

Corangamite Shire

AGENDA

Ordinary Council Meeting

7.00 pm • Tuesday 23 January 2018

*Killara Centre
210-212 Manifold Street, Camperdown*

Order of Business

1. PRAYER
2. APOLOGIES
3. DECLARATIONS OF CONFLICT OF INTEREST
4. CONFIRMATION OF MINUTES
RECOMMENDATION
That the Minutes of the Corangamite Shire Ordinary Council meeting held on Tuesday 19 December 2017 be confirmed.
5. DEPUTATIONS & PRESENTATIONS
6. COMMITTEE REPORTS
7. INFORMATION BULLETIN
8. PLANNING REPORTS
9. OFFICERS' REPORTS
10. OTHER BUSINESS
11. OPEN FORUM
12. CONFIDENTIAL ITEMS

ANDREW MASON
CHIEF EXECUTIVE OFFICER

DISCLAIMER

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

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5. DEPUTATIONS & PRESENTATIONS

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

6. COMMITTEE REPORTS

6.1 Audit Committee - Annual Report to Council

Author: David Rae, Director Corporate and Community Services

File No: D17/801

Previous Council Reference: 24 January 2017, Item 7.2

Declaration

Chief Executive Officer – Andrew Mason

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

Author - David Rae

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

Summary

The purpose of this report is to provide Council with a summary of the activities undertaken by the Audit Committee (the Committee) during 2017 in accordance with the Committee Charter.

Introduction

Audit committees play a critical role in the financial reporting framework of councils by overseeing and monitoring the participation of management and external auditors in the financial reporting process. They also address issues such as the approach being adopted by a council and management to address business risks, corporate and financial governance responsibilities and legal compliance. A council may also refer issues of a strategic nature to their audit committee. The principal functions and extent of authority for an audit committee are set out in the *Local Government Act*.

In 2012, Council resolved to enhance the Committee's effectiveness through a review of the Committee's Charter, the appointment of an internal auditor and the appointment of a majority of independent Audit Committee members. These initiatives were implemented as a result of the publication "Audit Committees – A Guide to Good Practice for Local Government" published in February 2011 and approved by the Minister for Local Government.

The Audit Committee's Charter requires that the Committee must:

Report annually to stakeholders, describing the Committee's composition, responsibilities and how they were discharged, and any other information required by regulation, including approval of non-audit services.

Issues

The Committee met three times during the review period. The Committee membership did not change. The Committee had a successful year and met its objectives. The Committee's engagement with Council management was positive, which ensures a continuing and strong commitment to corporate governance and improving internal controls. Significant progress was also made in the Internal Audit function, particularly in regard to procurement risk.

Committee Members

The Committee was comprised of the following members during the year:

- Independent members:
 - Ms Nancy Johnson (Chairperson)
 - Mr Andrew Jeffers
 - Mr Colin Hayman
- Councillors:
 - Councillor Bev McArthur
 - Councillor Helen Durant (from 28 November 2017)
 - Councillor Neil Trotter (until 22 October 2016)

Attendee	Meeting				
	09/03/17	08/06/2017	14/09/2017	14/12/2017	
Members					
Colin Hayman (Chair)	✓	✓	✓		Quorum not present. Meeting rescheduled to 31/01/18.
Nancy Johnson	✓	✓	✓		
Andrew Jeffers	x	✓	✓		
Bev McArthur	✓	✓	✓		
Helen Durant	n/a	n/a	n/a		
Neil Trotter	✓	✓	✓		

In Attendance

The following individuals attended Committee meetings during the year:

- Council officers:
 - Mr Andrew Mason, Chief Executive Officer
 - Mr David Rae, Director Corporate and Community Services
 - Mr Ian, Gibb, Director Sustainable Development
 - Mr Adam Taylor, Finance Manager
- Coffey Hunt, agent of the Victorian Auditor General's Office (External Auditor):
 - Mr Chris Kol, Coffey Hunt
- Crowe Horwath (Internal Auditor):
 - Mr Andrew Zavitsanos, Principal.
 - Gabrielle Castree, Manager.

Meetings

Issues considered by the Committee during the period included:

- Meeting 09 March 2017:
 - 2016-2017 External Audit Strategy
 - 2015-2016 External Audit Management Letter - Outstanding Recommendations
 - Memorandum of Audit Planning - Procurement, Purchasing Cards and Tendering Review
 - Governance and Management Attestation as at 31 December 2016
 - Review of Finance Policies:
 - Investment Policy
 - Fees and Charges Policy
 - Fraud Prevention and Control Policy Review
 - Corporate Risk Profile Update
 - Finance Report as at 31 December 2016

- Meeting 8 June 2017:
 - 2016-2017 External Audit Interim Management Letter
 - Related Party Disclosure Policy
 - Status Update - Outstanding Internal Audit Recommendations
 - 2017-2018 Draft Budget
 - Finance Report as at 31 March 2017
 - VAGO Performance Report - Public Participation and Community Engagement
 - Other Business:
 - Fraud prevention.
 - Rostered Day Off management.
 - Traditional Owner Settlement Amendment Act 2016 relating to the Land Use Activity Agreements.
 - Two confidential matters
- Meeting 8 September 2016:
 - 2016-2017 Financial Statements and Performance Statement
 - 2016-2017 Draft Management Letter
 - 2016-2017 Procurement Summary
 - Fraud Control Plan Annual Review
 - Corporate Risk Profile Biannual Update
 - Results of internal audit review into Procurement, Purchasing Cards and Tendering
 - Portable and Attractive Assets Review Memorandum of Audit Planning
 - Risk Management Policy and Risk Management Framework Review
 - Health and Safety Management System Review and Audit
 - Finance Report for period ending 31 May 2017
 - Local Government Governance Issues.
 - Victorian Auditor General's Office Report into Public Participation and Community Engagement
- Meeting 14 December 2017:
 - The meeting was not held as a quorum was not presented. The meeting has been rescheduled to Tuesday, 30 January 2018.

Assessing the Audit Committee's Performance

As required by the Committee's Charter, a performance review was commenced by the Committee in December 2017. The review, conducted by a self-assessment survey, will be used to measure the Committee's performance against its responsibilities detailed within its Charter. Committee members are to assess the effectiveness of the Audit Committee as a whole and their individual performance. Results will be discussed at the next Audit Committee meeting.

Internal Auditor Performance

As required by the Committee's Charter, a performance review of the Internal Auditor (Crowe Horwath) was also commenced by the Committee in December 2017. The review will be used to assess the Internal Auditor's performance in achieving the objectives of the Audit Committee. Results will be discussed at the next Audit Committee meeting.

Future

The tenure of independent Committee member Nancy Johnson expires 31 January 2018. An expression of interest process commenced mid-January 2018 to fill the vacancy and will culminate in a recommendation to Council in February 2018.

During the first half of 2018, the new Local Government Act is expected to be enacted by the Victorian Parliament. The Committee will be briefed on the proposed changes and the relevant implications.

The Committee will also continue to review the effectiveness of the internal control framework associated with risk.

Policy and Legislative Context

Reporting of the Audit Committee's activities is consistent with the Council Plan 2017-2021 which includes the following commitments:

We are committed to ensuring the ethical behaviour of Councillors and staff, maintaining good governance and remaining financially sustainable.

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

Council will make budgetary decisions that ensures Council remains in a strong financial position now and into the future.

Council will deliver value for money by ensuring that services are required and delivered efficiently and sustainably.

Internal / External Consultation

The Chairperson of the Audit Committee has been provided with a copy of this report.

Financial and Resource Implications

There are no financial and resource implications as a consequence of this report.

Conclusion

During 2017 Council's Audit Committee considered a broad range of issues as detailed in this report. Members of the Committee worked productively and harmoniously and have largely met the objectives set out in the Charter. The Committee continues to recognise the ongoing need for continuous improvement in enhancing the effectiveness of the Committee and Internal Audit. The Committee also continues to work professionally and effectively with management.

RECOMMENDATION

That Council receives the 2017 Audit Committee Annual Report.

7. INFORMATION BULLETIN

Nil.

8. PLANNING REPORTS

8.1 Planning Application PP2017/145 Development of Two Storey Dwelling and Front Fence 12 Treglea Street, Port Campbell

Author: Greg Hayes, Manager Planning and Building Services

File No: D17/808

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 - Greg Hayes

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

Summary

A planning permit application has been received, proposing to develop the land for a double storey dwelling and front fence. One submission has been received objecting to the application. The application 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 be issued subject to conditions.

Introduction

Council has received an application for a planning permit to construct a double storey dwelling and front fence. An assessment of the proposal is required against the Design and Development Overlay in Port Campbell.

Proposal

It is proposed to develop a two storey dwelling with attached garage and front fence on the site at 12 Treglea Street in Port Campbell. The proposed ground floor will consist of an open plan living/dining and kitchen area along with family room, three bedrooms, bathroom, north facing deck and attached double garage and patio. The first floor will consist of a master bedroom, lounge, sewing room and ensuite. A 1.8 metre high rendered open iron fence is proposed along the frontage of the property. The property will be accessed via the existing crossover.

The dwelling, garage and patio will have a total area 164.33m² and be constructed of a mix of acrylic render and Trencadis tiles. The dwelling will have an overall height of 7.03 metres from natural ground level (NGL) varying from 6.3 metres towards the rear. Due to the slope of the land the rear of the garage will be recessed (cut) into NGL between 0.1-0.5 metres. Setbacks of the dwelling and garage will be a minimum of 1 metre for the garage along the south west boundary increasing to 1.6 metres for the dwelling. The setback of the dwelling along the north east will be a minimum of 3.97 metres and the setback from Treglea Street will be 4.7 metres.

The site is located within the Port Campbell township one block north of Lord Street. There is no discernible neighbourhood character in this area with a mix of single and double storey dwellings and units at a range of densities and varying in heights from 4 metres to 9 metres. There are mix of roof types and materials used in development along Tregea Street including gable, skillion and curved roof forms and weatherboard, concrete render and colourbond cladding. Other surrounding uses include the caravan park to the north, retail development to the south and backpacker accommodation to the east.



Figure 1: Subject site and surrounds (*Note: Aerial 2012 - new dwelling at 10 Tregea Street not shown)

A full copy of the permit application is found at **Attachment 1**.

Policy and Legislative Context

State Planning Policy

Clause 11 Settlement

- Encourage urban renewal and redevelopment opportunities within existing settlements to reduce the demand for urban sprawl.
- Limiting urban sprawl and directing growth into existing settlements, promoting and capitalising on opportunities for urban renewal and infill redevelopment.

Clause 12 Environment and Landscape Values

- Ensure development is sensitively sited and designed and respects the character of coastal settlements.

Clause 15 Built Environment and Heritage

- Ensure development recognises distinctive urban forms and layout and their relationship to landscape and vegetation.

Clause 16 Housing

- Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.

Local Planning Policy

Clause 21.04 *Port Campbell* strategies include:

- Ensure that new development maintains the low scale coastal village character of the town and is compatible with the landscape setting of the town.
- Encourage new development to incorporate setbacks and landscaping to maintain the green separation of buildings in both the commercial and residential areas.
- Contain the town area to its existing and identified footprint.
- Support small scale infill development on existing large lots.
- Provide for limited new development at higher densities in appropriate locations including in and around the commercial centre.
- Improve presentation of residential and commercial areas.
- To provide a range of dwelling and accommodation types in the town to cater for the needs of all residents and visitors and meet growth demands.
- To encourage a variety of lot sizes.

Zoning

The land is located within the *General Residential Zone*. The purpose of the 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 encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

A planning permit is not required under the General Residential Zone for a single dwelling on a lot over 300m². As no planning permit is required under the General Residential Zone an assessment under Rescode is not required. This is left to the Building Permit process.

Whilst a planning permit is not required under the General Residential Zone, the construction of a dwelling must still provide a minimum garden area at ground level of 35% of the lot. The development provides 66.42% and meets this requirement.

Overlays

The Design and Development Overlay- Schedule 3 (DDO3) which applies to the Port Campbell residential area covers the property. Pursuant to Clause 43.02-2 a planning permit is required to construct a double storey dwelling and construct a solid fence over 1 metre in height.

The design objectives of the DDO3 are:

- To protect the existing low scale coastal character and identity of Port Campbell.
- To ensure that new development in Port Campbell is site specific and site responsive.
- To ensure that new development reinforces the diversity of building styles and landscape forms that define the character of Port Campbell.
- To ensure that new development is designed to achieve viewsharing.

The DDO3 includes a set of design guidelines which identify a range of relevant considerations including landscape type, indigenous vegetation, erosion, solar and wind control, presentation to visually prominent locations, height, scale and viewlines from neighbours and public places.

The design guidelines are the preferred method of achieving the design objectives. Other methods of achieving the objectives may be demonstrated to the satisfaction of the Responsible Authority

The Decision Guidelines under DDO3 provide a context for considering the design guidelines. They include:

- How the proposal responds to the design objectives of this Clause.
- Whether an adequate Site Analysis has been undertaken.
- Whether the development is clearly influenced by findings of the comprehensive Site Analysis.
- How the new development forms a successful synthesis of the constraints and opportunities identified by the Site Analysis.
- How the proposal forms an integrated environmental design approach to the actual site with a complementary relationship between built form and landscape.
- Whether the development is of a scale and density appropriate for the site topography and landscape.
- How efficient the proposal is in its use of space minimising the building footprint and bulk.
- How the development meets the principles of ecologically sustainable development.

A plan is attached to the DDO3 which specifies building envelopes relative to vegetation and built form. The site is located within the “valley slopes” where built form is to be medium to high.

A planning permit is not required under the zone or overlay to use the land for a dwelling.

Particular Provisions

Clause 52.06 Car Parking requires two car parking spaces to be provided to each dwelling. This requirement has been met.

Internal / External Consultation

Referrals

The application has been referred to Councils Assets and Building department.

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.

Objections

One submission objecting to the application was received. The submission can be found at **Attachment 2**. The issues raised in the objection and an officer response are provided below.

Objection	Officer response
Overshadowing of private open space of property to south west	There is some overshadowing of the private open space at the front of the property in the morning, however the overshadowing complies with building regulations as shown in the shadow diagrams within attachment 1 . It should be noted there is no overshadowing of the secluded private open space (at the rear of the objector’s property).

Objection	Officer response
Overlooking of private open space of property to south west from	There is no overlooking of secluded private open space. Any overlooking to the front yard of 10 Tregaea Street is not a consideration of this permit. However the applicant has amended their plans in an attempt to appease the neighbour and provide a 2500mm high timber slat screen along the front half of the fence. This prevents any overlooking into the open space at the front of the objectors property from ground floor living, dining, and laundry/pantry windows of the proposed dwelling. Overlooking from the second storey to the objectors balcony is blocked by timber slat screens.
Overshadowing of solar access to sewing room in dwelling to south west	The applicant has amended their original plans to remove the patio wall and increase the setback of the garage to 1 metre from the boundary. This will ensure that there will be no increase in overshadowing of the sewing room than what currently occurs from the existing fence. This can be shown in the shadow diagrams in attachment 1 .
Large scale of dwelling	The DDO3 does not specify a height limit on dwellings, nor does it prohibit two storey dwellings in this location. Rather it requires applications to respond to the design objectives of the DDO3. Whilst the objectives of the DDO3 seek to maintain the “low scale” character of Port Campbell this does not mean that development can only be single storey in height. The DDO3 requires an assessment of whether the height is appropriate relative to the surrounding vegetation type and landform. In this location DDO3 specifies that development can be medium to high scale. This is apparent in the development along Tregaea Street which has several medium density developments and developments at heights over 8 metres. (4, 14 and 18 Tregaea Street). The proposed dwelling will be 7.03 metres above NGL at its highest point and is well articulated on the upper level being setback approximately 5 metres from the boundary. The dwelling will have a site coverage of 15.4%. It therefore considered that the scale of the development is appropriate for this location and the site.

Objection	Officer response
Garage and patio wall site on title boundary which creates future maintenance and access issues.	Whilst there is no requirement to do so the proponent has sought to accommodate the objectors concerns and rearranged their development to reduce any perceived impact. The removal of the patio wall and increase in setback of the garage to 1 metre from the boundary is considered to address any concerns in relation to accessibility for maintenance and repairs.

Consultation

Following notice of the application, an onsite meeting was held with the applicant, submitters, Councillors and planning officers on 9 January 2018. Following these discussions there was no resolution of this matter.

Assessment

Compliance with the Design Objectives of the DDO3

The DDO3 requires any development to respond to the design objectives which include protecting the low scale coastal character of Port Campbell, ensuring development is site specific and site responsive and providing a diversity of building styles.

Tregea Street has a mix of older housing stock which are single storey and newer developments which are predominantly double storey dwellings including several unit developments. This would indicate that the evolving neighbourhood character of this area is double storey development with average heights of between 7-9 metres. This evolving character is in line with the preferred built form for Tregea Street under the DDO3 which designates this area as suitable for built form that is medium to high. There are several double storey dwellings located on Tregea Street which have higher site coverage and building heights than the proposed development. These include 6, 16 and 18 Tregea Street. It is therefore considered that the height of the proposed dwelling is not at odds with the height of development found in the area and responsive to the landform.

The development has proposed minimal cut and fill on the site and has instead worked with the topography of the site which has a fall of 2.92m to the north west. This results in the bulk of the building being located at the lower part of the block along the north western elevation which fronts Tregea Street which reduces its visual prominence. Setbacks that are in line with majority of setbacks of developments along Tregea Street have been incorporated into the development.

The design of the building is considered appropriate for the area, it responds to the emerging neighbourhood character and incorporates materials that are sympathetic to a coastal setting such as timber, acrylic render and Trancadis tile. This varying material use will also soften the bulk of the building.

It is considered that the proposal responds well to the DDO3 as it provides for setbacks, works with the topography of the site by providing the majority of bulk and height towards the lower parts of the block, provides a similar building height to the majority of newer developed properties along Tregea Street and has a low site coverage.

The proposed front fence is a rendered parged brick fence to 1.8 metres maximum with infill iron fencing. Its height requires a planning permit and it is considered to provide a degree of permeability and does not impact significantly on the character of the street. It is considered appropriate for the area.

Compliance with State and Local Planning Policy

The development of the land with a dwelling complies with the planning scheme's policies on housing and urban consolidation. The objective at clause 11.05-5 is to plan for sustainable coastal development. Planning policy supports a network of diverse coastal settlements which provide for a broad range of housing types with residential development directed to defined boundaries of existing settlements. The subject land is within a coastal town and within the defined urban area. Further, this infill development increases the supply and variety of housing within an established urban area and is supported by the policies at Clause 16.

It is also relevant that the local strategies for Port Campbell, as set out at Clause 21.04 of the MSS, support development. Small scale infill development on large lots as well as limited new development at increased densities in appropriate locations is envisaged in the MSS. Development within the existing urban area is supported by the MSS which seeks to facilitate "a compact urban form", preventing development from "establishing outside the urban zones of the town" and containing the town area to its "existing and identified footprint". The redevelopment of land with suitable attributes, located within the General Residential Zone and within the town's existing footprint accords with the direction given by the MSS.

Options

Council has the following options:

1. Issue a Notice of Decision to Grant a Planning Permit, subject to conditions as set out in the Officer's recommendation. **(Recommended option).**
2. Issue a Notice of Decision to Grant a Planning Permit with changes to recommended conditions.
3. Issue a Notice of Refusal to Grant a Planning Permit.

Conclusion

The application for a double storey dwelling on this site is supported. The design and siting of the dwelling is appropriate for the area and the proponent has made concessions to placate the objection. It is recommended Council support this application and issue a Notice of Decision to issue a Planning Permit.

RECOMMENDATION

That Council resolves to issue a Notice of Decision to Grant a Planning Permit to develop the land for a Double Storey Dwelling and Construction of a Fence on land described as Lot 1 LP87625 12 Tregear Street Port Campbell, subject to the following conditions:

Layout not Altered

1. **The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**

Muted Tones

2. **All external materials to be used in the construction of the dwelling must be of muted tones and be non-reflective and must not result in any adverse visual impact on the amenity of the surrounding area.**

Landscape Plan

3. Before the development starts a landscape plan must be submitted to and approved by the Responsible Authority. The landscape plan must be to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must be generally in accordance with the landscape concept plan dated insert date prepared by insert consultant except that the plan must show:
- (a) a survey of all existing vegetation and natural features showing any plants (greater than 1200mm diameter) to be removed;
 - (b) a planting schedule of all proposed trees, shrubs and ground cover, which will include the location, number and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface materials as specified;
 - (c) the method of preparing, draining, watering and maintaining the landscaped area;
 - (d) details of surface finishes of pathways and driveways;
 - (e) landscaping and planting within all open areas of the site;
4. All species selected must be to the satisfaction of the responsible authority

Completion of Landscaping

5. Before the occupation of the development or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

Stormwater Drainage

6. All stormwater and surface water discharging from the buildings and works approved by this permit must be conveyed to the legal point of discharge to the satisfaction of the Responsible Authority.

Expiry of Permit – Development

7. This permit will expire if one of the following circumstances applies:
- (a) The development hereby approved has not commenced within two (2) years of the date of this permit.
 - (b) The development hereby approved is not completed within four (4) years of the date of this permit
8. The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires; or
- (a) within six (6) months after the permit expires where the development has not yet started; or
 - (b) within twelve (12) months after the permit expires where the development allowed by the permit has lawfully commenced before the permit expiry.

NOTES

Assets Approval Required

- **Prior to the construction or upgrade of any vehicle crossings, the applicant must apply for and obtain appropriate assets approval from the Responsible Authority.**

Building Approval Required

- **This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval. NOTE: This application has not undergone a ResCode assessment.**

Attachments

1. Planning Permit Application Documentation PP2017/145 - Under Separate Cover
2. Copy of Objection PP2017/145 - Under Separate Cover

9. OFFICERS' REPORTS

9.1 Planning Panel Recommendation for Adoption of Amendment C45

Author: Greg Hayes, Manager Planning and Building Services

File No: D18/1

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 - Greg Hayes

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

Summary

Planning Scheme Amendment C45 implements the recommendations of the adopted *Corangamite Planning Scheme Review 2016*. The amendment replaces the existing Local Planning Policy Framework (LPPF) with a new format Municipal Strategic Statement (MSS) and alterations and improvements to local policies. An independent Planning Panel was appointed at the request of Council to hear submissions and this panel has now released its report. It recommends that Council adopts Amendment C45 with the changes as presented to panel. Council can now submit the amendment to the Minister for Planning for approval.

Introduction

Council is required by legislation to undertake a review of its planning scheme every four years with the previous review in 2011. Funds were set aside in 2015 to conduct a review of the strategic land use and development policy provisions of the Corangamite Planning Scheme in accordance with the requirements of the *Planning and Environment Act 1987*.

The Corangamite Planning Scheme Review 2016

The *Corangamite Planning Scheme Review 2016* (the Review) assessed the strategic performance of the Corangamite Planning Scheme and offered recommendations for future strategic planning priorities and direction. The detailed process involved community and stakeholder consultation that reviewed the format and efficiency of the Municipal Strategic Statement (MSS) and Local Planning Policy that comprise the entire Local Planning Policy Framework (LPPF).

A key recommendation coming from the Review was the need to amend the LPPF to better align with State policy and update it with recently adopted strategic planning work.

The review also recommended a clearer and more contemporary strategic direction on emerging issues that included:

- 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 review also recommended a revised structure of the LPPF that removed duplication and improved the clarity of language.

Council adopted the *Corangamite Planning Scheme Review* in May 2016.

Planning Scheme Amendment C45

Planning Scheme Amendment C45 is the mechanism to implement the recommended changes from the Review. In August 2016 Council requested the Minister for Planning authorise Council to prepare and exhibit Amendment C45. Following approval the Amendment was placed on public exhibition between 28 January and 8 March 2017.

Twenty (20) submissions were received to the Amendment. Of the 20 submissions, four (4) supported the amendment in its exhibited form, generally focussing on the importance of aligning the planning scheme with State policies as well as the shire and greater regions' strategies. The remaining 16 requested changes or objected to the amendment.

The main themes raised in the submissions relate to environmental controls, tourism and economic development policies, gas resources, environmental risk, rural subdivision and the amendment process and documentation.

All submissions were reviewed at the 25 July 2017 Ordinary Council Meeting where it was resolved to make some changes in response to submissions and refer these changes and each submission to an independent Planning Panel for recommendations. The changes made by Council to C45 have been accepted in the panel recommendation.

Issues

The Planning Panel for Amendment C45 held a public hearing over two days from 10 October 2017. Council officers presented the Amendment along with the Council adopted changes and the panel also heard from two submitters. The Panel report was released on 28 December 2017 to the Minister for Planning and a copy provided to Council. It will be made publicly available along with the agenda for this Council Meeting. **See Attachment 1.**

The Panel acknowledged the considerable effort the Council and Council officers have invested in the review. Overall, the Panel supported the proposed changes and considers that the recommended revised LPPF will be an improvement on the current LPPF and should be more effective in its operation for all parties. The Panel report also acknowledges that the Council has been conscientious in progressing its strategic planning agenda and the Panel encourages Council to maintain the strategic initiative.

The Planning Panel report recommends the Corangamite Planning Scheme Amendment C45 be adopted in the form sent to the Panel on 6 November 2017 (see **Attachment 2**), subject to the following changes:

1. Include reference to the *Great South Coast Regional Growth Plan, May 2014* in Clause 21.07.
2. Remove the *Strategic Master Plan for the Great Ocean Road Region Visitor Economy 2015-2025* from Clause 21.07 *Reference Documents* and from Clause 21.04-2 *Tourism*.
3. Make any other necessary editing changes or corrections.

Policy and Legislative Context

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

Internal / External Consultation

The Review involved consultation with internal units and targeted external stakeholders such as Wannon Water, CFA and the Department of Environment, Land, Water and Planning occurred during the preparation of the Review. Public engagement involved numerous media reports and a public drop in session in Camperdown.

Notification of the Planning Scheme Amendment C45 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, at the Council offices, Corangamite Shire libraries, Skipton Post Office and Port Campbell Visitor Information Centre. In addition, 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.

Public hearings were held in October 2017 for the Planning Panel to sit and hear from Council and submitters with their independent report being made available from 25 January 2018.

Financial and Resource Implications

Funding for Amendment C45 was allocated in the adopted 2017-2018 Budget.

Options

The options open to Council are to:

1. Abandon the Amendment.
2. Alter the amendment contrary to the Planning Panel recommendation and refer to the Minister for Planning.
3. Adopt Amendment C45 to the Corangamite Planning Scheme and submit the adopted Amendment to the Minister for Planning for approval. **Preferred option.**

Conclusion

Amendment C45 proposes to implement the recommendations of the Corangamite Planning Scheme Review. The review and amendment is supported by an independent Planning Panel report and encompasses the changes made and adopted by Council at its previous meeting. The amendment will enhance current strategic directions for land use and development and incorporates recently adopted Council strategies. The changes will improve the clarity and useability of the Corangamite Planning Scheme. Amendment C45 should be adopted and forwarded to the Minister for Planning for approval.

RECOMMENDATION

That Council:

- 1. Adopts Amendment C45 to the Corangamite Planning Scheme in accordance with Section 29 of the Planning and Environment Act 1987 without any changes.**
- 2. Submits the adopted Amendment to the Minister for Planning for approval in accordance with Section 31 of the Planning and Environment Act 1987.**

Attachments

1. Panel Report C45 Planning Scheme Amendment - Under Separate Cover
2. Revised Local Planning Policy Framework C45 Planning Scheme Amendment - Under Separate Cover

9.2 Local Government Bill 2018 Exposure Draft Submission

Author: Penny MacDonald, Executive Services and Governance Coordinator

File No: D17/817

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

The purpose of this report is to authorise the Chief Executive Officer to make a submission on the Exposure Draft of the *Local Government Bill 2018*.

Introduction

The Exposure Draft of the *Local Government Bill 2018* (the Bill) (located at <http://www.yourcouncilyourcommunity.vic.gov.au/31547/documents/68132>) was released on 12 December 2017 by the Victorian Government after a comprehensive review of the current legislation and consultation with the sector. The purpose of the review was to revise the current legislation governing local government in Victoria to create a more contemporary, accessible, plain English Act, which meets current and future needs of the community and local government sector.

Feedback is now being sought on the Exposure Draft of the Bill, with submissions closing 23 February 2018.

Issues

In addition to the Exposure Draft, the Government provided an explanatory document entitled *A New Local Government Act for Victoria* (attached under separate cover). The explanatory document includes three overarching objectives for the new local government legislation; namely:

Victorians will better understand and value the role of councils as democratically elected bodies that represent their interests; participate more as candidates, voters and citizens in council activities; and contribute to council strategic visions and plans.

Councils will drive reform across the state by being more autonomous and outcome-oriented; and by embracing innovative and collaborative arrangements that increase organisational efficiency and deliver public value for residents.

The Act will be a living document that tells people clearly what councils do and how to get involved, and provide a sound framework for the sector to become more efficient and enterprising in its local governance.

Feedback from the sector following the Directions paper has resulted in the Government making the following changes:

- The mayoral term will remain as one year (with the option of two years), with the exception of City of Melbourne (four years) and City of Greater Geelong (two years).
- No option for directly elected mayors, with the exception of the City of Melbourne.
- The CEO retains responsibility for setting the Council agenda.
- The increase in scope of responsibilities for the proposed Audit and Risk Management Committee has been reduced (e.g. no role in relation to CEO employment matters).
- No change to voting entitlement.
- Councillor range to remain between five and 12 councillors.
- Community engagement principles aligned to the VAGO public participation principles.
- Council plan timeframes will remain as 30 June and not changed to 31 December.

In drafting the Bill, the Government has removed prescriptive provisions and detailed processes, and plans to release guidelines and model policies that will be produced in consultation with the sector. The accompanying regulations are expected to be of a similar size to the current Regulations, with the exception of regulations relating to elections.

The draft Bill is structured into 11 parts, with the following reforms outlined below by relevant part.

Councils

This part relates to the roles and power of a council and the principles guiding council actions, as well as the role of the CEO, staff and the Audit and Risk Committee, which replaces the Audit Committee.

Major reforms include:

- A consistent formula for determining councillor numbers to be introduced, with councils either not subdivided or to have an equal number of councillors per ward. This will impact Corangamite Shire's Central Ward, which would be resolved after the 2020 election.
- The election of mayor to be by a majority of Councillors, with Council able to resolve to conduct the election at a later date if a majority is not reached. This means to become mayor four votes would be required, which may be impacted if Councillors are absent from a meeting and the quorum (four Councillors) do not vote unanimously. The existing activity of drawing lots to resolve a tied vote would be discontinued. Should a majority not be reached at a later date it would be considered a break down in governance and the Minister may become involved.
- New limited scope for the removal of a mayor by the council. A notice of motion to declare the office of mayor vacant must be signed by an absolute majority of the councillors (four votes) and the motion to declare the office of mayor vacant is passed by a majority of at least three-quarters of all of the Councillors in office (five councillors).
- Mandatory election of a deputy mayor, with a specific allowance. This allowance could differ from the councillor allowance and require additional finances.
- Great power for the Minister to set specific allowance for individual Councils. The Minister would determine the allowances paid to mayors, deputy mayors and councillors, with councillors able to receive a specified part of an entitled allowance. Currently Council sets allowances within the specified range determined by the Minister and Councillors only have the option to decline an allowance in its entirety.
- Details of all reimbursements provided to Councillors must be provided to the Audit and Risk Committee. This is current practice.

- More responsibility for mayors to lead community engagement processes for the council plan and budget. Mayors would not actually be running the consultation process, but are expected to endorse the process.
- Mayors able to appoint the chair of any delegated committee.
- New CEO employment and remuneration policy required, with an independent advisory mechanism for CEO recruitment, contractual arrangements and performance monitoring.
- The CEO to adopt a workforce plan, in addition to the existing code of conduct for staff. The workforce plan must include specific gender equity targets for the employment of all senior staff, and is intended to promote gender equity, diversity and inclusiveness.
- Audit Committees to become Audit and Risk Committees to reflect contemporary practice. The committees will be required to monitor the compliance of council policies and procedures with the overarching governance principles of the Act, the Act and Regulations, as well as any Ministerial directions. Audit and Risk Committees will remain as advisory committees and will not be delegated committees.

Council Decision Making

Significant changes to existing legislation include:

- Deliberative community engagement processes required before adopting the four year council plan and four year budget. Councils would be expected to consult with the community during the planning and drafting process, rather than providing a draft for public comment.
- Prescriptive decision making processes to be replaced by requirement to comply with high-level principles requiring transparency, accountability and sound financial management intended to provide councils with greater autonomy.
- Public transparency policies to be introduced that will describe the ways council information will be made available to the public, with requirements that information is accessible and understandable.
- Governance Rules to replace local laws for council meetings, with the rules to include the election period (caretaker) policy and be required to demonstrate how council decision making processes support fairness and equity. The rules will also include common seal usage. The draft Bill provides for a local law to delegate to the CEO the power to sign/seal any document on behalf of Council. It is believed this provision should be included in the Governance Rules with common seal usage, to ensure consistency and prevent the need for an additional local law.
- Provision that a Councillor who abstains from voting is taken to have voted against the item. This matter is currently not explicitly covered the Act.
- Discontinuation of special and ordinary council meetings. All meetings will be council meetings with the schedule determined in the Governance Rules.
- Introduction of joint council meetings which will be legislated as a meeting of the council.
- Removal of special committees, with delegated committees and community asset committees introduced. Two councillors must be appointed to delegated committees with Council delegating powers to the delegated committee. Community asset committees have powers delegated by the chief executive officer in order to manage a council asset. There are no provisions for advisory committees and advice has been received that councils may continue advisory committees.

- Council and delegated committee meetings must be open to the public unless circumstances specified in the proposed Act apply consisting of matters relating to confidential information, security reasons, or for the meeting to proceed in an orderly manner. If the meeting is to be closed for security reasons or to proceed in an orderly manner, arrangements must be made to enable the meeting to be viewed. This will require the meeting to be live streamed on the internet or closed circuit television.
- The election period (caretaker) policy has prohibited activities redefined with major policy decisions removed. Decisions that Council considers could be reasonably deferred or should not be made during the period are prohibited, as well as expenditure greater than 1% of Council's income from municipal rates and charges in the preceding financial year and the existing CEO appointment or remuneration.
- When making local laws, council must obtain a certificate from a legally qualified person stating each law is consistent with requirements – less of an impact for Council, which has historically sought legal advice when establishing new local laws.
- Ministerial Good Governance Guidelines required to be followed for Council to demonstrate its compliance with the new Act or Regulations.

Planning and Financial Management

Changes to note involving planning and financial management provisions include:

- Strategic planning and reporting to be integrated to include a four year council plan, four year council budget (incorporating projections for three years), long term community vision (for a period of at least the next 10 financial years), 10 year financial plan, 10 year asset plan, and revenue and rating plan for the next four financial years. It is expected the community vision would be developed during the development of the council plan.
- Council plans and budgets to be consistent with Local Government Performance and Reporting Framework and baseline.
- The Mayor to report annually to the community on progress towards implementing the Council Plan through tabling of the annual report at a council meeting.
- A copy of the annual report no longer needs to be sent to the Minister, just published on the website.

Rates and Charges

Major reforms to Council rates and charges legislation include:

- New single method for valuing land, with clarification of exemptions from rates and increased transparency in the levying of differential rates.
- Land used exclusively for mining purposes (not including the mineral value) to become rateable. This does not affect Corangamite, as quarries are not classed as mines.
- All councils (excluding City of Melbourne) required to apply capital improved value as the single uniform valuation system for raising municipal rates. This is the existing practice at Corangamite Shire.
- The municipal charge is now limited to 10% of the total revenue from rates and charges, changed from 20%.
- The provisions relating to Environmental Upgrade Agreements to be expanded to include residential buildings, in addition to the existing provision for commercial buildings.

Council Operations

Significant changes within this section of the draft Bill include:

- Introduction of service performance principles to mandate equitable, responsive, accessible, value added service delivery for communities.

- The ability for councils to set their own procurement and investment policies appropriate for communities.
- Procurement policies to be reviewed at least once during a council's four year term, rather than the present annual review.
- Capacity for councils to innovate and collaborate with other councils, other government agencies and the private sector to strengthen financial sustainability through beneficial enterprises and co-operative business opportunities, provided it is consistent with the role of councils defined within the draft Bill.
- Any report to Council recommending entering into a procurement agreement must include information in relation to any opportunities for collaboration with other councils or public bodies which may be available. Given that Council already seeks opportunities for collaborative contracts, such as the road sealing contract with Warrnambool City Council, and there are limited opportunities for collaborative agreements in rural areas, it is believed this provision is an onerous requirement that would provide little benefit.

Council Integrity

This part of the draft Bill embeds the reforms made by the *Local Government (Improved Governance) Act 2015* and includes the following changes:

- Conflict of interest rules redefined as material or general:
 - A material conflict of interest exists where a councillor or staff member or a person with whom they have a defined relationship stands to gain or lose as a result of a decision. A failure to disclose such a conflict and step aside from the decision is a criminal offence.
 - A general conflict of interest exists where an impartial, fair-minded person would consider that the private interests of a councillor or staff member could result in them acting contrary to their public duty. This is not a criminal offence, but a breach may be the subject of disciplinary action.
- Removal of the assembly of councillors provision. A councillor would still be required to declare a conflict of interest at a briefing or any other meeting, however the meeting would determine if the councillor should leave the meeting during relevant discussions. The process for this would be outlined in the Governance Rules. It is unclear from the exposure draft how this would work in practice given that Councillors are not allowed to make decisions outside a Council meeting and the section of the Act (sec 170 2(b)) refers to persons, not just Councillors, present at the meeting deciding if the Councillor be allowed to stay or not.
- Primary and Ordinary Returns to be replaced by Initial and Biannual Personal Interest Returns. The CEO is also required to produce a summary of the return to be published on the website. The summary would include the town or suburb of any land and other details prescribed in the regulations. This provision raises privacy concerns.
- Councils required to have a gift policy covering acceptance and disposal of gifts by councillors.
- The Code of Conduct is to be adopted by Councillors by a two-thirds majority (five votes). The intent for this change is that more of a consensus is required to adopt the Code of Conduct, rather than simply a majority. As a quorum for Corangamite Shire is four Councillors, it is believed this provision is not workable should Councillors be absent from a meeting.

Ministerial Oversight

The proposed changes in the draft Bill strengthens the Minister's powers, including the ability to deal with individual councillors who are contributing to or causing serious governance failures within a council.

Powers the Minister would have includes (but is not limited to):

- Issuing best practice guidelines for councils.

- Issuing a governance direction to ensure compliance, including a direction to comply with a best practice guideline.
- Requiring a council to correct policies that do not meet the principles of the Act (when in force).
- Appointing a municipal monitor to assist councils to prevent or address governance matters or strengthen practices.
- Suspending a councillor without pay (previously leave with pay), when clear evidence has been provided of a councillor causing or contributing to governance failures or breaching the Act and intervention is required.
- Providing exemptions from particular regulations to high performing councils, upon application, to recognise and encourage higher standards.
- Appointing an independent restructuring advisory panel to provide advice to the Minister on altering the external boundaries of a council. Baseline conditions identified in the *Review of Sunbury out of Hume* must be considered when altering external boundaries.

The following ministerial powers would continue under a new Act:

- The authority to appoint a Commission of Inquiry into any matter relating to the affairs of one or more councils.
- The ability to suspend an entire council when evidence of significant governance failures or breaches of the law exist.
- The power to make regulations.

It should be noted that dismissal of a council would still require the approval and passage of an Act through Parliament.

Electoral Provisions

The following changes are proposed in relation to council elections:

- Consistent voting method for all elections to be either attendance, postal or electronic (when it is securely available), to be decided by the Minister 12 months before the election.
- Campaign donation returns to be lodged with the Chief Municipal Inspector within 21 days of receipt of each donation, rather than a declaration to the CEO within 40 days after the election. Summaries will be published on the Inspectorate website providing voters with more information about candidates.
- VCAT to review disputed elections, rather than the Magistrates Court.
- An independent restructuring advisory body, rather than the VEC, would review external electoral boundaries.
- The VEC would review subdivisions within a council as required, rather than the existing process of every 12 years. The review would be triggered by the Minister.
- Countbacks for multimember wards and unsubdivided councils will change when a vacancy occurs mid-term. All votes will be recounted until a new councillor is elected, rather than only counting the votes of the vacating councillor. The positions of continuing councillors would be protected.

Implementation

The Government plans to introduce the Bill into Parliament in early 2018, after submissions close on 23 February 2018 and they have been assessed. It is expected that the Bill will receive Royal Assent and the commencement process will begin by 1 July 2018.

Commencement of the new legislation is to be staged as outlined in the diagram below, with councils provided six months to become compliant as each section comes into force.

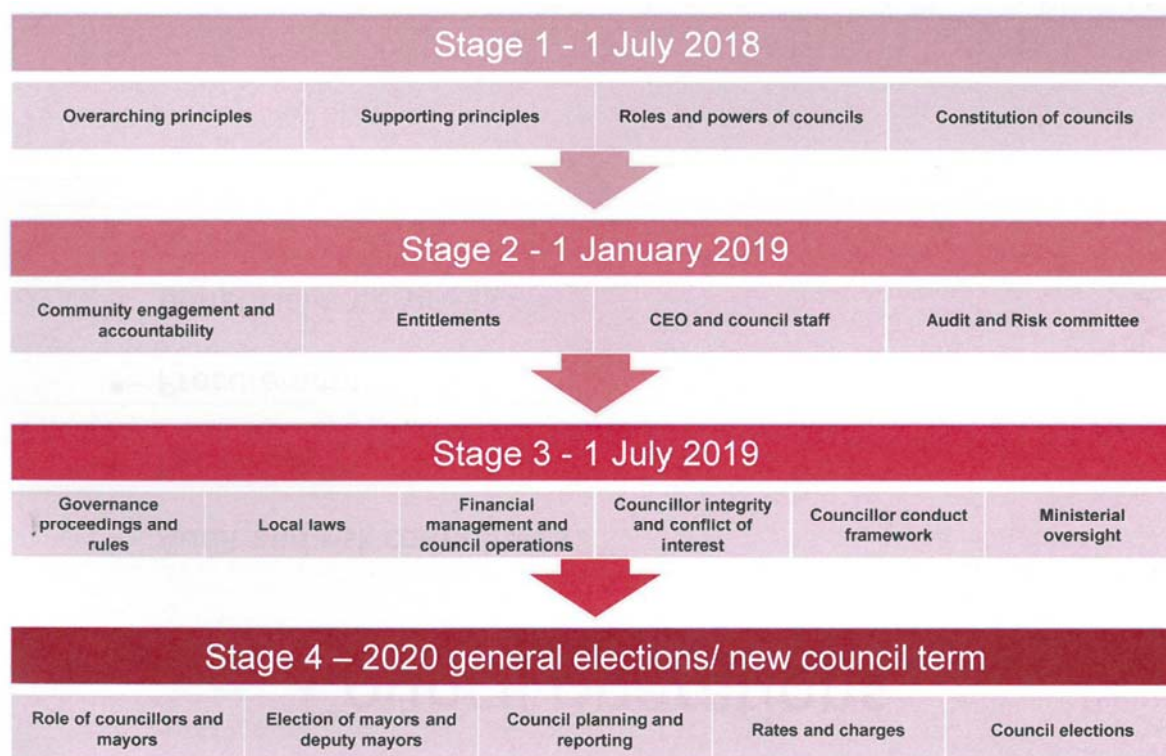


Figure 1 – Commencement timeline

Submission

It is recognised that there is a need for a new *Local Government Act* and there are many good elements of the exposure draft. However there is a concern that the State Government does not recognise Local Government as a genuine third tier of government and therefore deserving of a high level of autonomy and independence. This philosophy manifests itself in the exposure draft through the high level of autonomy and power granted to the Minister for Local Government and a concern that a lot of prescription and control can be exerted over the sector through future regulation and Ministerial Guidelines that will not be subject to public or parliamentary oversight.

It is proposed that Council’s submission on the *Local Government Bill 2018* Exposure Draft include the following:

- Council would prefer to retain the current ward structure with mixed ward representation.
- A separate allowance for the Deputy Mayor should be at the discretion of a council.
- The Minister should not have the power to set allowances for an individual Council. Instead the existing practice of providing an allowance range for different categories of Councillors should be retained. This empowers Councils to set their allowances and be accountable to the community for their decisions.
- Mandatory engagement of an independent consultant for CEO employment matters should be limited to recruitment and contract renewals (which would include setting new performance objectives), and not include annual reviews, to reduce the financial impact for rural and smaller councils.
- Gender equity requirements in workforce plans must have regard to rural councils where candidate pools for positions are limited. Merit based appointments to Council positions are critical.

- The ability for a council to delegate to the CEO the power to sign/seal any document on its behalf (currently provided as a local law in the draft Bill), should be included in the Governance Rules with common seal usage, to ensure consistency and prevent the need for an additional local law.
- A majority of councillors to elect the mayor has the potential to be unworkable if Councillors are absent. A majority vote of Councillors present at the meeting would be preferred.
- The requirement for all procurement reports to Council to include information in relation to any opportunities for collaboration with other councils or public bodies is considered onerous, unnecessary, and will derive little benefit. Council already seeks opportunities for collaborative contracts, such as the road sealing contract with Warrnambool City Council, and there are limited opportunities for collaborative agreements in rural areas.
- A two-thirds vote to adopt the councillor code of conduct is not consistent with the usual majority vote for other council decisions and could be unworkable for smaller councils if some councillors are absent from the meeting. A quorum for Corangamite Shire is four Councillors, it is believed this provision is not workable should Councillors be absent from a meeting. A majority vote of Councillors present at the meeting would be preferred.
- The requirement for Audit Committees to monitor the compliance of council policies and procedures with the overarching governance principles of the Act, the regulations and any Ministerial directions will create a significant red tape burden with little benefit derived. Audit Committees should adopt a risk based approach only.
- The ability for a Councillor to stay in a briefing or similar meeting subject to the decision of the majority of persons present is unworkable because Councillors are unable to make decisions at briefings and the involvement by officers and other people in such a decision is problematic.

The submission should also include Council's major concern with the proposed Ministerial Good Governance Guidelines, required to demonstrate compliance with the new with the new Act or Regulations. Extensive consultation with the sector would be required to ensure the guidelines are fair and not onerous for rural and small councils.

Policy and Legislative Context

Considering the Exposure Draft of the *Local Government Bill 2018* and preparing a submission is consistent with the following commitments and objectives in the 2017-2021 Council Plan:

We are committed to ensuring the ethical behaviour of Councillors and staff, maintaining good governance and remaining financially sustainable.

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

Council will advocate strongly in relation to roads, cost shifting, and other Council and community priorities.

Council will build strong and effective partnerships with key stakeholders including peak organisations and the State and Federal Governments.

Internal / External Consultation

Council has previously been briefed on the Government's review of the *Local Government Act* and has made submissions to the Discussion Paper and Directions Paper.

Senior officers have participated in consultation with Local Government Victoria, facilitated by the Municipal Association of Victorian (MAV) and Local Government Professionals (LGPro) during the review process. The Chief Executive Officer also participated in the Strategic Planning and Community Engagement Technical Working Group, and the Governance Coordinator attended a Local Government Victoria information session after the release of the Exposure Draft.

Councillors were provided with the opportunity to discuss the draft Bill on 9 January 2018 and provide input into the submission. Submissions on the Exposure Draft close on 23 February 2018.

Financial and Resource Implications

There are no financial and resource implications associated with making a submission on the Exposure Draft.

There will be additional financial and resource implications associated with the proposed changes, including:

- A possible allowance increase for the Deputy Mayor, previously estimated at \$25,000 per annum above the Councillor allowance.
- Engagement of an independent consultant to participate in CEO recruitment, contractual arrangements and performance monitoring, estimated at \$10,000 per annum.
- Increased community engagement is expected to have an impact on Council of approximately \$20,000 per annum in combined financial and productivity/resource costs.
- Additional resources for the development of the 10 year asset management plan, which will involve bringing together various asset management plans currently in place.
- Additional resources for the development of the 10 year financial plan.
- Additional resources to support Audit and Risk Committees in their expanded oversight role.

Options

Council may choose to authorise the Chief Executive Officer to make a submission to Government on the Exposure Draft of the *Local Government Bill 2018*, or choose not to make a submission.

Conclusion

The Victorian Government has conducted a comprehensive review of the *Local Government Act 1989*, resulting in the *Local Government Bill 2018* Exposure Draft. Submissions on the Exposure Draft are invited, closing on 23 February 2018. There are far-reaching implications for Corangamite Shire Council, so it is highly recommended Council considers making a submission on the Exposure Draft.

RECOMMENDATION

That Council:

- 1. Authorises the Chief Executive Officer to make a submission on its behalf on the Exposure Draft of the Local Government Bill 2018 in accordance with this report.**
- 2. Provides a copy of the submission to the Municipal Association of Victoria, Rural Councils Victoria and the Member for Polwarth.**

Attachments

1. Report Council A New Local Government Act for Victoria - Under Separate Cover

9.3 Timboon Sporting Centre Fees and Charges 2018

Author: Lucy Vesey, Recreation Development Officer

File No: D17/816

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 approve the proposed fees and charges for programs and activities conducted at the Timboon Sporting Centre for 2018.

Introduction

The Timboon Sporting Centre is managed by a Committee of Management appointed by Council, as per the agreement between the Corangamite Shire, Timboon P-12 School and the Timboon Sporting Centre Management.

The Centre is managed and operated by the Ballarat YMCA. The contract between Council and the Ballarat YMCA specifies that the Contractor will have responsibility to recommend fees for the Centre at the December meeting of the Committee of Management for implementation from January to December of each year subject to Council approval.

The current contract with the Ballarat YMCA states that “the Contractor shall be responsible for receipt of all user fee income and shall keep daily record of all income received”. Any increase in fee income is retained by the Ballarat YMCA.

Issues

A fee increase is sought for programs and activities at the Timboon Sporting Centre for the 2018 calendar year.

The Ballarat YMCA has prepared and recommended an adjustment to the fees for the consideration of the Timboon Sporting Centre Committee of Management as follows.

TIMBOON SPORTING CENTRE			
	2017	2018	
Program	Approved Fee	Proposed Fee	% Increase
Senior: Basketball	\$6.50	\$6.60	1.5%
Netball	\$6.50	\$6.60	1.5%
Badminton	\$6.50	\$6.60	1.5%
Volleyball	\$6.50	\$6.60	1.5%
Junior: Basketball	\$4.50	\$4.60	2.2%
Soccer	\$4.50	\$4.60	2.2%
Netball	\$4.50	\$4.60	2.2%
Squash	\$4.50	\$4.60	2.2%
A two game discount will be applied to the above sports for upfront payment of a full season. Discount applied to number of games per season (finals excluded).			
Pennant squash: per game	\$6.70	\$6.80	1.5%
pre-paid 10% discount			
Junior training - any sport	\$4.50	\$4.60	2.2%
Senior training – any sport	\$6.50	\$6.60	1.5%
Casual squash	\$7.50	\$7.60	1.3%
Pennant practise	\$6.50	\$6.60	1.5%
Group Fitness Programs			
Single Session	\$11.50	\$11.60	0.8%
Single Session (Concession)	\$10.00	\$10.00	0%
Group Fitness classes to be sold as term passes. Pricing will be determined on the amount of weeks per (school) term x single session.			
Gym Memberships			
Single Session	\$11.50	\$11.60	0.8%
Single Session (Concession)	\$10.00	\$10.00	0%
Gym memberships to be sold as term passes. Pricing will be determined on the amount of weeks per (school) term x single session.			
Funastics			
Single Session	\$11.50	\$11.60	0.8%
Single Session (Concession)	\$10.00	\$10.00	0%
Funastics to be sold as term passes. Pricing will be determined on the amount of weeks per (school) term x single session.			
Stadium Hire (Casual one off bookings)			
No lights	\$52.00 h	\$52.50 h	1%
Lights	\$67.00 h	\$67.70 h	1%

The YMCA recommended concession fees remain unchanged for 2018 as the fees provide good value for money to older and concession card users. All other fees have increased with CPI and rounded to ensure ease of cash handling.

There was no fee increase applied in 2017 from the previous year.

Policy and Legislative Context

The Timboon Sporting Centre Committee of Management is a Special Committee of Council in accordance with Section 86 of the *Local Government Act 1989*. Election of committee members is conducted in accordance with the Instrument of Delegation. Council has delegated special powers and functions under the instrument of delegation to the Committee, of which one is to prepare a list of fees and charges for Council approval.

This arrangement aligns with 2017-2021 Council Plan key commitments in the areas of community wellbeing and lifestyle:

We are committed to improving the liveability of Corangamite Shire through the management of our facilities, town planning and environmental sustainability.

Deliver high quality, optimally used, sustainable community facilities.

Council will provide and support a range of opportunities that support people to engage in healthy and active lifestyles, the arts, recreation and sport.

Improve the health and wellbeing of our community.

Internal / External Consultation

The Committee considered the proposed fees and charges for 2018 at its meeting on 12 December 2017 and agreed to recommend the proposed fee increase for approval by Council.

Benchmarking with like facilities was undertaken in 2016 for the preparation of last year's fees and to ensure competitive fees and charges are being provided at the centre. It was found the cost per participant was similar to neighbouring facilities and given the known benefits of health and wellbeing outcomes for those who participate in sport from a young age, the fee model of the Timboon Sporting Centre was appropriate.

Financial and Resource Implications

The fees have increased at an average rate of 1.3% with rounding. The revised fees will result in no change to the net cost of the operation of the Timboon Sporting Centre to Council as all fees are retained by the contractor in accordance with the management contract.

Options

Council can opt to accept the Committee's recommendation to increase the fees and charges for programs and activities conducted at the Timboon Sporting Centre for 2018.

Alternatively, Council can reject the recommendation from the Timboon Sporting Centre Committee of Management and retain the current fees or recommend alternative fees.

Conclusion

The recommended fees and charges for the Timboon Sporting Centre for 2018 reflect an adjustment in accordance with the contract.

RECOMMENDATION

That Council approves the proposed fees and charges for programs and activities conducted at the Timboon Sporting Centre 2018.

TIMBOON SPORTING CENTRE	
Program	
Senior: Basketball	\$6.60
Netball	\$6.60
Badminton	\$6.60
Volleyball	\$6.60
Junior: Basketball	\$4.60
Soccer	\$4.60
Netball	\$4.60
Squash	\$4.60
A two game discount will be applied to the above sports for upfront payment of a full season. Discount applied to number of games per season (finals excluded).	
Pennant squash: per game	\$6.80
pre-paid 10% discount	
Junior training - any sport	\$4.60
Senior training – any sport	\$6.60
Casual squash	\$7.60
Pennant practise	\$6.60
Group Fitness Programs	
Single Session	\$11.60
Single Session (Concession)	\$10.00
Group Fitness classes to be sold as term passes. Pricing will be determined on the amount of weeks per (school) term x single session.	
Gym Memberships	
Single Session	\$11.60
Single Session (Concession)	\$10.00
Gym memberships to be sold as term passes. Pricing will be determined on the amount of weeks per (school) term x single session.	
Funastics	
Single Session	\$11.60
Single Session (Concession)	\$10.00
Funastics to be sold as term passes. Pricing will be determined on the amount of weeks per (school) term x single session.	
Stadium Hire (Casual one off bookings)	
No lights	\$52.50 h
Lights	\$67.70 h

9.4 Contract 2018016 Supply and Loading of Granitic Sand or Similar Type Gravel Pavement Material

Author: Lyle Tune, Manager Works

File No: D18/5

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 - Lyle Tune

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

Summary

This report is for Council to approve the awarding of a contract for the supply and loading of granitic sand or similar type gravel pavement material for the period 1 February 2018 to 30 June 2019.

Introduction

Council has approximately 913 km of sealed roads and 1297 km of unsealed roads for which to deliver a substantial program of works each year. To successfully complete these works, the sourcing of suitable roadmaking materials for construction and maintenance is required.

Issues

Council no longer operates its own quarries and must purchase materials from external resources. Tenders for the supply of roadmaking products were sought through public advertisement in September 2017 and eight tender responses were received, covering 18 quarry sites which may be accessed by Council in the contract period. There were no conforming tenders received for the supply of this particular material and as such Council has readvertised seeking suppliers of granitic sand or similar type gravel pavement material.

Corangamite's requirement for this material in the remainder of the 2017-2018 financial year for the resheeting program is approximately 11,500 cubic metres valued at \$140,000 (plus GST) and as this contract is for the period to 30 June 2019 a similar requirement is likely in 2018-2019. This is a schedule of rates tender.

One tender was received from Gala Gravel Pty Ltd which is based in Lismore. Gala Gravel is a reputable, local supplier which has supplied Council in the past with material.

The attached Technical Evaluation Report highlights the tenderers conformance with the specification and a schedule of rates which are considered fair and reasonable when compared to previous years and industry rate increases for similar products.

Policy and Legislative Context

This tender is in keeping with the commitments in the 2013-2017 Council Plan:

Council will recognise and make decisions that reflect our financial circumstances.

Continue to promote and implement a safe local road network.

Maintain our local road network at current or improved standards.

Council will focus on the provision of high quality roads.

This tender will assist in delivering on Council's obligations in the following areas:

- *Local Government Act 1989*
- Council's Procurement Policy
- The Road Management Plan
- Risk Management AZ/NZS 4360:2004
- *Road Management Act 2004.*

Internal / External Consultation

Tenders were invited for the supply and loading of granitic sand or similar type gravel pavement material by public advertisement in the Geelong Advertiser and Ballarat Courier on 25 November 2017 and the Warrnambool Standard on 26 November 2017. Seven documents were downloaded.

Financial and Resource Implications

Rates based on volume or on weight have been provided by the tenderer will be considered when purchasing materials in line with each individual project budget and material specification and engineering properties required.

A comparison to last year's rates indicate a price increase of 5.8%. The rates tendered by other suppliers for road making materials in November 2017 also increased on the previous year between 4.7% and 10%.

Options

Council has the option to award the contract the tenderer or not award at all.

Conclusion

The tender received was considered in accordance with Council policy and the tender evaluation criteria. The acceptance of the tender will ensure provision of suitable roadmaking material and availability at all times for the delivery of Council's works program.

RECOMMENDATION

That Council awards Contract 2018016 Supply and Loading of Granitic Sand or Similar Type Gravel Pavement Material, by letter of award, to Gala Gravel Pty Ltd for the period 1 February 2018 to 30 June 2019.

Attachments

1. Declaration of No Conflict of Interest Form Evaluation Panel 2018016 - Under Separate Cover
2. Technical Evaluation Report Supply and Loading Granitic Sand - Under Separate Cover

9.5 Finance Report - December 2017

Author: Adam Taylor, Manager Finance

File No: D18/4

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

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

Author - Adam Taylor

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

Summary

This report is to note Council's current financial position as at 31 December 2017 and to approve changes to the 2017-2018 Reviewed Budget, that have resulted from a mid-year review of operations.

Introduction

Council adopted the 2017-2018 Budget at a special Council meeting in June 2017. At the October 2017 ordinary Council meeting, Council approved a number of 2016-2017 capital and non-recurrent projects that were identified as incomplete, requiring remaining budgets to be carried forward to the 2017-2018 financial year. During November 2017, Managers conducted a comprehensive review of budgets and the required funds to deliver programs and initiatives. This report is seeking approval of a mid-year budget review, and as a result, an updated 2017-2018 budget forecast position is provided. The mid-year budget adjustments will reduce the cash position at the end of the financial year by \$712,683. Council's financial performance for 2017-2018 remains on target.

Issues

Budget Variations

Council's target "cash position" is \$5 million or greater on an annual basis. The "cash position" as at 30 June 2017 was \$15.86 million, which was primarily due to incomplete capital works and non-recurrent projects and a favourable result to the adjusted forecast. The higher than forecast "cash position" as at 30 June 2017 will fund the carry forward budget adjustments approved in October 2017. A summary of the forecast 30 June 2018 "cash position" after the inclusion of the carry forward adjustments and the mid-year review is as follows:

"Cash position" as at 30 June 2017	\$15.86 million
2017-2018 adopted Surplus/(Deficit)	(\$0.23) million
2016-2017 Carry forward adjustments	(\$5.14) million
2017-2018 Mid-year budget adjustments	<u>(\$0.70) million</u>
Forecast "cash position" as at 30 June 2018	<u>\$ 9.78 million</u>

After carry forward and mid-year budget adjustments, the forecast cash position of \$9.78 million is within the target of \$5 million or greater. A summary of the mid-year adjustments are as follows.

Recurrent operations mid-year adjustments	(\$166,176)
Rate Income mid-year adjustments	(\$158,270)
Operating Projects mid-year adjustments	\$61,296
Capital Projects mid-year adjustments	\$1,011,301
Proceeds from sale of Plant & Equipment mid-year adjustments	(\$270,000)
Reserve Transfers mid-year adjustments	\$219,632
Total mid-year forecast budget adjustments	<u>\$697,783</u>

The mid-year adjustment includes expenses relating to the Castle Carey bridge replacement (\$800,000) which is a multi-year project. Expenses have been brought forward to match the project completion being earlier than anticipated. Excluding this change the overall mid-year budget changes will deliver a \$102,217 cash benefit to Council.

Council's 2017-2018 adopted budget is a "cash" deficit of \$234,477. As a result of the carry forwards and mid-year budget review, Council's operating 'cash' result is forecast to be a deficit of \$6,068,158. A detailed listing of the mid-year budget review adjustments is contained in the attached report.

2017-2018 adopted Surplus/(Deficit)	(\$234,477)
2016-2017 carry forwards (net)	(\$5,135,898)
2017-2018 mid-year budget adjustments	<u>(\$697,783)</u>
2017-2018 Forecast "cash" Surplus/(Deficit)	<u>(\$6,068,158)</u>

Financial Performance

Council's financial performance for 2017-2018 is on target with a year to date favourable cash variance of \$37,315 compared to budget. Main contributors to the better than forecast result as at 31 December are:

- Recurrent operations are \$1,205,531 favourable to budget as a result of timing and forecasting differences.
- Operating project expenditure is \$496,044 unfavourable to budget due to timing of grant payments and projects being completed ahead of schedule.
- Capital expenditure is \$385,228 unfavourable to budget due to timing of grant payments and road projects being completed ahead of schedule.
- Flood related expenditure is \$119,122 unfavourable to budget due to timing of expenditure. The expenditure will be recovered through flood grants.
- Rate Income is \$20,108 favourable to budget due to supplementary rate income.
- Proceeds from sale of Plant & Equipment is \$287,826 unfavourable due to timing of asset sales in comparison to budget.
- The remaining variations are associated with timing differences for loans and reserve transfers.

Policy and Legislative Context

The report meets Council's requirements for reporting under the *Local Government Act 1989* and is in accordance with its Council Plan 2017-2021 commitment that:

Council will make budgetary decisions that ensures Council remains in a strong financial position now and into the future.

Council will deliver value for money by ensuring that services are required and delivered efficiently and sustainably.

Internal / External Consultation

The report has been prepared in consultation with relevant department managers and has been reviewed by the Senior Officer Group. As there are no changes to rates or charges and no proposed new borrowings, the forecast budget is not required to be publicly advertised.

Financial and Resource Implications

The report indicates that Council's forecast financial position at 30 June 2018 will differ from the Reviewed Budget due to the mid-year review of the operations of the Council.

The purpose of the mid-year review is to identify significant variances to the budget. Adjustments are made due to new information being recognised.

Options

Council can choose to:

1. Accept the adjustments to the 2017-2018 forecast budget which include 2017-2018 mid-year budget adjustments.
2. Not accept the adjustments to the 2017-2018 forecast budget.

Conclusion

Council's financial performance for 2017-2018 remains on target. The year to date cash variance of \$37,315 is favourable compared to budget, this is primarily due to timing issues and projects being ahead of schedule. After the proposed mid-year adjustments of \$697,783, Council's "cash position" will remain within the target range of \$5 million or greater.

RECOMMENDATION

That Council approves the forecast budget for 2017-2018, which includes 2017-2018 mid-year budget review adjustment items as presented.

Attachments

1. Finance Report - December 2017



**Monthly Financial Performance Report
31 December 2017**

Finance Report

Attestation

In my opinion the information set out in this report presents fairly the financial transactions for the period ended 31 December 2017. All statutory obligations which relate to the period of this report have been made.



Adam Taylor CPA

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- 10. Mid year Budget Review
- 11. Balance Sheet for the period ended 31 December 2017
- 12. Income Statement for the period ended 31 December 2017
- 13. Cash Flow Statement for the period ended 31 December 2017

Synopsis

The purpose of this report is to provide Council an update and commentary on the financial performance of Council's operations on a quarterly basis.

Definitions

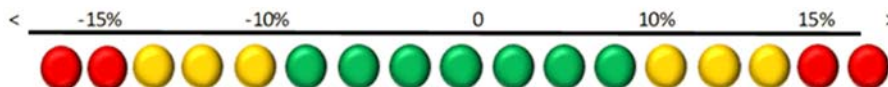
Adopted Budget represents the Budgeted adopted by the Council in June.

Reviewed Budget represents the adopted budget adjusted for approved budget amendments (such as carry forward or mid-year reviews)

Forecast Budget represents the most recent estimated financial position which has not been approved by Council

Variance indicator thresholds

The following tolerances are used on all reports represented by traffic light indicator

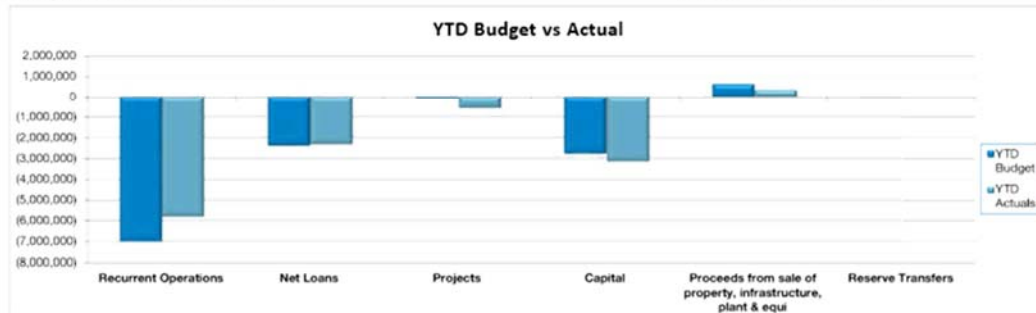


1. Performance Summary

	Adopted Budget	Reviewed Budget	Forecast Budget	YTD Budget	YTD Actuals	YTD Variance fav/(unfav)	
						\$	%
Recurrent Operations	(9,513,466)	(13,730,215)	(13,564,039)	(7,000,275)	(5,794,743)	1,205,531	17%
Rate Income	20,578,468	20,578,468	20,736,738	20,724,927	20,745,035	20,108	0%
Net Loans	(2,400,000)	(2,400,000)	(2,400,000)	(2,400,000)	(2,327,938)	72,062	(3%)
Projects	(1,083,381)	(1,663,975)	(1,725,271)	(77,145)	(573,188)	(496,044)	(643%)
Capital	(9,436,150)	(11,072,406)	(12,083,707)	(2,772,778)	(3,158,006)	(385,228)	(14%)
Proceeds from sale of property, infrastructure, plant & equi	664,880	664,880	934,880	620,346	332,520	(287,826)	(46%)
External Loan Funds	66,672	66,672	66,672	0	25,333	25,333	0%
Reserve Transfers	888,500	888,500	668,868	(2,500)	0	2,500	(100%)
Extraordinary Events	0	1,297,701	1,297,701	(703,809)	(822,931)	(119,122)	(17%)
Surplus/(Deficit)	(234,477)	(5,370,375)	(6,068,157)	8,388,766	8,426,081	37,315	0%
Surplus/(Deficit) B/forward	15,865,000	15,865,000	15,865,000				
Surplus/(Deficit) at end of year	15,630,523	10,494,625	9,796,843				

Note: Figures in brackets indicate cost to Council

Unfavourable variances shown in brackets



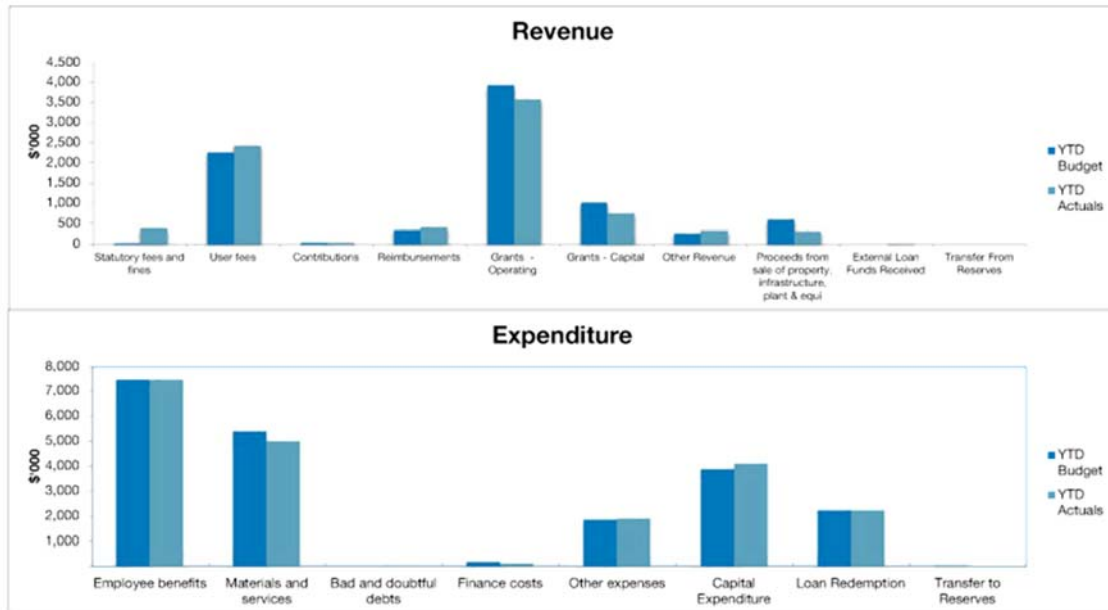
Key Performance Indicators	Adopted Budget	Reviewed Budget	Forecast Budget	YTD Actuals	Trend
Underlying Result (VAGO) (Total operating result/Total revenue)	11.5%	5.3%	6.5%	51.0%	↑
Working capital ratio (current assets/Current liabilities)	195.0%	133.0%	127.1%	661.2%	↔
Self-financing (cash generated from operating activities/Revenue)	29.0%	28.0%	27.5%	0.0%	↓
Indebtedness (non-current liabilities/Own source revenue)	0.0%	0.0%	0.0%	0.0%	↔
Debt commitment ratio (interest and loan repayments as a % of rate revenue)	11.7%	11.7%	11.6%	11.2%	↓

2. Cash Budget

	Adopted Budget	Reviewed Budget	Forecast Budget	YTD Budget	YTD Actuals	YTD Variance fav/(unfav) \$	%	
REVENUE								
Rates and charges	20,578,468	20,578,468	20,736,738	20,724,927	20,745,035	20,108	0%	●
Statutory fees and fines	237,677	237,677	240,905	41,812	407,831	366,019	875%	●
User fees	5,328,456	5,328,456	5,299,915	2,274,808	2,442,891	168,084	7%	●
Contributions	260,101	406,601	580,199	51,485	50,919	(567)	(1%)	●
Reimbursements	750,127	750,127	847,003	362,870	424,710	61,840	17%	●
Grants - Operating	10,284,695	10,964,544	11,228,035	3,933,346	3,577,648	(355,698)	(9%)	●
Grants - Capital	5,824,000	6,622,000	6,842,000	1,040,333	765,885	(274,448)	(26%)	●
Other Revenue	476,863	476,863	576,863	279,876	353,789	73,913	26%	●
Proceeds from sale of property, infrastructure, plant & equi	664,880	664,880	934,880	620,346	332,520	(287,826)	(46%)	●
External Loan Funds Received	66,672	66,672	66,672	0	25,333	25,333	0%	●
Transfer From Reserves	1,030,000	1,030,000	1,030,000	0	0	0	0%	●
Total Revenue	45,501,940	47,126,289	48,383,210	29,329,803	29,126,561	(203,242)	62%	●
EXPENDITURE								
Employee benefits	14,996,078	14,996,078	14,984,150	7,462,930	7,445,458	17,472	(0%)	●
Materials and services	10,527,554	14,353,552	14,955,348	5,355,250	4,970,787	(384,463)	(7%)	●
Bad and doubtful debts	2,000	2,000	2,000	0	458	(458)	0%	●
Finance costs	175,889	175,889	175,889	175,889	103,827	(72,062)	(41%)	●
Other expenses	2,636,584	2,921,077	2,808,817	1,850,566	1,894,704	(44,137)	2%	●
Capital Expenditure	15,032,700	17,682,456	18,939,920	3,869,790	4,061,137	(191,347)	5%	●
Loan Redemption	2,224,111	2,224,111	2,224,111	2,224,111	2,224,111	(0)	0%	●
Transfer to Reserves	141,500	141,500	361,132	2,500	0	2,500	(100%)	●
Total Expenditure	(45,736,416)	(52,496,663)	(54,451,368)	(20,941,036)	(20,700,481)	240,556	(39%)	●
Surplus/(Deficit)	(234,477)	(5,370,375)	(6,068,157)	8,388,766	8,426,080	37,314	0%	●

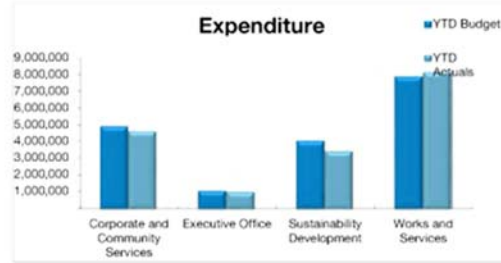
Note: Figures in brackets indicate cost to Council

Unfavourable variances shown in brackets



3. Recurrent Operations

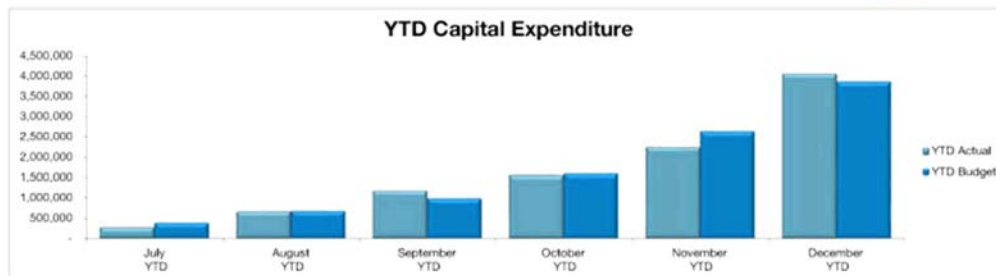
	Adopted Budget	Reviewed Budget	Forecast Budget	YTD Budget	YTD Actuals	YTD Variance fav/(unfav)	
						\$	%
Recurrent Operations							
Revenue							
Corporate and Community Services	12,966,723	9,291,520	9,650,469	5,007,656	5,037,522	29,866	(1%) ●
Executive Office	58,450	58,450	61,678	25,599	13,084	(12,515)	49% ●
Sustainability Development	5,260,779	5,260,779	5,160,779	2,184,086	2,478,495	294,409	(13%) ●
Works and Services	7,453,194	7,453,194	7,464,306	3,692,152	3,928,361	236,209	(6%) ●
Revenue Total	25,739,147	22,063,944	22,337,232	10,909,493	11,457,463	547,970	(5%) ●
Expenses							
Corporate and Community Services	9,070,615	9,203,101	9,188,019	4,911,136	4,617,955	293,180	6% ●
Executive Office	2,191,355	2,380,415	2,210,883	1,060,539	1,016,875	43,665	4% ●
Sustainability Development	9,009,228	9,229,228	9,238,728	4,040,413	3,456,724	583,689	14% ●
Works and Services	14,981,414	14,981,414	15,263,640	7,897,680	8,160,652	(262,973)	(3%) ●
Recurrent Operations Total	(9,513,466)	(13,730,215)	(13,564,039)	(7,000,275)	(5,794,743)	1,205,531	17% ●



Comments:
Recurrent Revenue is \$547,970 over budget.
 Sustainability Development is \$294,409 over budgeted revenue due to higher volume of landfill and planning fees in comparison to year to date budget.
 Works & Services is \$236,209 over budget due to heavy plant recovery which is offset by associated expenditure.
Recurrent expenditure is \$1,205,531 under budget.
 Corporate and Community Services is \$293,180 under budget with expenditure relating to valuations and payroll on costs not matching budgeted expenditure.
 Sustainability Development under budget due to timing payment for the Environmental Protection Levy payment (\$284,070) and delays in cell construction & capping (\$268,376).
 Works & Services is \$262,973 over budget due to heavy plant charges which are offset by additional recovery in associated income.

5. Capital

	Adopted Budget	Reviewed Budget	Forecast Budget	YTD Budget	YTD Actuals	YTD Variance fav/(unfav)	
						\$	%
Capital							
Revenue							
Corporate and Community Services	0	0	9,405	9,405	0	(9,405)	100% ●
Executive Office	0	26,000	26,000	0	0	0	0% ●
Sustainability Development	40,000	40,000	40,000	0	0	0	0% ●
Works and Services	5,586,550	6,574,050	6,810,808	1,087,607	903,131	(184,477)	17% ●
Revenue Total	5,626,550	6,640,050	6,886,213	1,097,012	903,131	(193,882)	18% ●
Expenses							
Corporate and Community Services	418,000	569,569	638,974	241,001	161,641	79,361	33% ●
Executive Office	10,000	65,250	65,250	0	0	0	0% ●
Sustainability Development	175,000	267,190	267,190	0	34,269	(34,269)	0% ●
Works and Services	14,429,700	16,780,447	17,968,506	3,628,789	3,864,918	(236,129)	(7%) ●
Expenses Total	(15,032,700)	(17,682,456)	(18,939,920)	(3,869,790)	(4,061,137)	(191,347)	(5%) ●
Capital Total	(9,406,150)	(11,042,406)	(12,053,707)	(2,772,778)	(3,158,006)	(385,228)	(14%) ●



Comments:

Capital Income was under budget by \$193,882

Works and Service is under budget \$184,777 due to timing of grant payments

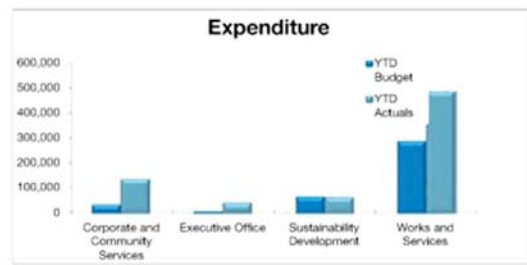
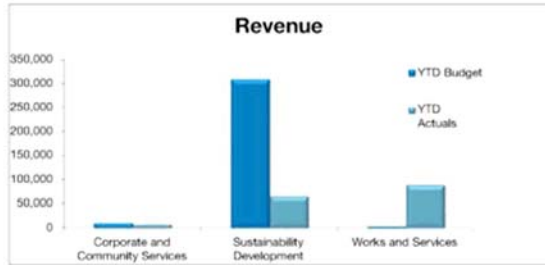
Capital Expenditure was over budget by \$191,347

Corporate and Community under budget by \$79,361 with the timing of IT projects not matching with budgeted expenditure.

Work and Services over budget by \$236,129 with road projects being completed ahead of budgeted expenditure.

4. Projects

	Adopted Budget	Reviewed Budget	Forecast Budget	YTD Budget	YTD Actuals	YTD Variance fav/(unfav)	
						\$	%
Projects							
Revenue							
Corporate and Community Services	0	0	41,000	10,000	7,500	(2,500)	25%
Sustainability Development	70,190	324,982	338,182	309,082	64,797	(244,285)	79%
Works and Services	427,500	358,500	613,500	3,000	88,623	85,623	(2854%)
Revenue Total	497,690	683,482	992,682	322,082	160,919	(161,163)	50%
Expenses							
Corporate and Community Services	70,381	422,089	483,089	35,570	137,414	(101,844)	(286%)
Executive Office	57,500	112,683	83,883	10,000	43,318	(33,318)	(333%)
Sustainability Development	480,190	615,784	645,080	66,328	64,081	2,248	3%
Works and Services	973,000	1,196,901	1,505,901	287,329	489,295	(201,966)	(70%)
Expenses Total	(1,581,071)	(2,347,457)	(2,717,953)	(399,227)	(734,108)	(334,881)	(84%)
Projects Total	(1,083,381)	(1,663,975)	(1,725,271)	(77,145)	(573,188)	(496,044)	(643%)

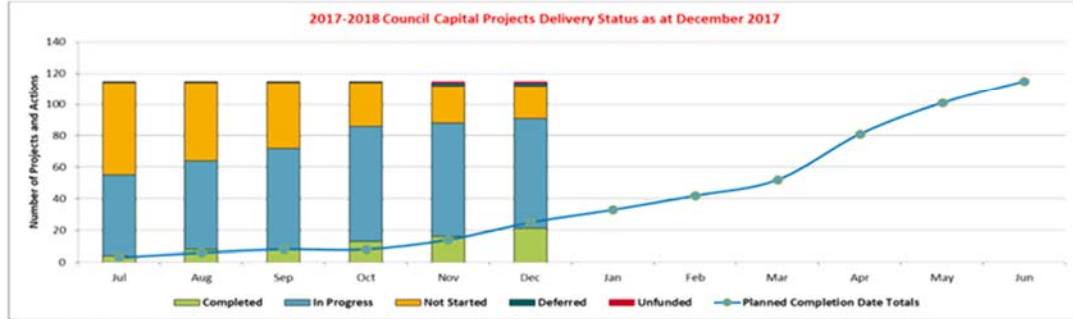


Comments:

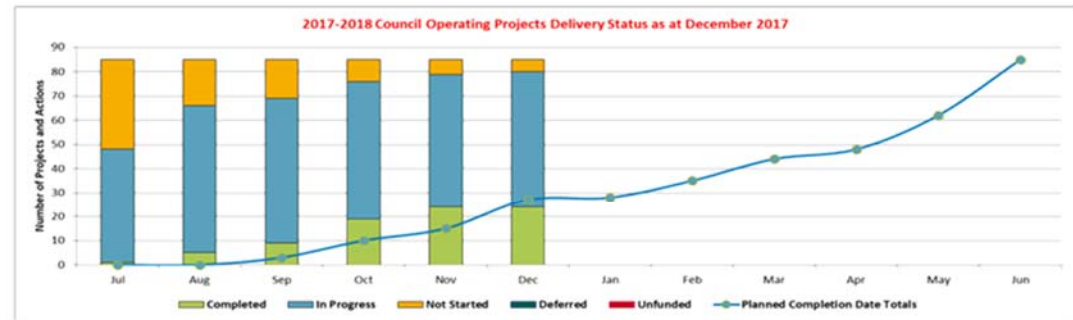
Recurrent Revenue was \$161,163 under budget
 Sustainability Development is \$254,000 under budget due to timing of grant payments
 Works and Services is \$85,623 above budget due to early receipt of grant payment.
Recurrent Expenditure is \$334,881 over budget
 Corporate and Community Services is \$101,844 over budget due to projects being completed ahead of budget
 Works and services is \$201,966 over budget due to projects being completed ahead of budget

6. Project Delivery

The graphs and tables below provide an overview of the status of Council's capital and operating projects for the reporting period. As reflected in the financial reports, project delivery has fallen behind schedule at the end of March.

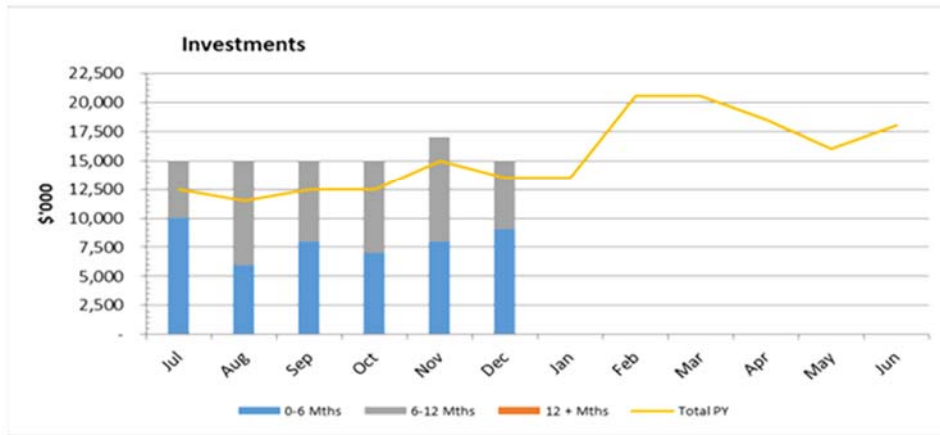


Directorate	Council	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Project	Capital Projects												
Not Started		59	50	42	28	24	21	0	0	0	0	0	0
In Progress		51	56	64	75	72	70	0	0	0	0	0	0
Completed		4	8	8	13	16	21	0	0	0	0	0	0
Deferred		1	1	1	1	2	2	0	0	0	0	0	0
Unfunded		0	0	0	0	1	1	0	0	0	0	0	0
Total		115	115	115	115	115	115	0	0	0	0	0	0
Planned Completion Date		3	6	8	8	14	25	33	42	52	81	101	115
Actual YTD		\$174,727	\$444,217	\$1,181,493	\$1,994,926	\$2,244,891	\$4,041,422						
Budget YTD		\$0	\$677,995	\$1,079,091	\$1,424,464	\$2,512,444	\$4,052,107	\$9,429,042	\$7,790,995	\$10,130,401	\$12,990,918	\$14,294,972	\$17,402,494



Directorate	Council	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Project	Operating Proj												
Not Started		37	19	16	9	6	5	0	0	0	0	0	0
In Progress		47	61	60	57	55	56	0	0	0	0	0	0
Completed		1	5	9	19	24	24	0	0	0	0	0	0
Deferred		0	0	0	0	0	0	0	0	0	0	0	0
Unfunded		0	0	0	0	0	0	0	0	0	0	0	0
Total		85	85	85	85	85	85	0	0	0	0	0	0
Planned Completion Date		0	0	3	10	15	27	28	35	44	48	62	85
Actual YTD		\$22,947	\$127,748	\$519,940	\$707,924	\$967,294	\$724,105						
Budget YTD		\$0	\$117,405	\$179,474	\$193,047	\$224,277	\$209,035	\$550,484	\$493,097	\$804,701	\$748,279	\$787,217	\$2,847,497

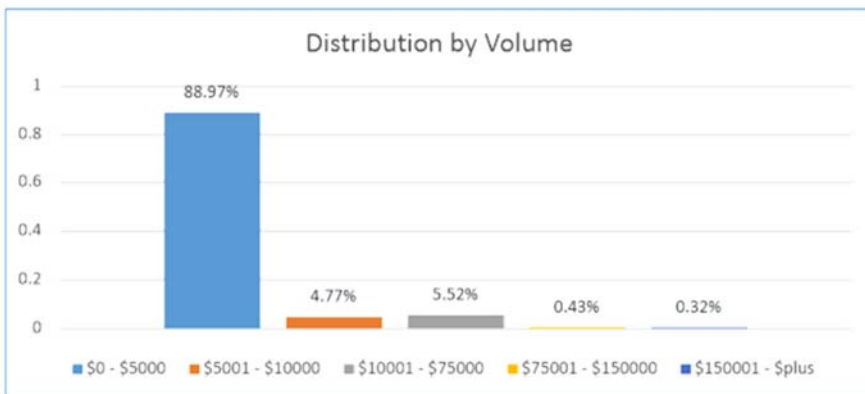
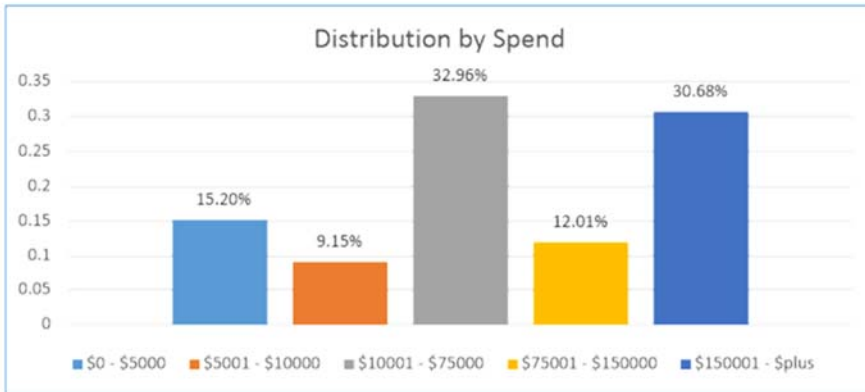
7. Investments



The above graph shows the 2016-2017 total investments as a comparative line and categorises current year investments by term. Term deposits are slightly higher than the level of investments at this time last year due to grants commission funding received in advance in June 2017.

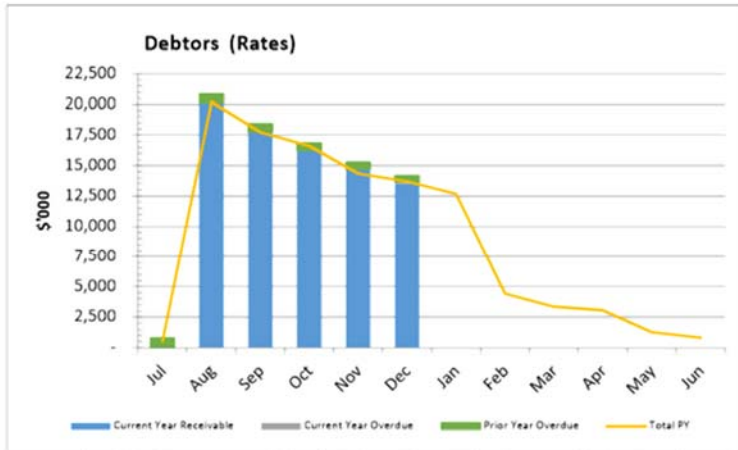
8. Purchasing and Procurement

The graph below details Council's procurement activity for the reporting period by spend and volume. The top graph details the cumulative expenditure by value whilst the bottom graphs details the cumulative transactions by volume. For example 89.0% of transactions for the period were for a value of \$5,000 or less with a cumulative value representing 15.2% of total procurement.



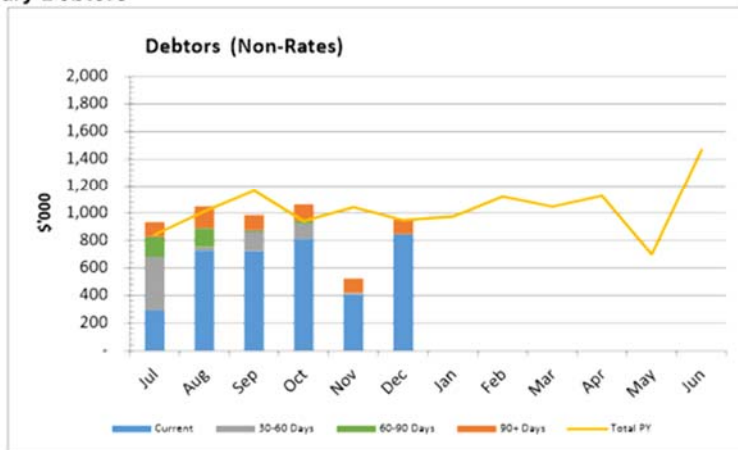
9. Outstanding Debtors
Rate Debtors

The below graph shows the total outstanding debt from the 2016-2017 financial year as a comparative line with the stacked bar graph showing the current year outstanding rates, categorised as current, current year overdue and prior year overdue. In this period there are no current year overdue rates.



Rates are raised in August and the first instalment is due on 30 September, the second instalment 30 November, the third instalment 15 February and the final instalment 15 May. Rates debt relating to prior years is slowly reducing as payment arrangements are followed and collection through external collection agencies pursued. The overdue debt has profiled similarly to the previous financial year.

Sundry Debtors



Sundry Debtors are showing a similar total amount owing than the same period last year.

10. Mid year Budget Review

Project Name	2017-2018 Adopted Budget	2017-2018 Reviewed Budget	2017-2018 Forecast Budget	Variance	Details
Recurrent Operations					
Pre Schools	(144,314)	(114,345)	(125,943)	(11,597)	Wage Adjustment to reflect class size 2018
Finance	7,500	7,500	14,000	6,500	Additional Fringe Benefits Tax
Community Relations	795,357	795,357	805,357	10,000	Online Consultation Project (reallocation from capital project)
Investment Interest	(350,000)	(350,000)	(450,000)	(100,000)	Additional surplus funds available to invest
Planning	396,150	396,150	400,950	4,800	Transfer to recreation reserve - Developer contribution
Saleyard - Operations	(79,815)	(79,815)	23,185	103,000	Adjustment to income to reflect reduction in cattle numbers
Grants Commission	(3,902,866)	(3,902,866)	(2,085,412)	(1,817,454)	Additional Grant Income Received
Local Roads Grants - Grants Commission	(3,337,265)	(3,337,265)	(1,645,403)	(1,691,862)	(31,326) Additional Grant Income Received
Elections	0	0	(3,228)	(3,228)	Additional fines relating to Local Government elections
All Services Private	(6,482)	(6,482)	(65,945)	(59,063)	Additional income being received for private aged care clients
Sports Centre New - Campedown	36,443	36,443	40,582	4,139	Contract for recreation facility management now confirmed
Sports Centre - Timboon	27,717	27,717	30,000	2,283	Contract for recreation facility management now confirmed
Library - Timboon	15,934	15,934	18,970	3,036	Air conditioner requires replacement. Part of building maintenance agreement
Cobden Community Planning	82,335	82,335	37,664	44,671	Cobden story and dairy park projects reallocated to community planning allocation
S. Local Roads Shoulder Repair	262,045	262,045	194,335	67,710	Additional funds spent on project. Offset by savings in P&E purchasing
L. Rd. Roadside Vegetation Maint	105,965	105,965	304,745	42,700	Additional funds spent on project. Offset by savings in P&E purchasing
L. Rd. Roadside Rev Footpath Maint	105,965	105,965	221,102	115,137	Additional funds spent on project. Offset by savings in P&E purchasing
Terang Community Planning	16,638	16,638	18,138	1,500	Terang Lake Signage Project
Princetown Community Planning	9,278	9,278	14,278	5,000	Allocation of Community Planning Budget
Darlington Community Planning	0	2,725	7,725	5,000	Allocation of Community Planning Budget
Norcat Community Planning	0	10,132	15,132	5,000	Allocation of Community Planning Budget
Derriallum FDC	2,392	2,392	4,673	2,281	Roof repair was required prior to new tenant moving into this venue
Terang Kindergarten - Buckle My Shoe	396	396	(12,000)	(12,396)	Additional lease income in line with new lease agreement
Theatre Shop	(6,966)	(6,966)	(5,682)	1,284	Lease renegotiated after relocation of Disaster Recovery Centre
Other minor adjustments	(737,733)	(737,733)	(736,740)	993	Other minor adjustments
Community Planning Reserves	0	0	(219,632)	(219,632)	Transfer Community Planning Projects to Reserves
Total Recurrent operations amendments				(166,176)	
Rate Income				(158,270)	
Rates & Charges	(20,618,468)	(20,618,468)	(20,776,738)	(158,270)	Supplementary Rates Income higher than expected
Operating Projects					
Cobden story project	0	10,000	0	(10,000)	Project Reallocated to Cobden Community Planning allocation
Cobden Dairy park business plan	0	2,000	0	(2,000)	Project Reallocated to Cobden Community Planning allocation
Lake Bullen Merri Master Plan	0	15,000	15,096	15,096	Additional cost for the program. Should have been part of carry forward projects
Community Planning Projects	15,000	15,000	0	(15,000)	Allocation of Community Planning to Terang, Darling & Princetown
Cobden Spring Festival	2,000	2,000	3,000	1,000	Additional Funding for Cobden Spring Festival - Late Budget change prior to adoption
Norcat Recreation Reserve - Netball Shelter & Lighting	0	0	4,000	4,000	Payment for final acquital. Should have been carry forward project
Review of Councils ICT Strategy	0	0	7,500	7,500	Additional funds required to complete strategy
Terang Lake Signage project	0	1,800	0	(1,800)	Project reallocated to Terang Community Planning
Twelve Apostles Trail - Stage 1 Technical Assessments	100,000	100,000	140,000	40,000	Additional Funding required for Technical and Cultural Heritage assessments
Shared Service Delivery (FAST Program)	0	75,000	87,000	12,000	Contribution required by Council to complete project. \$75,000 grant received in 2016-2017
Council Office - Backup Generator	0	0	10,000	10,000	Installation of generator to cover IT infrastructure in rolling power outages
Total Operating Project amendments				61,296	

Project Name	2017-2018 Adopted Budget	2017-2018 Reviewed Budget	2017-2018 Forecast Budget	Variance	Details
<i>Capital Projects (including Proceed from sale of property, plant & equipment)</i>					
Plant & Equipment Purchases	1,344,600	1,344,600	1,074,600	(270,000)	Additional income achieved from asset sales
Carle Carew Bridge (B025) Realignment	500,000	588,141	1,388,141	800,000	Brought forward expenditure. Project ahead of schedule
Port Campbell - Emergency Works	0	90,350	0	(90,350)	Money reallocated to Port Campbell Streetscape Design
Port Campbell - Design	0	396,016	600,000	203,984	Additional Funds required to complete design project. Approved by Council
Online Consultation Module	10,000	10,000	0	(10,000)	Project reallocated to Community Relations (recurrent operations)
Cobden Senior Citizens - Internal Paint	9,000	9,000	12,800	3,800	Additional funds required compared with quotes obtained at budget preparation
Litmore Community Centre - Doors and Window Replacement	3,750	3,750	2,347	(1,403)	Savings achieved against quotes obtained at budget preparation
Skipton Hall - Internal Paint	10,000	10,000	7,881	(2,119)	Savings achieved against quotes obtained at budget preparation
Timboon Kindergarten - New Vinyl	3,000	3,000	4,500	1,500	Additional funds required compared with quotes obtained at budget preparation
Timboon Senior Citizens - Internal Paint	9,000	9,000	12,080	3,080	Additional funds required compared with quotes obtained at budget preparation
Timboon Sporting Centre - New Vinyl	7,500	7,500	10,309	30,000	Additional funds required compared with quotes obtained at budget preparation
Cobden Civic Hall - Electrical Works	0	0	70,000	70,000	Electrical Works Required for building safety
Photocopier Renewal	0	0	30,000	30,000	Uplifted purchase of copiers provides savings over 5 years compared to leasing
Total Capital Projects amendments				741,301	
<i>Reserves</i>					
Community Planning Reserves	0	0	219,632	219,632	Transfer Community Planning Projects to Reserves
Total Reserves amendments				219,632	
Total Mid-year adjustments				697,783	

11. Balance Sheet for the period ended 31 December 2017

	Prior Year Balance	Adopted Budget	Reviewed Budget	Forecast Budget	YTD Actuals
CURRENT ASSETS					
Cash and cash equivalents	21,968,371	12,807,104	7,671,206	6,973,423	16,411,228
Financial Assets	66,568	96,949	96,949	96,949	19,272
Rate Receivables	825,087	1,386,056	1,386,056	1,386,056	14,207,774
Other Trade Receivables	1,839,194	462,019	462,019	462,019	1,233,428
Inventories	82,588	67,000	67,000	67,000	135,832
Other assets	483,296	1,274,000	1,274,000	1,274,000	166,190
Total Current Assets	25,265,103	16,093,128	10,957,230	10,259,447	32,173,724
NON CURRENT ASSETS					
Investments in associates	260,096	237,000	237,000	237,000	260,096
Financial Assets	113,304	113,000	113,000	113,000	113,304
Trade and other receivables	45,200	68,000	68,000	68,000	56,442
WIP - Capital	1,390,953	15,032,700	17,682,456	18,939,920	5,309,510
Fixed assets	432,955,386	404,952,885	404,952,885	404,952,885	433,097,976
Total Non Current Assets	434,764,938	420,403,585	423,053,341	424,310,805	438,837,327
Total Assets	460,030,041	436,496,713	434,010,571	434,570,252	471,011,051
CURRENT LIABILITIES					
Trade and other payables	2,287,024	2,241,675	2,241,675	2,241,675	(1,514,180)
Trust funds and deposits	203,434	322,000	322,000	322,000	2,359,637
Interest bearing liabilities	2,224,111	0	0	0	0
Provisions - current	3,844,891	3,500,000	3,500,000	3,500,000	4,008,731
Total Current Liabilities	8,559,461	6,063,675	6,063,675	6,063,675	4,854,188
NON CURRENT LIABILITIES					
Provisions - non-current	5,693,155	5,593,457	5,593,457	5,593,457	5,693,432
Total Non Current Liabilities	5,693,155	5,593,457	5,593,457	5,593,457	5,693,432
Total Liabilities	14,252,616	11,657,132	11,657,132	11,657,132	10,547,620
Net Assets	445,777,425	424,839,581	422,353,439	422,913,120	460,463,431
EQUITY					
Operating Surplus/Deficit	5,309,832	5,270,282	2,784,140	3,563,453	14,685,996
Accumulated surplus	170,538,715	214,553,440	214,553,440	214,553,440	175,848,557
Asset revaluation reserve	267,201,045	203,162,000	203,162,000	203,162,000	267,201,045
Reserves	2,727,833	1,853,859	1,853,859	1,634,227	2,727,833
Total Equity	445,777,425	424,839,581	422,353,439	422,913,120	460,463,431

	Prudential Guideline	Adopted Budget	Reviewed Budget	Forecast Budget	YTD Actuals
Working capital ratio / Liquidity ratio (current assets to current liabilities)	150%	265.40%	180.70%	169.20%	662.80%
Debt servicing ratio (interest paid as % of total revenue)	5%	0.40%	0.39%	0.38%	0.36%
Debt commitment ratio (interest and loan repayments as a % of rate revenue)	15%	11.66%	11.66%	11.57%	0.50%

12. Income Statement for the period ended 31 December 2017

	Adopted Budget	Reviewed Budget	Forecast Budget	YTD Budget	YTD Actuals	YTD Variance favourable/ (unfavourable)
REVENUE						
Rates and charges	20,578,468	20,578,468	20,736,738	20,724,927	20,745,035	20,108
Statutory fees and fines	237,677	237,677	240,905	41,812	407,831	366,019
User fees	5,328,456	5,328,456	5,299,915	2,274,808	2,442,891	168,084
Contributions	260,101	406,601	580,199	51,485	50,919	(567)
Reimbursements	750,127	750,127	847,003	362,870	424,710	61,840
Grants - Operating	10,284,695	10,964,544	11,228,035	3,933,346	3,577,648	(355,698)
Grants - Capital	5,824,000	6,622,000	6,842,000	1,040,333	765,885	(274,448)
Other Revenue	476,863	476,863	576,863	279,876	353,789	73,913
Total Revenue	43,740,388	45,364,737	46,351,658	28,709,456	28,768,708	(59,252)
EXPENDITURE						
Employee benefits	14,996,078	14,996,078	14,984,150	7,462,930	7,445,458	17,472
Materials and services	10,527,554	14,353,552	14,955,348	5,355,250	4,970,787	384,463
Bad and doubtful debts	2,000	2,000	2,000	0	458	(458)
Depreciation	10,132,000	10,132,000	10,132,000	0	0	0
Finance costs	175,889	175,889	175,889	175,889	103,827	72,062
Other expenses	2,636,584	2,921,077	2,808,817	1,850,566	1,894,704	(44,137)
Total Expenditure	(38,470,105)	(42,580,596)	(43,058,205)	(14,844,635)	(14,415,232)	429,403
Surplus/(Deficit) from Operations	5,270,282	2,784,140	3,293,453	13,864,821	14,353,476	(488,654)
Proceeds from sale of property, infrastructure, plant & equip	664,880	664,880	934,880	620,346	332,520	287,826
Written down value property, infrastructure, plant and equip	664,880	664,880	664,880	0	0	0
Net (gain)/loss on disposal of property, infrastructure, plant and equipment	0	0	270,000	620,346	332,520	287,826
Surplus/(Deficit) for Period	5,270,282	2,784,140	3,563,453	14,485,168	14,685,996	(200,828)

13. Cashflow Statement for the period ended 31 December 2017

	Adopted Budget	Reviewed Budget	Forecast Budget	YTD Actuals
Cash flows from operating activities				
Rates and charges	20,545,000	20,545,000	20,703,270	7,362,347
Statutory fees and fines	238,000	238,000	241,228	407,831
User fees	5,315,000	5,315,000	5,286,459	3,048,199
Contributions	260,000	260,000	433,598	50,919
Grants - Operating	10,285,000	10,964,849	12,108,189	3,577,648
Grants - Capital	5,824,000	5,755,000	5,706,000	765,885
Reimbursements	750,000	750,000	846,876	424,710
Other Revenue	477,000	477,000	577,000	353,789
Payments to employees	(14,982,000)	(14,982,000)	(14,965,927)	(7,281,341)
Payments to suppliers	(13,123,000)	(17,233,491)	(17,295,494)	(10,402,823)
Net cash provided by operating activities	15,589,000	12,089,358	13,641,199	(1,692,835)
Cash flows from investing activities				
Payments for property, infrastructure, plant and equipment	(15,033,000)	(16,669,256)	(18,979,920)	(4,061,147)
Repayment of loans and advances from/(to) Organisations	67,000	67,000	67,000	36,054
Proceeds from sale of property, infrastructure, plant and equipment	665,000	665,000	935,000	332,520
Net cash flow from investing activities	(14,301,000)	(15,937,256)	(17,977,920)	(3,692,573)
Cash flows from financing activities				
Finance costs	(176,000)	(176,000)	(176,000)	(103,827)
Trust funds and deposits	0	0	0	2,156,203
Repayment of interest bearing loans and borrowings	(2,224,000)	(2,224,000)	(2,224,000)	(2,224,111)
Net cash from financing activities	(2,400,000)	(2,400,000)	(2,400,000)	(171,735)
Net increase (decrease) in cash and cash equivalents	(1,112,000)	(6,247,898)	(6,736,721)	(5,557,143)
Cash and cash equivalents at beginning of the year	13,919,104	13,919,104	13,919,104	21,968,371
Cash and cash equivalents at end of the year	12,807,104	7,671,206	7,182,383	16,411,228

9.6 Application of Common Seal of Council 2017

Author: Penny MacDonald, Executive Services and Governance Coordinator

File No: D17/754

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 informs Council of all applications of the Common Seal made by the Chief Executive Officer under delegation during 2017.

Introduction

Various documents require the use of the Common Seal of Council, such as Section 173 Agreements under the *Planning and Environment Act 1987*, contracts, leases and funding agreements.

Throughout 2017, the use of the Common Seal was prescribed by *Meeting Procedures Local Law No.3 2016*. Under the Local Law, Council may, by resolution, delegate the use of the Common Seal to the Chief Executive Officer for general classes of activities or transactions. Other applications of the Common Seal are authorised by Council by resolution as required. The Chief Executive Officer is required by the Local Law to regularly advise Council of the use of the Common Seal when applied under delegation.

Issues

At its meeting on 24 January 2017, Council resolved to authorise the Chief Executive Officer to apply the Common Seal of Council to general classes of documents. Typical documents sealed under delegation by the Chief Executive Officer include:

- *Planning and Environment Act* section 173 agreements
- funding/grant agreements
- contracts endorsed by a resolution of Council
- lease agreements endorsed by a resolution of Council
- licence agreements endorsed by a resolution of Council
- transfer of land documents for transactions endorsed by a resolution of Council.

The Common Seal was applied by the Chief Executive Officer during 2017 to the documents listed in the attached table.

Policy and Legislative Context

Meeting Procedures Local Law No.3 2016, Part C, Clause 9.3 states 'the Council may, by resolution, give the Chief Executive Officer authority to use the Common Seal for general classes of activities or transactions'. Clause 9.4 continues, 'if the Chief Executive uses the Common Seal in a manner prescribed by Clause 9.3, then he or she must advise Council of such use on a regular basis'.

This report ensures compliance with the Local Law and is consistent with the 2017-2021 Council Plan commitment and objective:

We are committed to ensuring the ethical behaviour of Councillors and staff, maintaining good governance and remaining financially sustainable.

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

Conclusion

Various documents require the use of the Common Seal of Council. *Meeting Procedures Local Law No.3 2016* details the use of the Common Seal and provides for the application of the Common Seal by the Chief Executive Officer under delegation for general classes of activities or transactions. Council is asked to receive the attached list of documents to which the Common Seal was applied under delegation by the Chief Executive Officer during 2017.

RECOMMENDATION

That Council receives the attached list of documents sealed by the Chief Executive Officer under delegation during 2017.

Attachments

1. Table Application of Common Seal of Council under CEO Delegation in 2017

Application of Common Seal of Council under CEO Delegation in 2017

Description	Date sealed
Licence Agreement - Della Kerr for Sustainability House (Family Day Care)	1/03/2017
Cattle Underpass Agreement - with lessee at 1245 Timboon-Curdiavale Rd, Timboon	1/03/2017
Section 173 Agreement for Planning Permit PP2016/054.B at 294 North Robilliards Rd, Timboon – excision of dwelling	1/03/2017
Lease Agreement - Timboon Masonic Lodge	9/03/2017
Licence Agreement - Siobhan Smith for Derrinallum Family Day Care	23/03/2017
Section 173 Agreement for Planning Permit PP2015/139 at 909 Cobden-South Ecklin Rd, Elingamite North - use and development of a second dwelling	05/04/2017
Section 173 Agreement for Planning Permit PP2017/012 at 364 Timboon-Terang Road, Ecklin South - 2 Lot subdivision	05/04/2017
Section 173 Agreement for Planning Permit PP2016/138 at 120 Hoses Lane, Boorcan - 2 lot subdivision for an existing dwelling	24/04/2017
Section 173 Agreement for Planning Permit PP2016/032 at 1879 Lavers Hill-Cobden Rd, Simpson - 2 lot subdivision (excision)	02/05/2017
Section 173 Agreement for Grey Street, Terang (former Terang saleyards) - Environmental Audit Overlay outcome	05/05/2017
Section 173 Agreement for Planning Permit PP2017/035 173 at 440 Eastern Creek Road, Port Campbell - 2 lot subdivision	15/05/2017



Description	Date sealed
Lease Renewal –Cobden Airstrip Hangar	23/05/2017
Licence Agreement – Mt Leura Rd, Camperdown (authorised by Council to enter into agreement Item 13.1, 27 June 2017)	19/06/2017
Licence Agreement – Cobden Street Stall	28/07/2017
Contract for Supply & Delivery of Diesel (authorised by Council to enter into agreement Item 13.2, 23-05-2017)	15/08/2017
Section 173 Agreement for Planning Permit PP2017/028 at 220 Cobden-Scotts Creek Road, Cobden - house lot excision	17/08/2017
Agreement - Warrambool City Council for 2017-2018 Bitumen Sealing Works	14/09/2017
Licence Agreement - Camperdown Toy Library	20/10/2017
Section 173 Agreement for Planning Permit PP2016/144 at 470 Cobden-Warrambool Rd, Elingamite - 2 Lot subdivision (house lot excision)	20/10/2017
Section 173 Agreement for Planning Permit PP2017/060 at 147 Melrose Road, Coorimungle - 2 lot subdivision (excision of dwelling)	02/11/2017
Section 173 Agreement for Planning Permit PP2017/078 at 514 Timboon – Terrang Road, Ecklin South – re-subdivision of 6 existing lots to create 2 new lots	3/11/2017
Agreement - Warrambool City Council to accept waste at Naroghid Landfill for a period of 10 years	7/12/2017

9.7 Records of Assembly of Councillors

Author: Andrew Mason, Chief Executive Officer

File No: D17/789

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 19 December 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 be 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 classed as 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.

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 2017-2021 objective that “Council will demonstrate high levels of ethical behaviour and governance standards”.

Conclusion

The records documenting the below Assembly of Councillors are attached:

- Councillor Briefing 19 December 2017
- Councillor Briefing 9 January 2018
- Port Campbell Art Space Public Meeting 9 January 2018
- Planning Inspection 9 January 2018.

RECOMMENDATION

That Council accepts the attached Records of Assembly of Councillors.

Attachments

1. Record of an Assembly of Councillors 19 December 2017
2. Record of an Assembly of Councillors 9 January 2018
3. Record of an Assembly of Councillors Port Campbell Public Meeting 9 January 2018
4. Record of Assembly of Councillors Planning Site Inspection 9 January 2018
PP2017/145 9795P

Council

Record of an Assembly of Councillors



Councillor Briefing

Date: 19 December 2017

Time: 2.30 pm

Place: Killara Centre, Camperdown

Present:

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

Cr Illingworth arrived at 2.45 pm.

Cr McArthur was an apology.

Officers:

- Ian Gibb Brooke Love Andrew Mason David Rae

Penny MacDonald (Item 3)

Guests:

Dr Amanda Caples, Mr Paul McDonald, Mr Grant Clarke, Mr Mark McLean, Mr Alex Vujovich (Item 2)

Issues Discussed:

Item	Discussion Topic
1	Local Government Act Review Update
2	Lead Scientist regarding Onshore Gas
3	Agenda Format Changes
4	Hot Topics <i>Christmas Closure, Acting CEO, Agenda Items, January Briefing, Saleyards Update, Port Campbell Urban Design.</i>
5	Councillor Items <i>Timboon Streetscape Issues, Poplars Impacting on Footpath, VicRoads Weed Issues, Solar Farm, ICE Trailer, Temporary Signage Frame, Mortlake Wind Farm Consultation, Terang Street Tree Consultation, Mt Noorat Handover, Mackinnons Bridge Sign, Walker Street Lismore Tree Removal, Skipton Senior Citizens' Lunch.</i>

Conflicts of Interest declared: Nil

Councillors left the meeting at: NA

Councillor Conflict of Interest Forms Completed: NA

Meeting close: 5.45 pm

Note taker: Andrew Mason

Council

Record of an Assembly of Councillors



Councillor Briefing

Date: 9 January 2018

Time: 9.30 am

Place: Timboon Abbeyfield, Timboon Senior Citizens Centre, 12 Apostles, Port Campbell

Present:

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

Cr Gstrein arrived at 10.40 am.

Cr Beard arrived at 5.00 pm.

Cr Illingworth was an apology.

Officers:

- Ian Gibb Brooke Love Andrew Mason David Rae Matthew Dawson
- Jarrold Woff (Item 2)
- Lucy Vesey (Item 2)
- Adam Taylor (Item 3)
- Greg Hayes (Item 8)

Guests:

- Peter Pope, Owen Wallace (Item 1)
- Craig Mathieson, James Plozza, David Pope, Peter Pope (Item 2)
- Richard Riordan MP, Hon. Nick Wakeling MP (Item 7)
- Andrew Partos, Kara Heald, Brendon Burke, Steve Schutt (Item 8)

Issues Discussed:

Item	Discussion Topic
1	Timboon Abbeyfield Visit
2	Walk Around Timboon
3	Mid-year Budget Review
4	Local Government Bill 2018 Exposure Draft
5	Hot Topics <i>Parliamentary Inquiry into VicRoads' Management of Country Roads, Christmas/New Year Issues, James Purcell Meeting, C45 Amendment Package, Glenormiston Fire, Camperdown Car Show, 12 Apostles Car Parking, Australia Day, Projects for Budget.</i>
6	Councillor Items <i>Roadside Drainage Improvements, Blind Creek Road, Corellas, Roadside Vegetation Danger VicRoads Roads, Timboon Recreation Reserve Camping, Lismore Primary School, Traffic Speed Through Lismore, Tourist Drivers Safety Initiatives.</i>
7	Twelve Apostles
8	Port Campbell Town Centre Project – Draft Concept Plan

Conflicts of Interest declared: Nil

Councillors left the meeting at: Cr Gstrein left the meeting at 10.55 am and returned at 11.30 am.

Councillor Conflict of Interest Forms Completed: NA

Meeting close: 5.15 pm

Note taker: Andrew Mason

Council

Record of an Assembly of Councillors



Councillor Briefing

Date: 9 January 2018

Time: 7.00 pm

Place: Port Campbell Art Space, Port Campbell

Present:

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

Cr Illingworth was an apology.

Officers:

- Ian Gibb Brooke Love Andrew Mason David Rae

Guests:

Hansen Partnership (Consultants)

Approximately 60 community members

Issues Discussed:

Item	Discussion Topic
1	Port Campbell Streetscape / Urban Design

Conflicts of Interest declared: Nil

Councillors left the meeting at:

Councillor Conflict of Interest Forms Completed: NA

Meeting close: 9.15 pm

Note taker: Andrew Mason

Planning Inspection

Record of an Assembly of Councillors



Date: 9 January 2018

Time: 5.30 pm

Location: 12 Treglea Street Port Campbell

Application No: PP2017/145

Present:

- | | | | |
|--|---|---|--|
| <input checked="" type="checkbox"/> Cr Beard | <input checked="" type="checkbox"/> Cr Brown | <input checked="" type="checkbox"/> Cr Durant | <input checked="" type="checkbox"/> Cr Gstrein |
| <input type="checkbox"/> Cr Illingworth | <input checked="" type="checkbox"/> Cr McArthur | <input type="checkbox"/> Cr Trotter | |

Cr Illingworth was an apology

Cr Trotter was an apology

Officers:

- Greg Hayes
- Ian Gibb

Applicant:

- Mark Bourke, Merri Designs
- Alex Aldis, Merri Designs
- Ross and Val Powell (owners)

Submitters:

- Shad Paterson for the Paterson Family Trust

Observers: Nil

Issues Discussed:

- Application
- Objectors concerns
- Assessment criteria

Conflicts of Interest declared: Cr Trotter declared an indirect conflict of interest by close association and did not attend.

Meeting close: 6.00 pm

Note taker:

Greg Hayes



10. OTHER BUSINESS

11. OPEN FORUM

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

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

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

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

12. CONFIDENTIAL ITEMS

Nil.