of 4720m<sup>2</sup>, with the land being Public Park and Recreation Zoned. The land is currently mowed by Fonterra and the trees are maintained by Council. Fonterra currently completes a Council hire form when they use the land to host a BBQ.

### Issues

Fonterra have expressed their interest to Council in acquiring this parcel of Crown Land for their commercial interests and to consolidate their land holdings.

The land at J.H. Vagg Memorial Park is public recreation open space, it is vacant land containing a memorial sign and trees.

Council has had discussions with DELWP regarding the proposed sale of the land and DELWP's preference is to sell the land to Council as Committee of Management. DELWP have indicated to Council that they will not sell the land directly to a third party.



**Figure 2: J.H. Vagg Memorial Park, Curdie Street, Cobden**

### *Planning Scheme Zoning*

The land is currently zoned as Public Park and Recreation. The zoning of the property would not be altered prior to the sale of the land by DELWP to Council.

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Should Council resolve to acquire the land from DELWP, it is recommended that Council seek to rezone J.H. Vagg Memorial Park from Public Park and Recreation Zone to Industrial 1 Zone, being a more appropriate zoning in line with Fonterra's operations and other land holdings.

This would require authorisation from the Minister for Planning to prepare a Planning Scheme Amendment under Section 8A(3) of the *Planning and Environment Act 1987*.

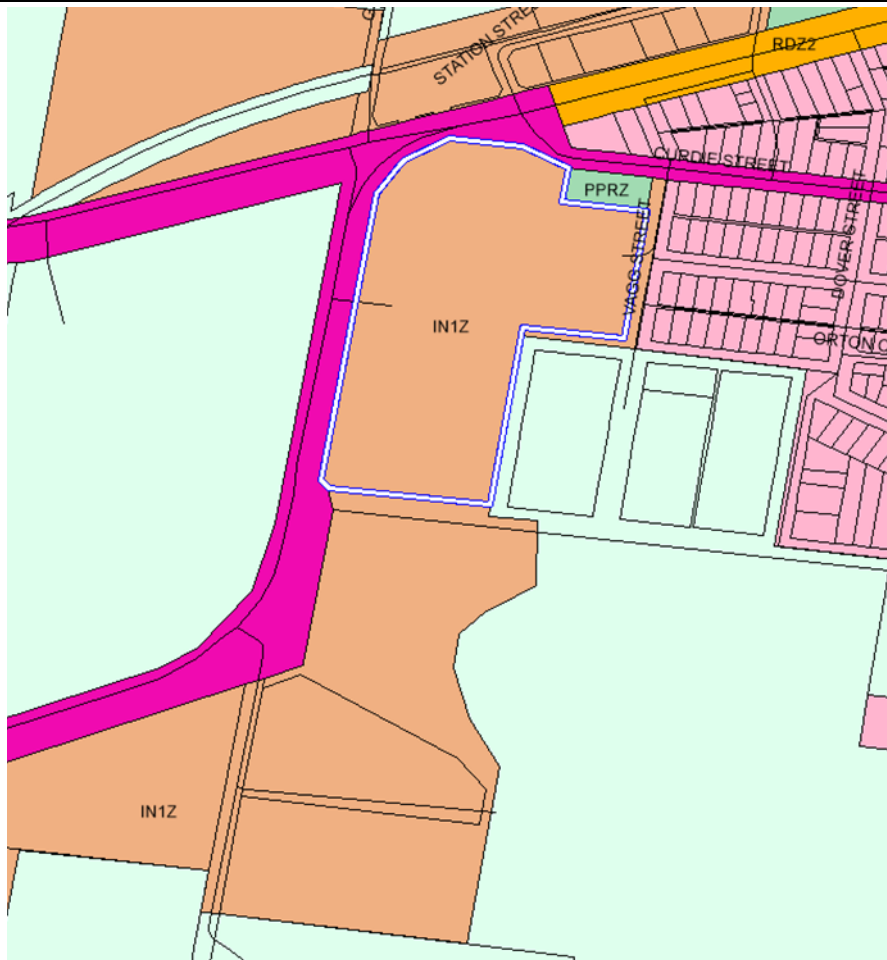
Council officers have reviewed the process to rezone the land and have sought advice from DELWP in relation to a proposed rezoning of the land. Any planning scheme amendment to rezone the land will need strategic justification and consideration of the residential interface to the east.

If authorisation is received, Council can enter into a 'Put and Call Option' with Fonterra which would provide the terms and conditions, costs and valuation process for the sale and acquire the land from DELWP.

Once the land has been acquired, the planning amendment can then be exhibited to allow for community input. It needs to be acknowledged that by undertaking authorisation to prepare a planning scheme amendment, it does not mean that it will be approved.

Council has the option of acquiring the land and maintaining its current zoning. Fonterra have outlined that their future use of the land is of a commercial nature, suggesting that the parcel should be rezoned to Industrial 1.

If Council were to acquire the land, without updating the zoning there is a risk that Fonterra could not achieve their desired outcomes and as such abandon the purchase of the land from Council. This would result in Council acquiring an unnecessary land holding. A put and call option could be discussed with Fonterra, however it is likely the agreement will be subject to rezoning.



**Figure 3: J.H. Vagg Memorial Park and Surrounding Planning Zones**

*Blue outline – Fonterra Holdings; Green – Public Park and Recreation Zone; Pink – General Residential Zone; Orange – Industrial 1 Zone*

### ***Community Consultation***

Council officers have conducted various community consultation, given that J.H. Vagg Memorial Park has been named after one of the original settlers of the district and that the land is zoned public park and recreation.

Council held an on-site meeting with the community to discuss its intention to acquire the land and hear all views raised on the matter.

Those present were advised at the meeting that Council had not made a decision to acquire the land and Council was seeking community input as part of the consultation process. A total of six family members and community representatives attended the on-site meeting.

A copy is provided under separate cover and a summary of discussions is captured in Table 1 below.

<b>Key Points in On-site Meeting Submissions</b>
• Money from sale to be directed back to Cobden community.
• Open space land is precious and should remain.
• Signage to remain on site.
• Provides a buffer for those surrounding houses.
• It is a wasted space.
• If sold some money should go towards the swimming pool gates restoration.
• As part of Fonterra's development they should consider an Dairy Interpretive/ Education Centre.
• The land should be like Apex Park at the entry to the town.

**Table 1: Summary of discussions at public consultation process**

Consultation via phone with three relatives of J.H. Vagg was also undertaken in regards to the proposal. A copy is provided under separate cover and a summary of discussions is captured in Table 2 below.

<b>Key Points Family Members Phone Submission</b>
• Can't see any objection.
• The land hasn't served its purpose.
• It would be a good news story for both Fonterra and Council how the money is going to be spent.
• Acknowledgement to remain on site of the Vagg family connection.

**Table 2: Summary of discussion with family relatives**

In accordance with direction from Councillors to expand use of social media as a communication tool, a Facebook post was uploaded on the 15 April 2017. This resulted in 59 comments and 10 likes, reaching 4,046 people, with a reaction, comment and share totalling 92. On average a Corangamite Shire Facebook post receives 1000 views; this posting reached over four times that amount, however it attracted minimal comments and likes to the post.

A copy of the Facebook posts are provided under separate cover and summarised in Table 3 below.

<b>Key Points on Facebook Submissions</b>
• It's a memorial reserve, and highly disrespectful.
• Retain Greenland.
• Fonterra utilise the existing land that they already own.
• It will decrease the value of nearby homes.
• Timing of Facebook post.
• This is my family history. Corangamite Shire, shame on you.
• No car park.

**Table 3: Summary of discussions from Facebook**

As a communication tool, social media has provided an opportunity for Council to engage with a wider range of residents. It should be noted that this platform of media welcomes a range of views, both negative and positive, from both informed and uninformed members of the community. It is only one-way communication which does not allow for Council to probe to get further information as to whether there is any conflict of interest or underlying issues.



A public notice advertising Council’s intention to acquire the land has allowed the opportunity for community members and groups to make public submissions regarding the acquisition of the land.

A total of six submissions and a petition with 228 signatures were received as a result of the submission process, which closed Monday 8 May 2017 at 5pm.

There were mixed views from the submissions received with three against and three in favour of the proposal, however one of those against did request if the sale were to proceed that the sale proceeds be directed to Cobden projects. A copy of submissions is provided under separate cover and summarised in Table 4 below.

Key Points in Each Submission	Date Received
<ul style="list-style-type: none"> <li>Maintain as park land, Fonterra should buy land south of their factory.</li> </ul>	27 April 2017
<ul style="list-style-type: none"> <li>Protest against the sale of J.H. Vagg Park to any commercial interest. The land should remain as parkland.</li> </ul>	28 April 2017
<ul style="list-style-type: none"> <li>It is an insult to J.H. Vagg and his descendants – wanting to sell this land for a car park, especially knowing that Fonterra have ample land already. It is hoped that projects in Cobden will be funded from proceeds such as health care buildings and the swimming pool. If sold, please still acknowledge J.H. Vagg.</li> </ul>	4 May 2017
<ul style="list-style-type: none"> <li>While it is important to remember and honour the valuable contribution to Cobden of its earliest pioneers such as J.H. Vagg, we also think it is important not to be obstructionist. At times there can be an overreaction to any proposed change. It is important to support local industries, especially at such difficult times in the Dairy Industry.</li> <li>Unless significant improvements can be made to the park, we see no value maintaining it, in its present state.</li> <li>Request the plaque about the contribution of J.H. Vagg remain in its present position and some acknowledgement of its original purpose be recognised within the former park area.</li> <li>The possibility of moving the J.H. Vagg Park to the triangular area directly opposite the existing site, which could be cleared to house some sort of history/ dairy industry/ tourist centre at the entrance to the town.</li> <li>Investigate the renaming of the Apex Park to the J.H. Vagg Apex Memorial Park.</li> <li>Ongoing maintenance by the Shire of the Swimming Pool gates.</li> </ul>	4 May 2017

Key Points in Each Submission	Date Received
<ul style="list-style-type: none"> <li>• Without taking a poll, it's impossible to decide the stronger side of any discussion.</li> <li>• If sold to Fonterra, some of the site could be used for educational purposes, such as an interpretive centre that explains the history of the factory and its products.</li> <li>• J.H. Vagg Park could be swapped for Fonterra's block on the north side of Curdie Street and the huge unattractive cypress trees could be taken out.</li> <li>• Support the request of revenue to be directed back to the Cobden community.</li> <li>• The park has not been used for many years, and it would be silly to be obstructionist for the sake of it.</li> </ul>	5 May 2017
<ul style="list-style-type: none"> <li>• Fully support the sale of the land, the area has been neglected and should be put to better use.</li> <li>• By disposing of the land the Vagg family are not being disparaged in any way.</li> <li>• The story board at the park clearly stated the input the family gave to our history.</li> </ul>	8 May 2017

**Table 4: Submissions Received**

There is no explicit legislation which governs the manner in which submissions are considered in relation to the acquisition of land, unlike when planning issues are considered in accordance with the planning scheme.

The key themes which were identified during the consultation process were:

- acknowledgement of J.H. Vagg Memorial Park
- sale proceeds to be directed to the Cobden community
- signage to remain on site
- open space land to remain
- acknowledgement of Fonterra's existing land holdings.

### ***Community Petition***

It is acknowledged that a petition has been circulated within Cobden. The petition requests funds from any sale of J.H. Vagg Memorial Park is solely used for the benefit and betterment of the township of Cobden.

Council may generate a financial return from the sale of this land. According to Council policy, all profits from the sale of land are treated as general revenue in the year in which it is received and considered as part of Council's annual budget. However, there has been precedent set in land which has been sold by Council in the past, where Council chose to direct proceeds back to a community project.

Council can consider how it might treat any proceeds of funds raised through the sale of J.H. Vagg Memorial Park at a future Council meeting when considering the proposed sale of land.

### ***Corangamite Shire Recreation & Open Space Strategy 2016-2026***

The Council's Recreation and Open Space Strategy 2016-2026 outlines that Corangamite (including all of its major towns) has a more than adequate supply of sport and recreation facilities and open space areas.

Cobden is very well provided for when the total quantity of open space is considered, in addition to relatively large residential blocks of land. Given Cobden is a rural area, assessment should be considered based on whether public open space is adequate and provided for across the township. Access should also be considered and the linkages and connections between open space sites and between the communities. The useability or fit for purpose of J.H. Vagg Memorial Park should be considered, given its lack of use, amenities and proximity from the township.

### ***Economic Development***

The population of Corangamite Shire has decreased significantly over the last 25 years, with consistent losses to 1996 especially in rural areas, but comparatively minor losses between 1996 and 2001. Since 2001, there is evidence to suggest that the population decline has stabilised. Whilst most of the larger towns have decreased in population over the long-term, the pattern of change has seemingly altered since 1996, with Cobden experiencing minor increases from 2001 to 2016.

The dairy industry is the traditional backbone of the local economy and Cobden primarily services the surrounding rural and dairying industries. Fonterra, one of the largest dairy factories in the southern hemisphere, is an important aspect to the town's economy and contributes as a dominant driver for population gain in the town. The Cobden site first commenced operations in 1888 and was acquired by Fonterra in 2001. Since then Fonterra have invested approximately AU\$50 million into developing the site, which is run by a team of 160 people.

### ***Implementation Process***

Council officers are recommending the following process be implemented:

1. Council consider the report to acquire the land (this report).
2. Council seek authorisation from the Minister for Planning to prepare and exhibit a planning scheme amendment to rezone the land known as J.H. Vagg Memorial Park from Public Park and Recreation Zone to Industrial Zone 1.
3. Council enter into a Put and Call Option with Fonterra.
4. Council enter into an agreement with DELWP to acquire J.H. Vagg Memorial Park.
5. Council undertake the process to rezone the land.
6. Council undertake to sell the land in accordance with Council's Sale of Council Land and Building Policy and the *Local Government Act 1989*, that is, with public notification for a 28 day period and a Council resolution to proceed to sell.

### **Policy and Legislative Context**

The *Local Government Act 1989* must be adhered to when acquiring and selling Council land. Council must advertise its intent to purchase the land and seek public submissions for a 28 day period.

Under section 5(2)(d) of the *Local Government Act 1989*, Council is capable of acquiring, holding, dealing with or disposing of property for the purpose of performing its functions and exercising its powers.

The acquisition of Council land aligns with the following key themes in the Council Plan 2013-2017:

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 economy of Corangamite Shire is strong but there are significant opportunities for Council to play an active role in business development and attraction. Continuing to grow our population is important to economic opportunity and the long term prosperity of the area.

The Sale of Council Land and Building Policy outlines the way in which Council administers its real estate assets in accordance with Council strategies, plans and legislative requirements.

The *Planning and Environment Act 1987 (Vic)* outlines the planning use, development and protection of the land in Victoria. In order to consider a planning scheme amendment to change the zoning of the land this Act will need to be complied with.

### **Internal / External Consultation**

Fonterra have expressed their interest to Council in acquiring J.H. Vagg Memorial Park for their commercial interests. Fonterra have stated that existing signage acknowledging J.H. Vagg would remain on-site should they acquire the land.

DELWP and Fonterra have been consulted in relation to the acquisition. Fonterra has recently indicated their agreement with the terms and conditions of the process.

Council has sought independent legal advice in relation to the process in an effort to protect Council's interests.

A public notice advertising Council's intention to acquire the land including notification of an on-site meeting has allowed the opportunity for community members and groups to make public submissions regarding the acquisition of the land. A public notice outlining the proposed acquisition has been advertised in The Standard, Cobden Times Coast Times, Terang Express, Camperdown Chronicle, Skipton News, Lismore News and Council's website. Submissions regarding the proposal were sought in accordance with Section 223 of the *Local Government Act 1989*, with the submission period closing 5.00 pm Monday 8 May 2017.

A total of six family members and community representatives attended the on-site meeting, and six submissions and a petition with 228 signatures was received during the submission period. The public consultation process and submissions received were of mixed views, with general consensus for sale proceeds to be directed to the Cobden community.

Consultation via phone with three relatives of J.H. Vagg was also achieved in regards to the proposal, along with the proposal being posted on Facebook.

Consultation has occurred with Council Planning Department around the zoning of the land.

Council has acknowledged all written submissions and those who attended the onsite meeting, that their submission will be included as part of the Council report and a deputation can be made if they request.

### **Financial and Resource Implications**

There has been minimal costs to date associated with this proposal including the cost of advertising and administration.

Council officers have sought legal advice in regards to the acquisition process in order to protect Council's interest and reduce any associated financial risk. If the acquisition was to proceed, Council would enter into a 'Put and Call Option' with Fonterra which would provide

the terms and conditions, costs and valuation process for the sale. The Put and Call Option outlines that either party can force the other to go through with the transaction within a certain amount of time after Council has acquired the land.

A financial and resource impact analysis has been completed and is attached under separate cover due to this being of a commercial nature in which the Council considers could prejudice the Council or any person.

### **Options**

Council may choose to:

1. Proceed to acquire the land known as J.H. Vagg Memorial Park, subject to Council seeking authorisation from the Minister for Planning to prepare a Planning Scheme Amendment and entering into a Put and Call Option with Fonterra.
2. Proceed to acquire the land known as J.H. Vagg Memorial Park and maintain its current zoning.
3. Do not acquire the land known as J.H. Vagg Memorial Park and maintain its current use and zoning.

### **Conclusion**

J.H. Vagg Memorial Park is Crown Land and owned by DELWP, with Council acting as Committee of Management.

Council has been approached by Fonterra, indicating their interest in acquiring this parcel of land for their commercial interest and to consolidate their land holdings.

DELWP have indicated to Council that they will not sell the land directly to a third party with their preference being to sell the land to Council.

Prior to Council acquiring the land from DELWP, Council should seek authorisation from the Minister for Planning to prepare a Planning Scheme Amendment under Section 8A(3) of the *Planning and Environment Act 1987*, which seeks to rezone J.H. Vagg Memorial Park from Public Park and Recreation Zone to Industrial 1 Zone, being a more appropriate zoning.

Council can then enter into a Put and Call Option with Fonterra to bind both parties, allowing Council to enter into an agreement with DELWP to acquire J.H. Vagg Memorial Park. Rezoning of the land can then be undertaken to change the zoning of the land to Industrial 1 Zone (IN1Z), before proceeding to on sell the land.

Community consultation has led to a total of six submissions and a petition with 228 signatures responding to the public consultation process for this land. The key themes which were identified during the consultation process was the sale proceeds to be directed to the Cobden community, signage to remain on site, open space land to remain and Fonterra's existing land holdings.

This proposal provides Council with a unique opportunity to generate an income, which would not necessarily be obtained, which benefits the community, whilst assisting Fonterra in the expansion of their business operations within Cobden.

## RECOMMENDATION

### That Council:

1. Seeks authorisation from the Minister for Planning under Section 8A(3) of the *Planning and Environment Act 1987* to prepare and exhibit a Planning Scheme Amendment to apply the Industrial 1 Zone (IN1Z) to J.H. Vagg Memorial Park.
2. Delegates authority to the CEO to enter into a Put and Call Option with Fonterra.
3. Delegates authority to the CEO to enter into an agreement with DELWP to acquire J.H. Vagg Memorial Park.

## COUNCIL RESOLUTION

**MOVED:** *Cr Gstrein*

**SECONDED:** *Cr Brown*

That the recommendation be adopted subject to amendment to include:

4. Enters into discussions with Fonterra to retain a small portion of the property to house signage and an interpretative plaque in recognition of the contribution made by Mr J.H. Vagg to the settlement of Cobden.
5. Reserves any profits made from the sale for projects in the Cobden community.

**CARRIED**

## Attachments

1. Comments On-Site Meeting J.H. Vagg Park Memorial Park Cobden - Under Separate Cover
2. Phone Comments Family Members J.H. Vagg Memorial Park Cobden - Under Separate Cover
3. Facebook Posting - J.H. Vagg Memorial Park Cobden - Under Separate Cover
4. Submission One - Under Separate Cover
5. Submission Two - Under Separate Cover
6. Submission Three - Under Separate Cover
7. Submission Four - Under Separate Cover
8. Submission Five - Under Separate Cover
9. Submission Six - Under Separate Cover
10. Submission - Petition - Under Separate Cover
11. Advice Fonterra Expression Of Interest To Purchase J.H. Vagg Memorial Park - Under Separate Cover
12. J.H. Vagg Memorial Park - Financial and Resource Implications Council Report May 2017 - Under Separate Cover - Confidential

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## 10.8 Intention to Consider Sale - 19F Curdie Street, Cobden

**Author:** Jane Hinds, Property Officer

**File No:** D17/213

**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 - Jane Hinds

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

### Summary

This report is for Council to consider the sale of the Cobden Street Stall located at 19F Curdie Street, Cobden, which is owned by Council.

### Introduction

Council owned land located at 19F Curdie Street, Cobden known as the Cobden Street Stall, has been assessed as surplus to Council needs and therefore available for sale.

Council's asset requirements may change over time, thus all Council land and buildings should be reviewed regularly to ensure that the property is being held for a specific purpose for current or future use or identified as potential for disposal.

Council's policy for Sale of Council Land and Building provides criteria for identification of surplus land and buildings assets. The criteria includes history of the land, size and location, demonstrated past and current usage, surrounding usage, community or Council plans, strategic relevance, access to the property, demonstrated community need and future foreseeable use.

### Issues

#### *History of the land*

The Cobden Street Stall was built in 1989 as part of the construction of the rest of the arcade situated in Curdie Street, Cobden. Documents outline that Council and the community had requested the Street Stall be included in the development of the complex and paid \$12,000 for its construction.



**Figure 1 & 2: Property plan site 6 and photo of 19F Curdie Street, Cobden**

***Size and location of the property***

The Street Stall building or small kiosk is located in a prime position, at the front of the premises, with 6 buildings in total making up the body corporate arrangement of this facility. The building is 20 square meters and comprises 3 rooms, a main counter/serving area, toilet and powder room.

The property is located within the commercial planning zone with water and power being connected. The Street Stall is included as part of the Body Corporate arrangement at this arcade. There appears to be no easements on the property title. If Council were to sell the land, any planning restrictions specific to that zone would apply.



**Figure 3 & 4: Internal Photo of 19F Curdie Street, Cobden**



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***Demonstrated past and current usage***

The Cobden Street Stall is currently under-utilised and is used for storage purposes. It occasionally gets used for ad-hoc or special events.

***Surrounding usage***

The Street Stall building is located in the main street of Cobden at 19F Curdie Street. There are six shops located within this body corporate arrangement including the Cobden Newsagent, SLM Law (2 shops), Oasis Café (closed) and Creating Praxis Consulting Rooms.

***Community or Council plans***

The Building Stronger Corangamite Communities project has completed the preparation of community plans for the Shire's 12 townships. Cobden Twenty 20 Vision Community Plan was prepared in March 2011 and a review of this community plan was carried out in 2014, the Street Stall was not mentioned within the community plan. Although one issue, identified for most improvement, was to fill empty shops with businesses and services.

***Strategic relevance***

Considering the land was originally purchased to be used as a community facility, there may be some interest from community associations and clubs, given its location in the town centre. The Street Stall is rated separately and as it is used as a community facility, no rates are currently being incurred.

***Access to the property***

The Street Stall is located at the front of the arcade and has direct access from the footpath.

***Demonstrated community need***

Currently the Cobden Street Stall is used for storage purposes. The Cobden Football Netball Club sells raffle tickets three to four days per week from a table and chair located on the footpath. The football club stores the table and chair in the building for this purpose. The actual shop front/ kiosk is rarely used for selling items on Daffodil Day or Anzac Day.

***Future foreseeable use. This may include Council, community, amenities, environmental and infrastructure usage***

The future foreseeable use for this land would be for the purpose in which it was purchased, for community use. Given this building is under-utilised, it would seem appropriate to maximise operating efficiencies by disposing of this Council asset. By disposing of this property Council would see some cost efficiencies with ongoing re-current costs, it also has the potential to generate Council a financial return.

The Street Stall was designed for use by the community, essentially for selling goods, with the inclusion of a servery. The design of the building is limiting as to what functions can be performed in order to maximise the utilisation of the building.

***Community Consultation***

Prior to Council advertising its intention to sell the land, Council held an on-site meeting with the community to discuss its intention to sell the property and hear all views raised on the matter.

Community members were advised at the meeting that Council had not made a decision to sell the property and was seeking community input as to whether there is current or future community use of this facility. A total of six community members attended as a result of the public consultation process, involving both a public notice and a mail out to surrounding

businesses. A summary of discussions is provided in Table 1 below and a copy of the notes from the meeting are provided under separate cover.

<b>Key Points in On-site Meeting Submissions</b>
• Acknowledge it is under-utilised.
• Lack of communication on how it can be utilised.
• Prefer that it was available for hire and push for better promotion.
• The information centre has the BP site in Cobden for 18 months. The Street Stall would not be big enough for their use.
• The introduction of food regulations hasn't helped.
• Introduce a hire fee, it has to make money.
• Use of the building is for storage only.
• It is utilised to sell poppies and badges for Remembrance Day and ANZAC Day.
• Use of the toilet facilities are essential for those selling raffle tickets.
• Used weekly when first built.
• Needs a good tidy and clean.
• Utilised 3 days a week by the footy club.

**Table 1: Summary of discussions at public consultation process**

In accordance with direction from Councillors to expand use of social media as a communication tool, a Facebook post was uploaded on the 12 April 2017. This resulted in 7 comments and 11 likes, reaching 2,155 people. With a Corangamite Shire Facebook posting averaging 1000 views, this posting reached over double the amount, however there were minimal comments and likes posted.

A copy of the Facebook posts are provided under separate cover and summarised in Table 2 below.

<b>Key Points on Facebook Submissions</b>
• Council could ask sporting clubs, schools, Quota, Rotary, raffle ticket sellers, Information Centre or churches if they wish to utilise it.
• "Sell it"

**Table 2: Summary of discussions from Facebook**

A public notice advertising Council's intention to sell the land has allowed the opportunity for community members and groups to make public submissions regarding the sale of the land.

One submission was received. The submission from Progressing Cobden, identified a lack of use and the need for a clean and tidy up of the facility. The submission also requested that the facility should be retained for at least 12 months to see if utilisation could be increased. A copy of the submission is provided under separate cover.

There is no explicit legislation which governs the manner in which submissions are considered in relation to the sale of land, unlike when planning issues are considered in accordance with the planning scheme. The sale of Council land is assessed against key criteria as outlined in Council's Sale of Land and Buildings Policy. This criteria includes a review of past, current and future use, Council and community plans and demonstrated need.

The key themes which were identified during the public consultation process were;

- use of amenities
- lack of promotion advertising the street stall
- cleaning of the facility
- changes to the food safety regulations has effected use.

### **Policy and Legislative Context**

The *Local Government Act 1989* must be adhered to when selling Council land.

Under Section 5(2)(d) of the *Local Government Act 1989*, Council is capable of acquiring, holding, dealing with or disposing of property for the purpose of performing its functions and exercising its powers.

In accordance with Section 189 of the *Local Government Act 1989*, a property valuation will need to be obtained for the valuation of the land which is not more than six months prior to the sale. In the instance that Council chooses to proceed with the sale of this property, the valuation amount needs to remain confidential, as the reserve price will be set according to the valuation determined.

The Sale of Council Land and Building Policy and procedures outline the way in which Council administrates its real estate assets in accordance with Council strategies, plans and legislative requirements.

The sale of Council land aligns with the following key themes in the Council Plan 2013-2017:

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.

We will maintain a focus on the importance of our assets and infrastructure to underpin service delivery. We will implement processes that ensure our infrastructure continues to meet the requirements of our community.

### **Internal / External Consultation**

A property review has been completed on Council owned land and buildings in consultation with Council's Planning, Environment, Parks and Gardens, and Rating departments.

Notification of an on-site meeting to discuss Council's intention to sell the Street Stall was sent directly to those businesses surrounding 19F Curdie Street, advising of an on-site meeting with the community to hear all views raised on the matter. A public notice was also advertised in the Cobden Timboon Coast Times. The on-site meeting occurred Wednesday 28 March 2017 at 11am.

A public notice advertising Council's intention to sell the land followed the on-site meeting and has allowed the opportunity for community members and groups to make public submissions regarding the sale of the land. In accordance with Section 189 of the *Local Government Act 1989* the proposed sale has been advertised in The Standard, Cobden Times Coast Times, Terang Express, Camperdown Chronicle, Skipton News, Lismore News and Council's website. Submissions regarding the proposal were sought in accordance with Section 223 of the *Local Government Act 1989*, with the submission period closing 5pm Monday 1 May 2017.

A total of six residents attended the on-site meeting, and one submission was received during the submission period. The public consultation process and Facebook comments received were of mixed opinions, some in favour of the sale and some pushing for better promotion of the facility.

Council acknowledged those present at the on-site meeting and the written submission, that all responses would be included as part of the Council report and a deputation at the start of the Council meeting could be made if requested.

### **Financial and Resource Implications**

There has only been administration costs to date associated with the review of this property.

The Street Stall is included as part of the Body Corporate arrangement at this arcade. If Council were to resolve to sell the property, Council would need to include an Owners Corporation Certificate as part of the Section 32, which would attract a small fee payable by Council.

There will be some costs incurred by Council should it proceed with the sale of this property. This will include a property valuation and legal fees. These costs can be offset by the sale proceeds.

Council may generate a financial return from the sale of this land. According to Council policy, all profits from the sale of land are treated as general revenue in the year in which it is received and considered as part of Council's annual budget.

In the instance that Council chooses not to sell the land, ongoing costs will be associated with the land such as the fire services property levy, body corporate fees and electricity which is in excess of \$1000 annually. Any additional upgrades and capital works requested to be completed to the facility has not been accounted for this financial year or in next year's draft budget allocation.

### **Options**

Council has a number of options when considering the future arrangements for the Cobden Street Stall located at 19F Curdie Street, Cobden.

Council can consider the following options:

1. Not to sell the Cobden Street Stall and maintain its current use.
2. Proceed with the sale of the Cobden Street Stall.
3. Defer the sale of the Cobden Street Stall for 12 months, in order for the community to generate increased use of the facility.

### **Conclusion**

The Cobden Street Stall located at 19F Curdie Street, Cobden has been identified as surplus to Council's requirements and therefore it is proposed that it be considered as a possibility for sale. The stall was built in 1989 as part of the construction of the rest of the arcade situated in Curdie Street, Cobden. The Cobden Street Stall is currently under-utilised, used for storage purposes and the occasional ad-hoc or special event.

The key themes which were identified during the public consultation process were the use of amenities, lack of promotion advertising the street stall and how the change to the food safety regulations has effected its use.

The purpose for which the Cobden Street Stall was designed for is no longer a part of today's community culture. The changes in food regulations, community involvement, lack of utilisation and reduced volunteerism, has allowed this asset to be considered as surplus to requirement.

## RECOMMENDATION

### That Council:

1. Proceeds with the sale of land located at 19F Curdie Street, Cobden being the Cobden Street Stall as recommended.
2. Delegates authority to the CEO to determine the reserve price and negotiate the sale of 19F Curdie Street, Cobden being the Cobden Street Stall.
3. Affixes the Common Seal of Council to documents relating to the sale of land.

## COUNCIL RESOLUTION

*MOVED: Cr Gstrein*  
*SECONDED: Cr Illingworth*

**That the sale be deferred for 12 months in order for the community to generate increased use of the facility.**

**CARRIED**

### Attachments

1. Comments On-Site Meeting 19F Curdie Street, Cobden Cobden Street Stall Proposed Sale 2017 - Under Separate Cover
2. Facebook Posting - Cobden Street Stall 12 April 2017 - Under Separate Cover
3. Submission Progressing Cobden - Cobden Street Stall Proposed Sale 5 May 2017 - Under Separate Cover

## 10.9 Lease Agreement - 218 Manifold Street, Camperdown

**Author:** Jane Hinds, Property Officer

**File No:** D17/266

**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 - Jane Hinds

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

### Summary

This report is for Council to consider a lease agreement with WestVic Dairy Inc. to use the Corner Room and Play House Room located within the Mechanics Hall Institute building at 218 Manifold Street, Camperdown for the purpose of office accommodation.

### Introduction

In December 2016, Council received notification from the tenant that they did not wish to renew their lease agreement for use of the Camperdown Mechanics Hall Institute for a further three year term. Council Officers have been liaising with WestVic Dairy who had previously expressed interest to Council in utilising the space.

WestVic Dairy have an existing tenure agreement with Council for use of the Theatre Shop building located next door at 214 Manifold Street.



**Figure 1: Camperdown Mechanics Institute, 218 Manifold Street, Camperdown**

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## Issues

The Mechanics Hall Institute, which is owned by Council, was constructed in 1890 and is located at 218 Manifold Street, Camperdown.

The Corner Room and Play House Room located on the ground level of this building have been vacant since 2 March 2017, after the tenant chose not to renew their lease agreement.

WestVic Dairy currently have a Crown Land licence agreement with Council for use of the Theatre Shop building located at 214 Manifold Street, Camperdown, and the use of two upstairs meeting rooms. This agreement expires 31 August 2019.

A short term lease agreement has been negotiated with WestVic Dairy for use of the Corner Room and Play House Room for the period 1 June 2017 to 31 August 2019. WestVic Dairy have requested that the new lease agreement for use of the Mechanics Institute coincide with the expiry of their existing tenure with Council.

WestVic Dairy have also advised Council that they do not wish to continue the use of the two upstairs meeting rooms, should they be successful in acquiring the use of the Mechanics Institute.

The lease agreement accommodates for the shared use of the toilet amenities located in the Theatre Complex and car parking facilities which are accessed from Bath Street.

## Policy and Legislative Context

Agreement to lease the Corner Room and Play House Room to WestVic Dairy would be in keeping with the commitments in the 2013-2017 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.

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.

In accordance with Section 190 of the *Local Government Act 1989*, the proposed lease agreement has been advertised in the Warrnambool Standard on 15 April and the Camperdown Chronicle on 21 April 2017.

Submissions regarding the proposal were sought in accordance with Section 223 of the *Local Government Act 1989*, with submissions closing 12 May 2017. No submissions were received.

The land is zoned Public Use and a Heritage overlay has been applied to the property.

## Internal / External Consultation

A public notice advertising Council's intention to lease the land has allowed the opportunity for community members to make public comment and submissions regarding the lease of the facility. No submissions were received.

WestVic Dairy are currently utilising the Corner Room under an occupancy agreement which commenced 18 May 2017 and are adhering to the terms and conditions specified in the agreement. The occupancy agreement will become void should the lease agreement be granted.

WestVic Dairy has recently indicated its agreement with the terms and conditions set out in the lease agreement.

### **Financial and Resource Implications**

In 2014 Preston Rowe Paterson Valuers provided Council with a market rental valuation of the Corner Room being \$4,840 (including GST) and the Play House Room being \$4,537.50 (including GST) annually. These commercial rental amounts have been indexed by CPI since 2014.

Agreement to lease the Camperdown Mechanics Institute rooms to WestVic Dairy would see Council lose an annual income of \$2,079 for use of the two Theatre Shop upstairs meeting rooms, which was budgeted for in the 2017-2018 financial year. Although, Council would generate an additional income of \$10,086 (including GST) in the 2017-2018 budget, which is to be applied to the lease for the Mechanics Institute.

The annual rental amount is to be indexed by CPI each year of the lease agreement.

WestVic Dairy will be responsible for all service charges to the rooms including electricity, phone, water, municipal rates and charges and a fire services property levy.

### **Options**

Council can choose to grant a lease as prepared, with amendments, or choose not to grant a lease.

### **Conclusion**

A lease agreement has been developed between WestVic Dairy and Council for the purpose of providing office accommodation in the Corner Room and Play House Room located within the Mechanics Institute located at 218 Manifold Street, Camperdown. The lease agreement is a short term agreement coinciding with the expiry of their existing licence agreement with Council for use of the Theatre Shop building, being 31 August 2019.

WestVic Dairy will be responsible for all operating costs.

## **RECOMMENDATION**

### **That Council:**

- 1. Enters into a lease agreement with WestVic Dairy Inc. for use of the Corner Room and Play House Room located within the Mechanics Hall Institute located at 218 Manifold Street, Camperdown for the purpose of office accommodation which expires 31 August 2019.**
- 2. Affixes the Common Seal of Council to the lease agreement.**

### **COUNCIL RESOLUTION**

***MOVED:***            *Cr McArthur*

***SECONDED:***      *Cr Durant*

**That the recommendation be adopted.**

**CARRIED**



## 10.10 Swimming Pools Season Review 2016-2017

**Author:** Lucy Vesey, Recreation Development Officer

**File No:** D17/242

**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 – Lucy Vesey

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

### Summary

To report on the operations of Council's swimming pools for the 2016-2017 season, including attendances, programs, facility improvements and general operations.

### Introduction

Council's swimming pools provide safe and accessible aquatic recreation facilities to serve local needs throughout the Shire. In August 2015, Ballarat YMCA was awarded the contract for the management of the six outdoor pools for the period 1 October 2015 to 31 March 2017.

The 2016-2017 season commenced in late November 2016 and concluded in mid-March 2017.

### Issues

There were a total of 50,801 attendances across all pools in 2016-2017, compared to the 2015-2016 season where attendances were 54,164. This is a 9% decrease on the previous year's patronage, however, when comparing figures to the 2014-2015 season where 37,366 attendances were recorded, this is a 36% increase on attendances.

Terang Swimming pool experienced an increase in attendances across the season from the prior year as per Figure 1. Patronage at all other pools was slightly less than the previous year.

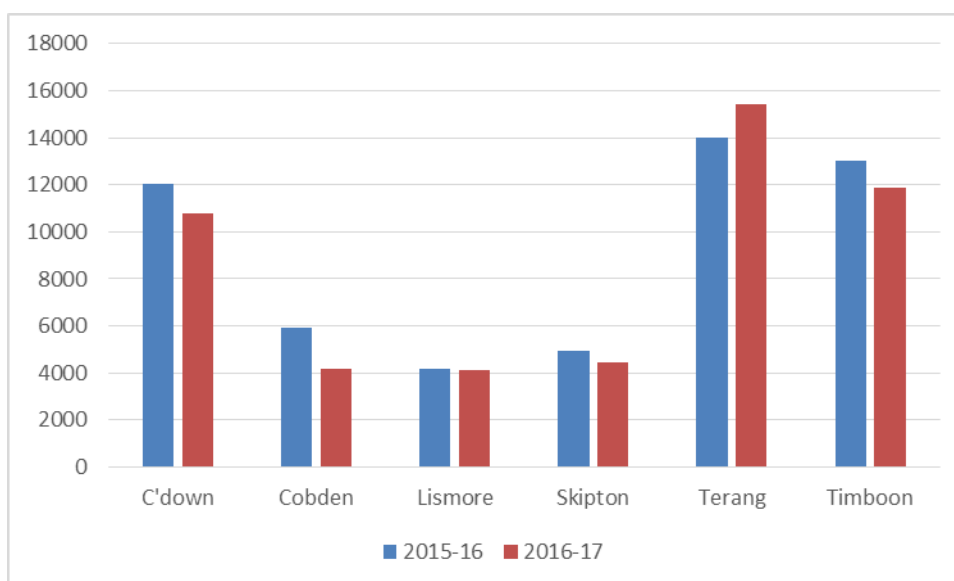


Figure 1: Attendances at Corangamite Shire swimming pools for the 2015-2016 and 2016-2017 seasons

A review of the weather patterns across the pool season is highlighted in Table 1 below and helps to explain the relationship between the temperature and the pool attendance figures.

Month	Attendance		Average Mean Temperature		Days under 18 degrees		Days rained	
	2015-2016	2016-2017	2015-2016	2016-2017	2015-2016	2016-2017	2015-2016	2016-2017
November	1,399	1,320	22.7°	19.7°	7	15	12	18
December	16,588	10,583	28.8°	24.6°	2	2	7	13
January	10,247	11,513	28.1°	27.1°	0	0	6	9
February	20,200	16,728	26.1°	26.1°	1	2	9	9
March	5,730	10,657	25.2°	27.6°	4	2	12	7
<b>TOTALS</b>	<b>54,164</b>	<b>50,801</b>	<b>26.2°</b>	<b>25.0°</b>	<b>14</b>	<b>21</b>	<b>46</b>	<b>56</b>

Table 1: Analysis of weather activity; statistics sourced from the Bureau of Meteorology

The graph below demonstrates there is a direct relationship with weather patterns and attendance, with the exception of January which had a lower average mean temperature but greater patronage. Higher attendances can be attributed to school holiday programs and learn-to-swim programs being implemented throughout January. March was the only month to have a higher average mean temperature than the previous season, this correlates with a higher number of attendances recorded for March in season 2016-2017.

Attendance numbers for February in season 2016-2017 were lower than the previous season despite the average mean temperature being the same. This can be explained through comparing the number and timing of programs available at the pools. In season 2015-2016 there were 57 programs conducted across all pools in February, compared to 42 programs in season 2016-2017. This provides further explanation to the higher patronage levels in March, as programs were conducted later in the season in 2016-2017, compared to 2015-2016.

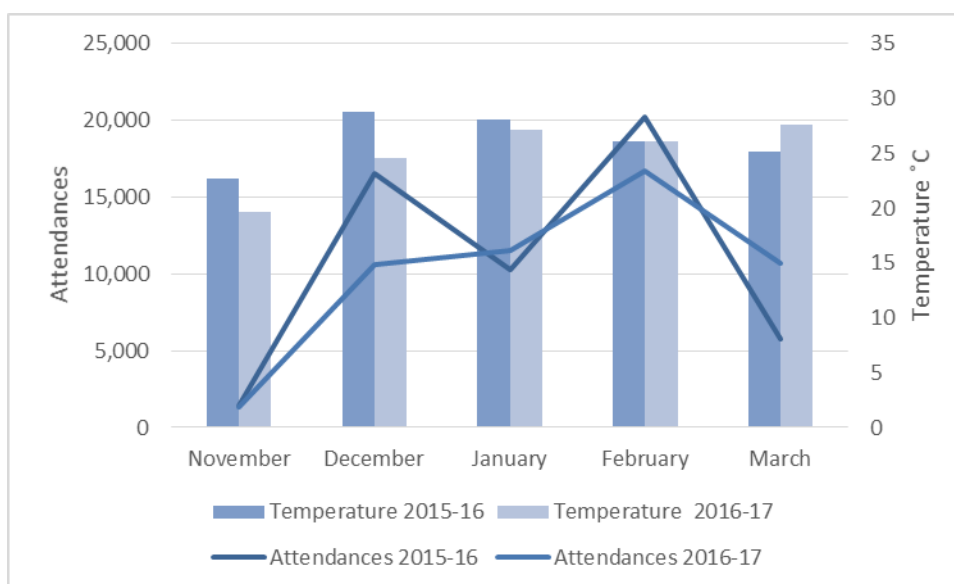


Figure 2: Total attendance at all pools by month vs Average mean temperature by month

**Increased service staff**

In response to Child Safe Standards, Ballarat YMCA introduced the *Safeguarding Children Policy* in season 2015-2016 based on minimising risk of staff and patrons at facilities. This change in policy lead to a minimum of two staff members being onsite at every pool when open to the public.

To assist in the implementation of this policy in season 2016-2017, eight local volunteers were trained by the YMCA to act as the second person on deck at early morning lap swimming sessions. Negotiation between Council and the YMCA identified early morning lap swimming as low risk and provided the opportunity for volunteers to assist in overseeing patrons.

**Corangamite Shire Swimming Pools Facebook Page**

As a communication tool, social media has represented a significant opportunity for Corangamite Shire to provide a platform for community members to voice their opinion, connect with their local swimming pool in an informal way and to stay up to date with activities happening at the pools.

The Corangamite Shire Swimming Pools Facebook page was well utilised by most pools during the season with most major programs and activities promoted via this medium. The page drew 768 individual followers, which is 198 up on the 2015-2016 season. 152 posts were made across all six pools during the season which attracted over 2,500 likes and 325 posts shared which helped to further reach into the community.

A summary of Facebook posts are provided under separate cover and summarised in Table 2 below.

Facebook page summary
<ul style="list-style-type: none"> <li>Event activity posts including images or video were on average the highest rating posts compared to written posts with no images</li> </ul>
<ul style="list-style-type: none"> <li>15 visitor posts to page this season compared to 7 posts in season 2015-2016</li> </ul>
<ul style="list-style-type: none"> <li>Messages and comments were replied to by Pool Managers in a timely</li> </ul>

manner
<ul style="list-style-type: none"> <li>• MixxFM106.3 picked up a Camperdown Pool in a news story</li> </ul>
<ul style="list-style-type: none"> <li>• Majority of comments were positive, any negative or questioning posts were responded to with information from Pool Managers in a timely manner</li> </ul>
<ul style="list-style-type: none"> <li>• Comments included people sharing childhood memories of the facility, visitors outside of the Corangamite region showing appreciation for the facilities and that water quality was well maintained across all pools</li> </ul>
<ul style="list-style-type: none"> <li>• Page is monitored by Corangamite Shire Council and YMCA Management</li> </ul>

**Table 2: Summary of comments from Facebook**

***Programs***

A range of programs were offered at the pools including early morning lap swimming, pool and birthday parties, family BBQ nights, triathlons, aquathon, dive in movies, water polo and water aerobics. These programs encourage participation and assist in the overall patron numbers attending the swimming pools.

This year Aquatic Recreation Victoria’s renowned VicSwim program was again conducted across all six swimming pools. This service provides life-saving skills for school aged residents and/or visitors.

Council’s committees were again active and provided a number of benefits to the community, with highlights provided in Table 3:

<b>Facility</b>	<b>Committee Activities</b>
Camperdown	<ul style="list-style-type: none"> <li>• Purchased inflatable toys</li> </ul>
Cobden	<ul style="list-style-type: none"> <li>• Additional committee members sought</li> <li>• Review of changerooms undertaken</li> </ul>
Lismore	<ul style="list-style-type: none"> <li>• Conducted movie night fundraiser</li> <li>• Purchased defibrillator</li> </ul>
Skipton	<ul style="list-style-type: none"> <li>• Conducted Triathlon</li> </ul>
Terang	<ul style="list-style-type: none"> <li>• Conducted Aquathon</li> <li>• Freeza Youth Event</li> <li>• Conducted movie night fundraiser</li> <li>• Formation of junior pool committee</li> </ul>
Timboon	<ul style="list-style-type: none"> <li>• Conducted lap swim challenge</li> <li>• Conducted Australia Day Triathlon</li> </ul>

**Table 3: Summary of Pool committee activities**

The Terang Pool Committee established and governed a junior pool committee in season 2016-2017 with the aim to encourage young people to make a positive difference in their community. Ten local youths formed the committee and played a role in the organising and running of several events throughout the pool season including the Aquathon and the Freeza pool party. Through the skills learnt through this opportunity, it is envisaged that the youth who take part in the junior pool committee will eventually become trained staff members or pool committee members in future.

***Healthy drink options***

YMCA with support from Council implemented a ‘sugary drink free summer’ initiative this pool season. Figure 4 highlights some of the successful outcomes of this initiative:

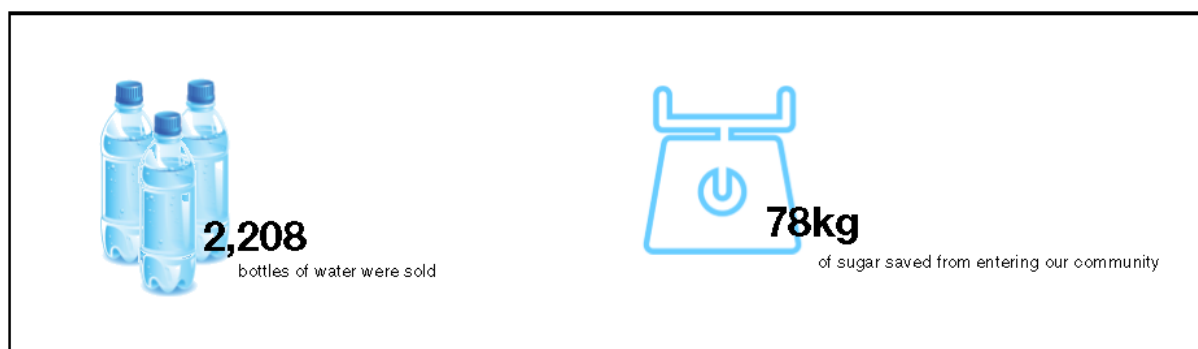


Figure 4: Summary successful outcomes of “sugary drink free summer’ initiative season 2016-2017

From the 2,208 bottles of water sold 1224 were plain, still water and 984 were lightly flavoured (contains half the amount of sugar contained in soft drink).

In season 2015-2016 a similar number of drinks were sold, however only 441 bottles of water indicating that consumer buying habits did not change, only the product they were purchasing.

#### ***Fees***

Fees for season 2016-2017 were increased in line with CPI.

Fees were presented to pool committee members at the annual Central Pools Meeting held 18 May 2016.

#### ***Facility Improvements and Maintenance***

General maintenance items were completed prior to the season and as required throughout the season. Additional works will be completed over the winter period to ensure the issues that could not be fixed at the time of identification are resolved prior to the 2017-2018 season.

Two pools, Timboon and Terang, were painted prior to season 2016-2017.

#### ***Customer Satisfaction***

Feedback was sought on the performance of YMCA staff including greeting, helpfulness, proactive control and supervision, pool water quality, presentation of pool surrounds and the programs available. Customer Service Surveys were conducted at all pools with patrons at each of the facilities highlighting that staff either met or exceeded expectations in all these key performance indicators.

In total, 446 people were surveyed across the six pools. A summary of notable responses for each pool is outlined in Table 4 below.

Facility	Survey Summary
Camperdown	<ul style="list-style-type: none"> <li>95% of respondents marked that staff were friendly and helpful and exceeded expectations</li> <li>92% water quality, 93.5% pool well managed, 75% facility cleanliness exceeded expectations</li> <li>Patron comment: Staff always went beyond and above for my rehabilitation needs in the pool</li> </ul>

Facility	Survey Summary
<b>Cobden</b>	<ul style="list-style-type: none"> <li>• 75% of respondents felt that the facility cleanliness exceeded expectations</li> <li>• 80% water temperature, 75% friendly &amp; helpful staff exceeded expectations</li> <li>• Patron comment: We travel from Melbourne every year to visit family we always visit Cobden Outdoor Pool</li> </ul>
<b>Lismore</b>	<ul style="list-style-type: none"> <li>• 90% of respondents marked that staff were friendly and helpful and exceeded expectations</li> <li>• 87% water quality, 86% water temperature exceeded expectations</li> <li>• Patron comment: Drive through Lismore every year and always stop here to have a swim, fantastic pool and staff</li> </ul>
<b>Skipton</b>	<ul style="list-style-type: none"> <li>• 91% of respondents felt that the water temperature exceeded expectations</li> <li>• 75% facility cleanliness, 87% pool water quality, 80% pool well managed exceeded expectations</li> <li>• Patron comment: We love coming here; drive from Ballarat is always worth it!</li> </ul>
<b>Terang</b>	<ul style="list-style-type: none"> <li>• 82% of respondents felt that the water quality exceeded expectations</li> <li>• 95% staff were friendly &amp; helpful, 72% pool well managed, 68% cleanliness of facilities exceeded expectations</li> <li>• Patron comment: Love education day at the pool, kids thought it was a fantastic idea</li> </ul>
<b>Timboon</b>	<ul style="list-style-type: none"> <li>• Over 90% of respondents felt that water quality and staff exceeded expectation</li> <li>• 96% staff friendly &amp; helpful, 94.6% pool water quality, 88% pool surrounds exceeded expectation</li> <li>• Patron comment: Variety in programs is great; some more things for little kids would be great too</li> </ul>

**Table 4: Summary of pool survey results**

Verbal feedback from patrons throughout the season provided positive comments especially regarding staff rapport, events, pool water quality and temperature as well as cleanliness of amenities and grounds.

The swimming pools have provided a range of health and wellbeing outcomes for residents of the Corangamite Shire in 2016-2017. Safe and accessible swimming pool facilities has provided the community with an opportunity to improve their health, mental and social wellbeing by providing family friendly and accessible facilities, activities and programs.

There are a number of waterways around the Corangamite region, the swimming pools provide an invaluable opportunity for young people to increase swimming and water safety skills and reduce the risk of drowning and increase participation in safe aquatic activity.

### **Policy and Legislative Context**

The swimming pool service is acknowledged through Council's commitment to the community's wellbeing, lifestyle and related infrastructure as stated in the Council Plan 2013-2017:

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.

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**

Council's swimming pool service for 2016-2017 season has been evaluated by facility users across all pools. The survey results indicate that for all pools most service areas met or exceeded patron expectations especially in regards to management by staff, pool surrounds and lawns and water quality.

Council's swimming pool service is supported by local pool committees comprising membership from the community including swimming clubs, schools and general community.

Annual General Meetings were held by each Swimming Pool Committee prior to the season to elect members of each committee. The Swimming Pool Committees have input into the delivery of the service in a manner which best suits its local community including:

- length of season
- operating hours
- programs
- lap swimming sessions.

### **Financial and Resource Implications**

The total budget for pool operations in 2016-2017 was \$524,882, which includes contract, maintenance and utility costs. Based on total attendance of 50,801, this meant a cost of \$10.33 per person to utilise the pools during the season. In comparison, the pool operations cost of 2015-2016 was \$468,515 (including contract, maintenance and utilities) and with an attendance of 54,164, this meant a cost of \$8.65 per person to utilise the pools during that season.

The total budget for capital works for the 2016-2017 financial year was \$30,000.

In accordance with the contract for management of the facilities, all income generated from the operation of the swimming pools is retained by the Contractor apart from 15% of the entry income (user fees) which is given to each pool committee for reinvesting into minor equipment or programs at their respective facility.

### **Options**

Council may or may not receive the 2016-2017 report on the operations of Council's swimming pool season.

### **Conclusion**

The 2016-2017 season provided a range of programs and a high standard of satisfaction within the community.

There were a total of 50,801 attendances across all pools in 2016-2017, compared to 54,164 attendances in 2015-2016 and 37,366 attendances in the 2014-2015 season. A review of the weather across the pool season shows a direct relationship between temperature and attendance.

In 2016-2017, the average mean temperature was lower for all months, with the exception of January, where the patronage and temperature were higher than the previous season. March was the only month to have a higher mean temperature than season 2015-2016. This correlates with a higher number of attendances in March for season 2016-2017.

Council's continued contribution and support of these assets ensures opportunities for participation in an active and healthy lifestyle which serve the local needs of the Corangamite community. Residents utilising the facilities has been positive in the past two seasons and should continue to be so given the financial cost of these facilities.

The swimming pools continue to provide a range of health and wellbeing outcomes for residents of the Corangamite Shire.

### **RECOMMENDATION**

**That Council receives the report on Council's swimming pool operations for the 2016-2017 season.**

#### **COUNCIL RESOLUTION**

*MOVED: Cr Brown*  
*SECONDED: Cr Gstrein*

**That the recommendation be adopted.**

**CARRIED**

### **Attachments**

1. Corangamite Shire Pools Facebook Page - Under Separate Cover



## 10.11 Records of Assembly of Councillors

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

**File No:** D17/273

**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 April 2017.

### 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 April 2017
- Planning Inspection 2 May 2017
- Councillor Briefing 9 May 2017.

### **RECOMMENDATION**

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

#### **COUNCIL RESOLUTION**

*MOVED: Cr Durant*

*SECONDED: Cr Gstrein*

**That the recommendation be adopted.**

**CARRIED**

#### **Attachments**

1. Record of an Assembly of Councillors 26 April 2017
2. Record of Assembly of Councillors Planning Site Inspection 2-05-2017 PP2016/042 5445P
3. Record of an Assembly of Councillors 9 May 2017

# Council

## Record of an Assembly of Councillors

**Councillor Briefing****Date:** 26 April 2017**Time:** 1.30 pm**Place:** Killara Centre**Present:**

Cr Beard                       Cr Brown                       Cr Durant                       Cr Gstrein  
 Cr Illingworth                       Cr McArthur                       Cr Trotter

*Cr Trotter was an apology.***Officers:**

Ian Gibb                       Brooke Love                       Andrew Mason                       David Rae

Lyllal Bond (Item 3)

Greg Hayes (Item 4)

Matthew Dawson (Item 5)

**Guests:**

Mr Richard Riordan MLA

**Issues Discussed:**

Item	Discussion Topic
1	<b>Hot Topics:</b> <i>Melbourne Meetings, Website Launch, Councillor Catch-ups, Agenda Items</i>
2	<b>Councillor items</b> <i>Signage and Website for Noorat, MAV Interest Groups, Rural and Regional Forum, Rustic Tarts, Port Campbell Mural, Youth Mayor and Youth Awards, Anzac Day, Western Star Butter and Today Show</i>
3	<b>Transfer Station Waste, Recycling and Scrap Metal Collection Services and Landfill Monitoring Services</b>
4	<b>Amendment C45 Planning Scheme Review – Response to Submissions</b>
5	<b>Social Inclusion Policy</b>
6	<b>Richard Riordan MLA, Member for Polwarth</b>

**Conflicts of Interest declared:** Cr Durant declared an indirect conflict of interest by close association for Item 1 (during discussion of Agenda Items) and Item 4. Cr Beard declared a direct conflict of interest for Item 1 (during discussion of Agenda Items)

**Councillor left the meeting at:** Cr Durant left at 1.05 pm and returned at 1.10 pm. Cr Beard left the meeting at 1.10 pm and returned at 1.15 pm.  
Cr Durant left the meeting at 3.20 pm and returned at 4.10 pm

**Councillor Conflict of Interest Forms Completed:** Yes

**Meeting close:** 6.00 pm**Note taker:** Andrew Mason

# Planning Inspection

## Record of an Assembly of Councillors



**Date:** 2 May 2017

**Time:** 9.10am

**Location:** 4-6 Robinson Street Camperdown

**Application No:** PP2016/042

**Present:**

Cr Beard       Cr Brown       Cr Durant       Cr Gstrein  
 Cr Illingworth       Cr McArthur       Cr Trotter

**Officers:**

Greg Hayes       Steph Durant

**Submitter:**

- Craig Sargeant

**Issues Discussed:**

- Density and design of development
- Amenity
- Drainage
- Car parking

**Conflicts of Interest declared:** Nil

**Meeting close:** 10am

**Note taker:**

Steph Durant



# Council

## Record of an Assembly of Councillors

**Councillor Briefing****Date:** 9 May 2017**Time:** 9.30 am**Place:** Old Council Chambers**Present:**

Cr Beard                       Cr Brown                       Cr Durant                       Cr Gstrein  
 Cr Illingworth                       Cr McArthur                       Cr Trotter

*Cr Trotter was an apology.***Officers:**

Ian Gibb                       Brooke Love                       Andrew Mason                       David Rae

Matthew Dawson (Item 4)

Michael Emerson (Item 6)

Greg Hayes (Item 7)

**Guests:**

Emily Lee-Ack

Dr Nathalie Davis

Wayne Kayler-Thomson

Liz Price

Matthew Payne

Pedro Alvarez

Jose Rodriguez

**Issues Discussed:**

Item	Discussion Topic
1	<b>Hot Topics:</b> <i>State Budget, CBA Briefing, Wannon Water Stock Water, Port Campbell Public Art, GSC Update, Botanic Gardens CMP, Councillor Expenses, Port Campbell Streetscape Tender, Agenda Items</i>
2	<b>Councillor items</b> <i>Gnotuk Intersection, Drainage Issue at Dixie, Annual Council Revaluation, Muddy Nature Strip in Terang, McRaes Road Shoulders, Signage Issue in Port Campbell, Princetown Objectors Meeting, Raised Bed Cropping Impacts on Drainage, New Residents Function, Park Road Speed Limit, Timboon Drainage, Vandalism in Timboon, Embedded EPA Officers, Planning Permit Issues with Rebuilt Shed, Onshore Gas, Street and Footpath Sweeping, Timboon Park Run</i>
3	<b>Municipal Public Health and Wellbeing Plan 2017-2021</b>
4	<b>Family Violence Prevention</b>
5	<b>Port Campbell Rifle Range Site Update – Confidential Item</b>
6	<b>GORRT</b>
7	<b>Proposal in Bookaar – Confidential Item</b>

**Conflicts of Interest declared:** Cr Durant declared an indirect conflict of interest by close association for Item 1 (during discussion of Agenda Items)

**Councillor left the meeting at:** Cr Durant left at 10.10 am and returned at 10.20 am.

**Councillor Conflict of Interest Forms Completed:** Yes

**Meeting close:** 4.07 pm

**Note taker:** Andrew Mason

## 11. OTHER BUSINESS

Nil.

## 12. OPEN FORUM

Nil.

### COUNCIL RESOLUTION

*MOVED: Cr McArthur*  
*SECONDED: Cr Illingworth*

**That standing orders be suspended.**

**CARRIED**

Standing orders were suspended at 9.28 pm for supper.

### COUNCIL RESOLUTION

*MOVED: Cr Gstrein*  
*SECONDED: Cr McArthur*

**That standing orders be resumed.**

**CARRIED**

Standing orders were resumed at 9.49 pm.

All Councillors were present. Mr Matthew Dawson, Mr Jarrod Woff, Ms Jane Hinds, Ms Lucy Vesey and members of the public left the meeting.

## 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.

#### COUNCIL RESOLUTION

*MOVED: Cr Trotter*

*SECONDED: Cr Brown*

That the recommendation be adopted.

**CARRIED**

The meeting moved into confidential items at 9.50 pm.

### 13.1 Contract 2018001 Landfill Water Quality and Landfill Gas Monitoring

### 13.2 Contract 2017010 Supply and Delivery of Diesel Fuel to Council Depots

#### COUNCIL RESOLUTION

*MOVED: Cr Gstrein*

*SECONDED: Cr Illingworth*

That the meeting move out of confidential items.

**CARRIED**

The meeting moved out of confidential items at 10.03 pm.

**Meeting Closed: 10.03 pm**

I hereby certify that these minutes have been confirmed and are a true and correct record.

**CONFIRMED:**

\_\_\_\_\_  
(Chairperson)

**DATE:**