



CORANGAMITE  
SHIRE

# minutes

## CORANGAMITE SHIRE

### ORDINARY MEETING OF COUNCIL

**TUESDAY 28 APRIL 2020**

Held at the Theatre Royal  
Manifold Street, Camperdown  
at 7.00 pm

**COUNCIL:**

Cr Neil Trotter (South West Ward)  
MAYOR

Cr Ruth Gstrein (Central Ward)  
DEPUTY MAYOR

Cr Helen Durant (Central Ward)

Vacant (Central Ward)

Cr Simon Illingworth (Coastal Ward)

Cr Lesley Brown (North Ward)

Cr Jo Beard (South Central Ward)

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**MINUTES OF THE ORDINARY MEETING OF THE CORANGAMITE  
SHIRE COUNCIL HELD AT THE THEATRE ROYAL  
MANIFOLD STREET, CAMPERDOWN  
28 APRIL 2020**

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**PRESENT**

Councillors	N. Trotter (Chairperson), J. Beard, L. Brown, H. Durant, R. Gstrein, S. Illingworth
Officers	Andrew Mason, Chief Executive Officer Aaron Moyne, Acting Director Sustainable Development Brooke Love, Director Works and Services David Rae, Director Corporate and Community Services

**1. RECORDING OF MEETING**

**RECOMMENDATION**

**That pursuant to Meeting Procedures Local Law No.3 2016 clause 65.1,  
Council resolves to record and broadcast via the internet this Council  
Meeting and Council meetings held during the COVID-19 prescribed period.**

**COUNCIL RESOLUTION**

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

**That the recommendation be adopted.**

**CARRIED**

The Council meeting was streamed via the internet.

**2. PRAYER**

The prayer was read by the Mayor, Cr N. Trotter.

“We ask for guidance and blessing on this Council. May the true needs and wellbeing of our communities be our concern. Help us, who serve as leaders, to remember that all our decisions are made in the best interests of the people, culture and the environment of the Corangamite Shire.

Amen.”

**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.

### 3. ACKNOWLEDGEMENT OF COUNTRY

An Acknowledgement of Country was made by the Mayor, Cr N. Trotter.

“We acknowledge the Traditional Owners of the land on which we are meeting, and pay our respects to their Elders, past and present.”

### 4. APOLOGIES

Nil.

### 5. DECLARATIONS OF CONFLICT OF INTEREST

Cr R. Gstrein declared an indirect conflict of interest by indirect financial interest in Agenda item 9.2 and left the meeting prior to any discussion or vote on the matter.

### 6. CONFIRMATION OF MINUTES

#### RECOMMENDATION

That the Minutes of the Corangamite Shire Ordinary Council meeting held on Tuesday 24 March 2020 be confirmed.

#### COUNCIL RESOLUTION

*MOVED: Cr Durant*

*SECONDED: Cr Brown*

That the recommendation be adopted.

**CARRIED**

## 7. DEPUTATIONS & PRESENTATIONS

The Mayor, Cr N. Trotter, advised that Council had received two requests in writing which had been circulated to Councillors prior to the meeting:

- Mr Peter and Mrs Jenny Welding regarding Item 9.1 Planning Permit Application PP2020/006 - Use and Development of Land for Group Accommodation and Removal of vegetation (four non-indigenous trees) – 4795 Prices Highway Gnotuk.
- Ms Roma Hammond regarding Item 9.2 Planning Permit Application 2019/140 - Buildings and Works for Construction of Three (3) Dwellings, Four (4) Lot Subdivision and reduction of car parking – 28 Lord Street, Port Campbell.

## **8. COMMITTEE REPORTS**

### **8.1 Mt Leura and Mt Sugarloaf Management Committee Annual Report, Budget 2020-2021 and Committee Appointments**

**Author:** Roland Herbert, Environment Project Officer

**File No:**

**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 - Roland Herbert

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

#### **Summary**

The purpose of this report is to present the Mt Leura and Mt Sugarloaf Management Committee's Annual Report and proposed 2020-2021 budget. The report also provides advice to Council on the appointment of two community representatives to the Committee.

#### **Introduction**

The Mt Leura and Mt Sugarloaf Management Committee is a special committee of Council established in 1995. Since 2013, the Committee's role has been to implement the Mt Leura and Mt Sugarloaf Management Plan and Risk Management Plan. The Committee comprises six community representatives and one Council representative. Community representatives are elected to the Committee for a three-year term, with two positions advertised annually.

#### **Issues**

Over the past year, the Mt Leura and Mt Sugarloaf Management Committee has worked to achieve the Management Plan vision in which the Reserves are an environmental, social and geological asset, a place for diverse recreational and educational activities, and a regional tourist destination where people can reconnect with nature in a safe and scenic environment.

Committee achievements over the past year include:

- Securing external funding, including the Corangamite CMA Victorian Landcare and Biodiversity Grants totalling \$18,975
- Completed a review of the 2013-2018 Mt Leura and Mt Sugarloaf Management Plan actions
- Development of new Wildlife Brochures for the Reserves and rejuvenation of the Reserves' Walking Trails & General Information Brochure
- Continued work on the Nature Play-Space in consultation with Play Australia and Council

- Implemented the second stage of the 'Grow a Hollow' Project, converting at-risk trees into suitable fauna habitat and planting of over 1880 tubestock and groundcover species, to revegetate areas of the Reserves including the Old Mt Sugarloaf Quarry site and Volcanic Banksia areas, including during National Tree Day, 4 August 2019
- Conducted the third consecutive NAIDOC week activities further strengthening existing partnerships with Traditional Owners and undertaking a workshop to plan future collaborative projects
- Conducted an 'Edible Weed' Workshop, regular working bees, annual 'Come and Explore' Day and participated in an Outdoor Classroom Day. Accumulated field days and workshop activities for year-to-date with over 25 events, 900 participants, the equivalent of 19 days.

Due to the COVID-19 Pandemic all remaining activities and events involving groups of any size for 2019-2020 have been cancelled or postponed until further notice.

These activities and events would have included:

- The fourth annual 'Four Peaks Challenge' event
- 2020 Reconciliation Week Events
- Plant Propagation Workshops
- Bus tours including: Local Geology Tour, Melton Botanical Gardens and Mt Rothwell Biodiversity Interpretation Centre
- 'Wild Action' Local Wildlife Education Experience sessions planned with the David Newman Adult Day Centre, local schools and early childhood providers.

The Project Officer plays a pivotal role in coordinating many of the management activities. Employment of a Project Officer provides better value-for-money than engaging contractors to complete works on an ad-hoc basis. The officer also plays an important community engagement role by providing educational tours, information to visitors and social media updates as required.

Duties carried out by the Project Officer in 2019-2020 include:

- Maintenance and repair of tracks, signage and facilities, revegetation works and coordination of the 'Grow a Hollow' project
- Coordination and supervision of volunteers and contractors
- Engagement with members of the public, research scientists, community groups, agency representatives and education providers (local and further afield)
- Assistance with promotion of projects and events through print, audio and social media
- Assistance with delivery of community workshops and events
- Management of project milestones and undertaking external project funding applications and reporting.

The Committee continues to value-add via its volunteers and partnerships. Volunteering numbers have been impacted by COVID-19 since March 2020. Despite this, volunteers continue to play a critical role in the year's achievements, with Committee members contributing over an estimate 900 volunteer hours and community members contributing in excess of an additional estimated 650 hours to projects over the past 12 months. In-kind labour for Mt Leura and Mt Sugarloaf is estimated to equate to \$38,750 for the 2019-2020 year (1550 hours). This is down from the previous year by approximately 850 hours (\$21,250) due to the impacts of COVID-19.



The Committee continues to undertake activities related to fire risk management and planning which is consistent with the Mount Leura and Mount Sugarloaf Risk Management Plan 2013. For the 2019-2020 year, the Committee has:

- Inspected and maintained vegetative fuel breaks on reserve boundaries
- Undertaken spraying, mowing and slashing of flammable grasses and other weed species in high risk areas
- Worked with the CFA Vegetation Management Officer and Municipal Emergency Management Planning Committee (MEMPC) to clarify the position/status of the reserves within the Municipal Emergency Management Plan and how that alters plans for prescribed burning
- Consulted MEMPC to have the Sugarloaf Reserve and the Reserves' walking and emergency access and egress tracks mapping incorporated into the Emergency Services Telecommunications Authority (ESTA) system.

### ***Committee Appointments***

In accordance with the Committee's Instrument of Delegation, Council is required to advertise two vacant Committee positions annually. These positions were advertised for a period of four weeks during March 2020. Council received 3 nominations (provided under separate cover) for the two available positions.

Five Committee members considered the nominations according to the selection criteria, in order to provide advice to Council. The recommendation of the Committee is for Frances Grundy and Caroline Duynhoven be appointed to the Committee. These two nominees best met the selection criteria and future skills required by the Committee.

**Policy and Legislative Context** Council's support for the natural environment and community-led management of the Mt Leura and Mt Sugarloaf Reserves aligns with the following commitments of the Council Plan 2017-2021:

#### Built and Natural Environment

Council is committed to improving the liveability of Corangamite Shire through the management of our facilities, town planning and environmental sustainability

Council will improve the appearance of our towns and public spaces

Township infrastructure will contribute to safe and accessible public areas

Council will preserve the natural environment of Corangamite Shire.

#### Safe and Healthy Communities

Council is committed to working towards ensuring the safety, health and wellbeing of our communities

Council will improve the health and wellbeing of our community.

Council also supports the management of the reserves via the objectives of the Environment & Sustainability Strategy 2014-2019:

Council will increase the protection and enhancement of natural assets in Corangamite Shire

Council will engage and empower the community to address environmental and sustainability concerns in Corangamite Shire.

### Internal / External Consultation

The Mt Leura and Mt Sugarloaf Reserves are managed in accordance with the Mt Leura and Mt Sugarloaf Management Plan and Risk Management Plan, which were developed through extensive consultation with the community and stakeholders.

Nominations for the Committee vacancies were advertised through local newspapers and on Council's website and Facebook page for a period of four weeks during March 2020.

Various media and publications regarding the Reserves were published during the 2019-2020 year on Committee achievements. These include articles in the Camperdown Chronicle and the Warrnambool Standard, media releases via Council, radio interviews with ABC Ballarat and OCR FM and social media posts via the Friends of Mt Leura Facebook page. An Instagram account has been established which will be further built on in 2020-2021.

### Financial and Resource Implications

The proposed 2020-2021 Committee budget is outlined in Table 1.

Item	Council Budget	Other Grants and Contributions	In-kind Contributions	Total
<b>Project Coordination</b>				
0.4 FTE Project Officer (inc. all on-costs & travel expenses)	\$16,400	\$2,475	\$0*	\$18,875
Committee labour - volunteer (900 hrs @ \$25/hr)	\$0	\$0	\$22,500	\$22,500
<b>Management Plan Implementation</b>				
Safety improvements and Reserve maintenance including: <ul style="list-style-type: none"> <li>track mowing/slashing (8 annually @ \$350, one wide mow/yr @ \$700)</li> <li>safety improvements to reserves</li> <li>track and facilities maintenance</li> <li>vandalism repairs</li> <li>Reserve fence maintenance</li> </ul>	\$4,688	\$0	\$900*	\$5,588
Weed control	\$350	\$2,000	\$0*	\$2,350
Fire Management, Tree thinning/view line management & hazardous trees	\$100	\$400	\$400*	\$900
Nature Play Space development - Stage 3	\$0	\$1,500	\$1,000*	\$2,500
Macropod fencing trial	\$0	\$1,800	\$1,000*	\$2,800
Stage 2: Indigenous Culture, Indigenous Landscapes Project	\$0	\$2,500	\$1,000*	\$3,500
Sign improvements and upgrades	\$900	\$1,000	\$0*	\$1,900

Item	Council Budget	Other Grants and Contributions	In-kind Contributions	Total
Community engagement				
• Website hosting and maintenance	\$200	\$200	\$0*	\$400
• Community events and workshops	\$100	\$4,100	\$0*	\$4,200
• Promotional and education materials	\$100	\$1,000	\$0*	\$1,100
Expert advice	\$100	\$600	\$0*	\$700
Equipment	\$100	\$500	\$0*	\$600
Monitoring - ecological and social, eg: pedestrian counter	\$100	\$500	\$0*	\$600
400 plant guards @ \$0.40 each	\$0	\$160	\$0*	\$160
Spot spraying for revegetation (500 spots @ \$0.10 each)	\$0	\$50	\$150*	\$200
Nursery upkeep and plant purchase	\$500	\$1,500	\$0*	\$2,000
Volunteer community labour for reserve management (650 hrs @ \$25/hr)	\$0	\$0	\$16,250	\$16,250
<b>Total</b>	<b>\$23,638</b>	<b>\$20,285</b>	<b>\$43,200</b>	<b>\$87,123</b>

\*The in-kind labour contributions for these items are included in the volunteer Committee and community labour.

### Options

Council may receive the 2019-2020 Mt Leura and Mt Sugarloaf Management Committee Annual Report and note its 2020-2021 draft budget includes a proposed allocation to the Committee of \$23,638.

In relation to Committee appointments, Council could appoint Frances Grundy and Caroline Duynhoven to fill the two vacant positions on the Mt Leura and Mt Sugarloaf Management Committee for a three-year term. Alternatively, Council may decide not to appoint the current nominees and readvertise the vacancies.

### Conclusion

Over the past year, the Mt Leura and Mt Sugarloaf Management Committee has continued to work towards the Management Plan's vision in which the reserves are an environmental and geological asset, a place for diverse recreational and education activities, and a tourist destination where people can connect with nature.

### RECOMMENDATION

#### That Council:

1. **Receives the 2019-2020 Mt Leura and Mt Sugarloaf Management Committee Annual Report.**
2. **Notes that Council's draft 2020-2021 budget includes an allocation of \$23,638 toward implementation of the Mount Leura and Mount Sugarloaf Management Plan.**
3. **Appoints Frances Grundy and Caroline Duynhoven as community representatives on the Mt Leura and Mt Sugarloaf Management Committee for a three-year term.**

## **COUNCIL RESOLUTION**

**MOVED:**            *Cr Gstrein*

**SECONDED:**      *Cr Durant*

**That Council:**

1.    **Receives the 2019-2020 Mt Leura and Mt Sugarloaf Management Committee Annual Report.**
2.    **Notes that Council's draft 2020-2021 budget includes an allocation of \$23,638 toward implementation of the Mount Leura and Mount Sugarloaf Management Plan.**
3.    **Appoints Frances Grundy and Caroline Duynhoven as community representatives on the Mt Leura and Mt Sugarloaf Management Committee for a three-year term,**
4.    **Contacts the 3<sup>rd</sup> applicant and ask if they would like to join as a non-voting member to the committee.**

**CARRIED**

1.    Nominations Received - Mt Leura & Mt Sugarloaf Management Committee 2020 - Under Separate Cover - Confidential

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## 8.2 Audit Committee Report - 12 March 2020 Meeting

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

**File No:**

**Previous Council Reference:** Nil

### Declaration

Chief Executive Officer – Andrew Mason

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

Author - David Rae

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

### Summary

This report provides Council with a summary of business considered at the 12 March 2020 meeting of the Audit Committee. Council is also requested to approve the Strategic Internal Audit Plan for 2020-2021.

### Introduction

The Audit Committee (the Committee) is an independent advisory committee to Council. The primary objective of the Committee is to assist Council in the effective conduct of its responsibilities for financial reporting, management of risk, maintaining a reliable system of internal controls and facilitating the organisation's ethical development.

### Issues

Attendees at the Committee meeting were as follows:

Councillors:	Cr Lesley Brown, Cr Helen Durant
Independent Members:	Colin Hayman (Chairperson), Phillippa Dee
Apologies:	Matt Makin
Officers:	David Rae, Director Corporate and Community Services Brooke Love, Director Works and Services Adam Taylor, Manager Finance
Guests:	Thivya Mahendran (Crowe – Internal Auditor) Narelle McLean (McLaren Hunt – VAGO Agent)

Declaration of Conflict of Interest: Nil

The Committee considered the following matters at the meeting:

- Mayor and CEO credit card use - 1 December 2019 - 29 February 2020
- Strategic Internal Audit Plan 2020-2021
- Traffic Management Review February 2020
- External Audit Strategy 2019-2020
- External Audit Management Letter 2018-2019 - Outstanding Recommendations
- Finance Report As At 31 December 2019
- Strategic Risk Report February 2020
- Governance and Management Attestation as at 31 December 2019
- Workcover Premium Review 2020
- New Local Government Act - Bill Status.

### ***Strategic Internal Audit Plan 2020-2021***

In accordance with the Audit Committee's Charter and annual work plan, the Committee resolved to recommend Council approve the 2020-2021 Strategic Internal Audit Plan consisting of the following reviews:

- Food Act/Health Act Compliance
- Fuel Cards and Bowser Key Management.

### **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.

### **Internal / External Consultation**

Subsequent to the Audit Committee meeting, management briefed Committee members on 9 April 2020 in respect of the COVID-19 pandemic, including the organisation's response from an emergency and business continuity perspective. The Committee was advised of the implications for external and internal audit and the potential financial impacts on Council. The Committee was also provided an update on the implementation of the *Local Government Act (Vic.) 2020* and the impact COVID-19 restrictions may have on council elections.

### **Financial and Resource Implications**

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

### **Conclusion**

The next meeting of the Audit Committee is scheduled for June 2020 and a report on that meeting will be presented at the July 2020 Council meeting. Council is requested to receive the Audit Committee's report for its 12 March 2020 meeting and approve the Strategic Internal Audit Plan for 2020-2021 as recommended by the Audit Committee.

## RECOMMENDATION

That Council:

1. Receives the Audit Committee Report for 12 March 2020.
2. Approves the 2020-2021 Strategic Internal Audit Plan consisting of the following reviews:
  - (a) Food Act/Health Act Compliance
  - (b) Fuel Cards and Bowser Key Management.

## COUNCIL RESOLUTION

*MOVED: Cr Durant*  
*SECONDED: Cr Illingworth*

That the recommendation be adopted.

**CARRIED**

## 9. PLANNING REPORTS

### 9.1 Planning Permit Application PP2020/006 - Use and development of land for group accommodation and removal of vegetation (four non-indigenous trees) - 4795 Princes Highway Gnotuk

**Author:** Melanie Osborne, Planning Officer

**File No:**

**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 - Melanie Osborne

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

#### **Summary**

Council must consider a planning permit application for the use and development of land for group accommodation and the removal of vegetation at 4795 Princes Highway, Gnotuk.

Five (5) submissions objecting to the application were received.

The objections have been considered and the application has been assessed against the Corangamite Planning Scheme. It is recommended that Council issue a Notice of Decision to Grant a Permit subject to conditions.

#### **Introduction**

Planning Permit Application PP2020/006 was received by Council on 15 January 2020. The applicant seeks approval for the use and development of land for group accommodation and the removal of vegetation (four non-indigenous trees). In particular, the application proposes the relocation a single self-contained unit onto the land to provide accommodation for guests.

This report provides a planning assessment of the application.

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

The subject site has a total area of 2.7 hectares and currently contains a single residential dwelling, several modest outbuildings and planted garden containing mostly introduced species. The subject site is rectangular in shape, with road frontage of approximately 40 m to the Princes Highway. There is a single constructed driveway, providing access to the site from the highway.

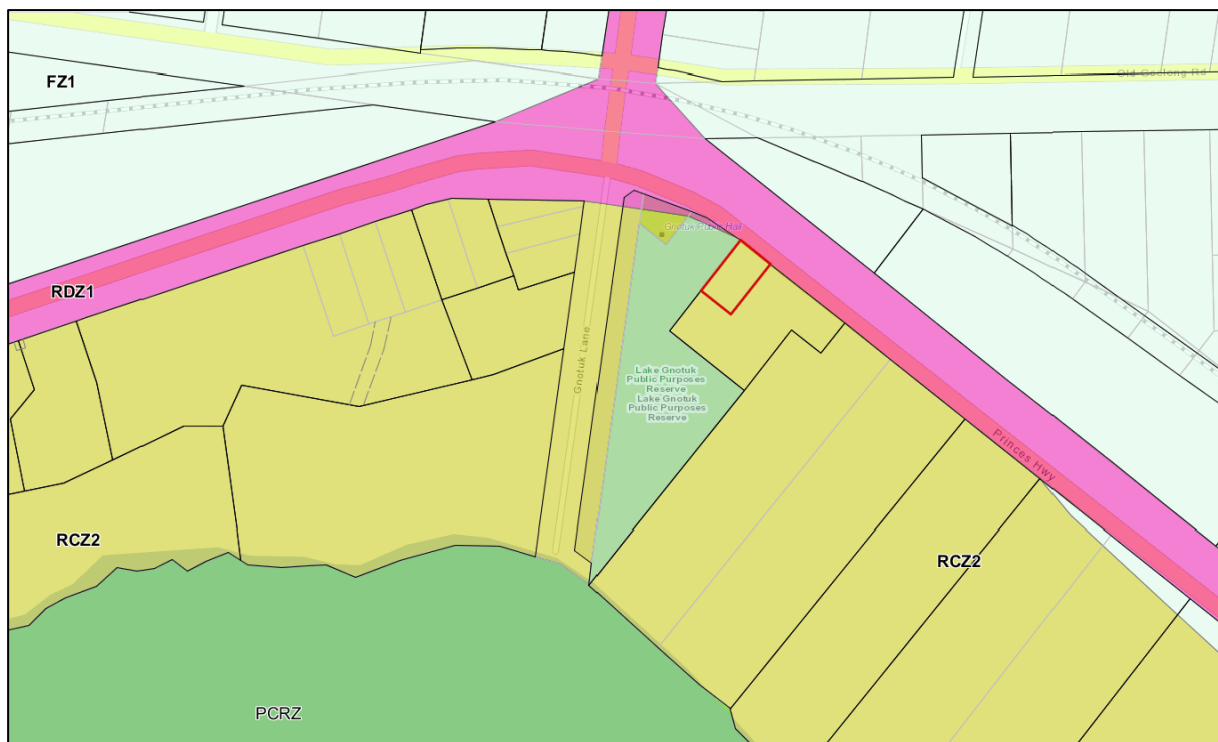


The site is located within Lake Gnotuk crater rim. The land is zoned Rural Conservation Zone – Schedule 2 and is covered by the Environmental Significance Overlay - Schedule 1 Significant Landscape Overlay – Schedule 1.

### ***Surrounding Area***

Land use characteristics within the surrounding area include:

- The subject site and surrounding land are mostly used for rural residential living, with some lots being used for agriculture.
- Properties south of the highway and within the Lake Gnotuk crater rim are in the Rural Conservation Zone – Schedule 2, Environmental Significance Overlay - Schedule 1 and Significant Landscape Overlay – Schedule 1.
- Directly west of the subject site is the Lake Gnotuk Public Purpose Reserve in the Public Park and Recreation Zone.
- Land to north of Princes Highway is in the Farming Zone – Schedule 1.
- The topography of the land is relatively flat and decreases sharply toward the lake crater at the rear of the site.
- Camperdown town centre is approximately 4km from the subject site, travelling west along the Princes Highway.
- The nearest dwelling in separate ownership is approximately 25 m south of the proposed unit location and further within the volcanic crater.



**Figure 1: Planning Zone Map**



Figure 2: Aerial image showing subject site

### *Proposal*

This application seeks approval for the use and development of land for group accommodation and removal of vegetation. This includes the placement of a single self-contained unit onto the land to provide accommodation for guests.

### Design

The proposed unit is a relocatable building, 6.25 m wide by 8.6 m long. A deck will be constructed to the north and south elevations of the building.

The proposed unit will have a total building footprint of 96.75 m<sup>2</sup>. The roof is a gable design and the wall height is 2.9 m at the eaves and 3.7 m at the highest point of the roof. The external wall cladding is hardiplank weatherboard in a light cream colour, and the roof will be corrugated iron in a light colour.

The floor layout plan comprises a single bedroom with ensuite, laundry and open kitchen and living area.

### Siting

The proposed unit is to be sited 7.9 m behind the existing garage and approximately 50 m south of the boundary adjoining the Princes Highway. The unit will be 6.2 m from the eastern boundary and 11.6 m from the southern boundary.

### Access and car parking

Access to the property is off the Princes Highway via an existing driveway. This will remain unchanged.

A car parking space for guests will be located on the eastern side of the existing garage.

#### Vegetation Removal

No native vegetation is proposed to be removed. Four (4) introduced species will be removed in order to clear the building site.

The applicant proposes to plant a mix of Red Robin and Lilly Pilly plants along the eastern boundary for landscaping should the development be approved.

#### **Policy and Legislative Context**

##### ***Zoning***

The site is in the Rural Conservation Zone – Schedule 2. A permit is required to use and develop land for group accommodation.

The purpose of the zone is to protect and enhance the natural environment and encourage use and development which is consistent with sustainable land management practices, taking into account the conservation values and environmental sensitivity of the area.

##### ***Overlays***

###### Environmental Significance Overlay - Schedule 1

A permit is required to construct a building and carry out works. A permit is also required to remove vegetation, including non-vegetation under this overlay.

The overlay identifies areas where the development of land may be affected by environmental constraints and seeks to ensure that development is compatible with identified environmental values of the area.

###### Significant Landscape Overlay - Schedule 1

A permit is required to construct a building and carry out works in this overlay.

The purpose of the overlay is to identify significant landscapes and conserve and enhance the character of these landscapes. Lake Gnotuk and Lake Bullen Merri and their surrounds are both recognised for their scientific, environmental and landscape significance. Schedule 1 to the Significant Landscape Overlay sets out landscape character objectives to be achieved when considering applications for development.

##### ***Planning Policy Framework (including Municipal Strategic Statement and local policy)***

The following clauses from the Planning Policy Framework (PPF) are considered relevant to this permit application:

###### Clause 11 Settlement

*11.01-1S 'Victoria – Settlement'*

*11.01-1R 'Victoria - Settlement – Great South Coast'*

*11.03.5S 'Planning for Places - Distinctive areas and landscapes'*

###### Clause 12 Environmental and Landscape Values

*12.03-1S 'Water Bodies and Wetlands - River corridors, waterways, lakes and wetlands'*

*12.05-1S 'Significant Environments and Landscapes - Environmentally sensitive areas'*

*12.05-2S 'Significant Environments and Landscapes – Landscapes'*

###### Clause 13 Environmental Risks and Amenity

*13.02-1S 'Bushfire - Bushfire planning'*

Clause 14 Natural Resource Management

*14.02-1S 'Water - Catchment planning and management'*

Clause 15 Built Environment and Heritage

*15.01-6S Built Environment - Design for rural areas*

Clause 17 Economic Development

*17.01-1S 'Employment - Diversified Economy'*

*17.01-1R 'Employment - Diversified economy – Great South Coast'*

*17.04-1S 'Tourism - Facilitating tourism'*

*17.04-1R 'Tourism – Great South Coast'*

Clause 18 Transport

*18.01-2S Integrated Transport - Transport system*

Clause 21: Municipal Strategic Statement (MSS)

*21.01-1 'Municipal Profile'*

*21.01-2 'Key Issues and Influences'*

*21.01-3 'Vision and Strategic Framework Plan'*

*21.03-2 'Landscapes'*

*21.03-4 'Catchments, Waterways and Wetlands'*

*21.04-2 'Economic Development – Tourism'*

*21.05-2 'Transport'*

*21.06-1 'Local Areas – Camperdown'*

***Particular Provisions***

Clause 52.06 Car Parking

There is no number of car parking spaces specified for group accommodation under this clause. The applicant has allowed for one (1) additional car parking space on-site for the new use. This will meet the needs of the proposed use and development and is an acceptable outcome.

Clause 52.29 Land Adjacent to a Road Zone Category 1

The application does not propose to create new access or alter the existing access. Referral to the Department of Transport is not required.

***Clause 65.01 – Approval of an application or plan***

Before deciding on an application or approval of a plan, the responsible authority must consider the decision guidelines as appropriate.

**Internal / External Consultation**

***Referrals***

The following referrals have been undertaken for the application:

Section 52 Notice	Response
Department of Environment, Land, Water and Planning (DELWP)	Does not object to Council issuing a permit.

Internal Department	Response
Environmental Health	<p>Does not object to the proposal.</p> <p>Provided comments on the application regarding on-site wastewater management and potential requirements to register the accommodation use under the Public Health and Wellbeing Act and Food Act.</p>

### ***Advertising***

The application has been advertised in accordance with Section 52 of the *Planning and Environment Act 1987*, by:

- Sending notices to owners and occupiers of adjoining land; and
- Notice on Council's website.

Council has received five (5) submissions, objecting to the application. Key issues raised can be summarised as follows:

- Construction of a new building within crater rim of Lake Gnotuk is not appropriate.
- Proposed building will be visible from within the crater rim.
- Application requirements not met.
- Concerns new use will create additional traffic volume and increase risks of accidents in the area, in particular along the highway at the Gnotuk Lane and Princes Highway intersection.
- Management of wastewater.
- Landscaping required to provide visual screen, to reduce visual impact and provide privacy for neighbouring properties.
- Sets a precedence for future accommodation proposals around the lake.

Copies of the submissions have been provided to the applicant. The applicant has responded to submissions by providing a landscaping plan. A copy of this plan was provided to submitters.

Copies of the objections and landscaping plan are provided under separate cover.

### ***Consultation***

Consultation was undertaken for the application and included:

- Site meeting between the applicant and planning officers to discuss the proposal and the issues raised in submissions. Following this meeting the applicant submitted a landscaping plan to address some concerns raised by objectors.
- In lieu of an on-site planning inspection with Councillors and other parties due to COVID-19 social distancing restrictions, Councillors were provided with an application summary report on 3 April 2020, which summarised the application, planning framework and issues raised by objections.

### ***Assessment***

Assessment of the planning permit application will address how the proposed use and development responds to the relevant sections of the Corangamite Planning Scheme, including the Planning Policy Framework (PPF), zone and overlays.

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***Planning Policy Framework***

The PPF provides support for use and development related to tourism, and the diversification of rural economies to include tourism. The proposal for group accommodation is directly related to tourism and will assist in attracting more visitors to the central area of the Shire and generating additional economic activity in the region.

The PPF also directs the need for all development to be designed so it responds to the surrounding environment and landscape, in particular the identified values of Lake Gnotuk. The proposed building is small in scale and will be sited on the land near an existing building so as not to dominate the landscape further. Landscaping on the subject site will also assist in protecting the significant landscape from being adversely impacted by the proposal.

Consideration must be given to environmental management and the protection of the sensitive environments and waterways, by ensuring development is designed and sited to comply with policy requirements. The subject site is capable of treating and retaining wastewater generated by the proposed use in accordance with EPA standards. Wastewater disposal and stormwater discharge can be managed appropriately on site to ensure that no waste enters the Lake environs.

The subject site is located adjacent to the Princes Highway which is a main transport route in the south west region. Access to the subject site is via a single driveway with direct access to the highway. The site is used by the applicant as their main residence. An additional car parking space will be provided to support the proposed one bedroom accommodation unit. Vehicles can enter and exit the subject site in a forward motion. The additional traffic volume generated by the proposal will be minimal and potential impacts on the highway are considered acceptable.

Whilst a permit would result in a new building of a small and modest scale in the lake crater, this needs to be balanced with economic benefits in supporting local tourism.

Subject to a further assessment of the use and development against the zone and overlay controls, the proposal is supported by the PPF at a State, regional and local level and, on balance, provides an appropriate planning outcome.

***Rural Conservation Zone – Schedule 2***

The RCZ2 recognises the internationally significant environmental and landscape values of the volcanic maar crater containing Lake Gnotuk. In making a decision on this application, the responsible authority is required to consider how the proposal conserves the identified values and responds to environmental and design and siting issues provided in the decision guidelines of the zone.

The subject site is capable of accommodating the proposed accommodation unit, particularly with regard to wastewater management. The wastewater management system will be sited near the proposed building in the existing garden, treating the wastewater on-site, which will avoid any impact of nutrient loads on waterways and native vegetation.

The proposed building will not be visible from the road. It may be partially visible when viewed from across Lake Gnotuk, but due to the building's modest and small scale, the extent of existing vegetation, and the location of the building directly in line with the existing garage, it is considered that there will be no adverse impact to the identified landscape values of Lake Gnotuk. The new building will also be partially obscured and have its visual impact minimised with the existence of an adjoining dwelling inside the crater.

Due to its small scale, the proposed accommodation unit is not considered to have any adverse impact on the environmental and landscape values of the volcanic maar crater containing Lake Gnotuk. The proposal is considered to be suitable for the site, and compatible with the adjoining land uses.

***Environmental Significance Overlay – Schedule 1***

The ESO1 seeks to protect important water bodies, including Lake Gnotuk from inappropriate land use and development. Consideration must be given to the statement of environmental significance and the environmental objectives contained in the schedule in deciding on the application.

The existing use of the subject land is residential. The proposal will provide a supplementary household income for the landowners and additional tourist accommodation in the Camperdown area. The proposed use and development will not create an unacceptable load on the subject land and waste generated by the proposal can be managed onsite. The southern boundary of the site is approximately 320m from the lake edge and the proposal does not present an environmental risk to the lake.

The application seeks approval to remove four non-indigenous trees from the site. The trees will need to be removed to allow for the proposed development. The removal of this vegetation will not have any impact with regard to the purpose of the ESO1 and is an acceptable outcome.

***Significant Landscape Overlay – Schedule 1***

The objectives of the SLO1 seek to protect the visual and environmental quality and character of the crater lakes and their environs, by controlling the visual impact of development. Lake Gnotuk and Lake Bullen Merri and their surrounds are a volcanic feature of international significance. The unique landscape is attractive to both residents and visitors.

Under the overlay, development inside the crater is to be avoided unless there is no alternative suitable site. There is no alternative suitable site for the proposed building. The proposed new building is of minor nature and will not cause an unacceptable landscape impact. Approval of the development would not set a precedent as any future development in the area needs to be assessed on its own merits.

The applicant has sought to minimise the impact of the proposal on the landscape by locating the accommodation building in line with the existing garage at the uppermost extent of the crater. The existing buildings on the land are sited on the outer edge of the crater rim. The proposed building will be approximately 1 m lower in elevation than the garage.

The impact of siting the building at the marginal extent of the crater is acceptable, when taking into account the likely visual impact on Lake Gnotuk and its environs. The proposed building is small, with muted colours and consistent with the surrounding character. Its siting directly below and in line with the existing garage, will effectively replace the existing visual impact of the garage. Therefore, visual impact on the crater will be minimal due to the small scale of the building and use of existing and proposed landscaping. It is considered the proposal will meet the landscape character objectives of the schedule.

***Response to Objection***

Five (5) objections to the application have been received. A copy of submissions is provided under separate cover.

The key issues raised in the objection and an officer response are provided below.

<b>Objection</b>	<b>Officer response</b>
<p>Construction of a new building within crater rim of Lake Gnotuk is not appropriate.</p>	<p><u>Objection not supported</u></p> <p>The current zoning and overlays on the subject site do not prohibit the use and development within the crater rim. A decision must be based on the planning controls.</p> <p>Local policy direction seeks to avoid new development within the lake crater but in this case there is no alternative site for the proposed build.</p> <p>The building is modest in scale and design and will have a negligible effect on the landscape. This must be balanced with support for new tourism opportunities.</p>
<p>Proposed building will be visible from within the crater rim.</p>	<p><u>Objection not supported</u></p> <p>The proposal will not cause an unacceptable visual impact on the landscape. The proposed building is to be grouped with existing buildings on site. Existing and proposed landscaping will assist in screening the building, ensuring the proposed building blends in with the landscape, rather than dominating it, whilst muted and natural colours will manage landscape impacts.</p>
<p>Application requirements were not met.</p>	<p><u>Objection not supported</u></p> <p>The information submitted with the application is sufficient for the planning assessment. The zone and overlay controls applying to the land do not specify any additional application requirements.</p>
<p>Concerns new use will create additional traffic volume and increase risks of accidents in the area, in particular along the highway at the Gnotuk Lane and Princes Highway intersection.</p>	<p><u>Objection not supported</u></p> <p>The proposal is for a single bedroom unit with no change to access location and design. Any increase in traffic will be minor. Issues around road safety and speeds within the area are a separate matter for the Department of Transport.</p>
<p>Management of wastewater.</p>	<p><u>Objection noted</u></p> <p>Council's Environmental Health Unit reviewed the application and do not object to a permit being issued.</p> <p>The existing system must be found to be compliant with the EPA Code of Practice 891.4, before the</p>



Objection	Officer response
	<p>accommodation building can connect to the existing system. Otherwise, the system must be upgraded or replaced accordingly. This will ensure waste generated by the proposal is managed onsite and will not present a risk to Lake Gnotuk and the surrounding environment.</p> <p>Wastewater can be managed appropriately through a permit condition and a separate approvals process.</p>
<p>Landscaping required to provide visual screen, to reduce visual impact and provide privacy for neighbouring properties.</p>	<p><u>Objection noted</u></p> <p>The applicant has provided a landscaping plan with their application. The plan consists of an additional vegetation screen to be planted along the eastern boundary. This will provide additional privacy to the neighbouring dwelling. Existing trees established along the southern boundary and within the south eastern corner of the site will be retained, thus reducing the visual amenity impact the proposed building will have on Lake Gnotuk landscape.</p>
<p>Sets a precedence for future accommodation proposals around the lake.</p>	<p><u>Objection not supported</u></p> <p>Planning approval will not set a precedent for future development. This is not a relevant planning matter. Any future development around or within the lake craters can only be assessed on its merits and based on relevant planning controls.</p> <p>A decision on this proposal must be based on whether the use and development responds appropriately to the current planning controls.</p>

**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 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 the use and development of the land for group accommodation and the removal of vegetation is supported.

The proposal provides an acceptable response to the Planning Policy Framework, Rural Conservation Zone, Environmental Significance Overlay and Significant Landscape Overlay, resulting in the proper and orderly planning of the area.

It is recommended that Council issue a Notice of Decision to Grant a Permit subject to conditions.

## **RECOMMENDATION**

**That Council having caused notice of Planning Permit Application No. PP2020/006 to be given under Section 52 of the *Planning and Environment Act 1987*, pursuant to Section 64 of the *Planning and Environment Act 1987*, decides to issue a Notice of Decision to Grant a Permit under the provisions of the Corangamite Planning Scheme in respect of the land known as Crown Allotment 1F Section 6 Parish of Colongulac, 4795 Princes Highway, Gnotuk for the Use and development of land for group accommodation and removal of vegetation (four non-indigenous trees), subject to the following conditions:**

### **Layout Not Altered**

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

### **Materials and Colours**

- 2. The external finishes of the development (including walls and roof materials) must be constructed in muted, non-reflective materials and tones which blend in with the landscape of the area to the satisfaction of the Responsible Authority.**

### **Stormwater Management**

- 3. All stormwater discharge generated by the development must be contained on site, or conveyed to a legal point of discharge, to the satisfaction of the Responsible Authority.**

### **No Polluted and/or Sediment Laden Run -Off**

- 4. No polluted or sediment laden run-off is to be discharged directly or indirectly into Council drains or watercourses. Construction must follow sediment control principles outlined in Construction Techniques for Sediment Pollution Control (EPA, 1991).**

### **Wastewater Management**

- 5. The building must be connected to a reticulated sewerage system or if not available, the wastewater must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.**

### **Water Supply**

- 6. The building must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purpose.**

### Electricity Supply

7. The building must be connected to a reticulated electricity supply or have an alternative energy source.

### Landscaping

8. Within six (6) months of completion of the development, or at a later date approved in writing by the Responsible Authority, the landscaping works as shown on the endorsed plans must be completed.
9. The landscaping must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

### Permit Expiry

10. This permit will expire if one of the following circumstances applies:
  - (a) The development is not started within two years of the date of this permit
  - (b) The use is not commenced and the development is not completed within four years of the date of this permit

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards.

## **COUNCIL RESOLUTION**

**MOVED:** *Cr Gstrein*

**SECONDED:** *Cr Durant*

That Council, pursuant to Section 65 of the *Planning and Environment Act 1987*, resolve to Issue a Notice of Refusal to Grant a Permit under the provisions of the Corangamite Planning Scheme for the Use and development of land for group accommodation and removal of vegetation (four non-indigenous trees) on land known and described as 4795 Princes Highway Gnotuk VIC 3260 (Crown Allotment 1F Section 6 Parish of Colongulac), based on the following grounds:

### Grounds of Refusal

1. The use and development does not provide an acceptable outcome or net community benefit in terms of the Planning Policy Framework.
2. The use and development does not provide an acceptable response to Local Planning Policy Clause 21.03-2 Landscapes, which recognises the significance of Lake Gnotuk and its surrounds and seeks to protect the landscape by ensuring new development is sited outside the crater rim.

3. The use and development is inconsistent with the landscape character objectives and permit requirements of the Significant Landscape Overlay (Schedule 1 – Volcanic Landscape Area).
4. The proposal does not provide an acceptable response to the Rural Conservation Zone (Schedule 2).
5. The use and development will not result in the proper and orderly planning of the area.

**CARRIED**

**Attachments**

1. Planning Permit Application PP2020/006 - Under Separate Cover
2. DELWP Response to Application PP2020/006 - Under Separate Cover
3. Objections to Application PP2020/006 - Under Separate Cover
4. Applicant Response to Objections - Landscaping Plan - Under Separate Cover
5. Photos Subject Site and from Surrounding Locations - Under Separate Cover

Having declared an indirect conflict of interest by indirect financial interest in Agenda item 9.2, Cr R. Gstrein left the meeting at 7.26 pm.

## **9.2 Planning Permit Application PP2019/140 - Buildings and Works for Construction of Three (3) Dwellings, Four (4) Lot Subdivision and Reduction of Car Parking - 28 Lord Street Port Campbell**

**Author:** Aaron Moyne, Manager Planning and Building Services

**File No:**

**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 - Aaron Moyne

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

### **Summary**

Council must consider a planning permit application seeking approval for construction of three (3) dwellings, four (4) lot subdivision and reduction of car parking at 28 Lord Street, Port Campbell.

Three (3) submissions have been received for the application, each objecting to the proposal.

Following an assessment of the application, it is recommended that Council issue a Notice of Decision to Grant a Permit, subject to conditions.

### **Introduction**

Planning Permit Application PP2019/140 was received by Council on 25 November 2019 and seeks approval for Buildings and Works for Construction of Three (3) Dwellings, Four (4) Lot Subdivision and Reduction of Car Parking.

Public notice of the application was given and Council has received three (3) objections, which raise the following issues:

- Development scale, design and height
- Site works and retention (including cut and fill)
- Overlooking
- Impacts on views
- External lighting
- Stormwater management
- Devaluation of land
- Restrictions on development of adjoining residential properties.

This report provides a planning assessment of the application.

### ***History***

The subject site contains an existing building used as a food and drink premises (Grassroots Café) with frontage to Lord Street.

Amendment C44 approved in February 2019 corrected zone and overlay anomalies within the Corangamite Planning Scheme. The Amendment rezoned a small portion at the rear of the site from General Residential Zone to Commercial 1 Zone, bringing the land into one zone, and updated the Design and Development Overlay schedule for the site to reflect its use.

### ***Subject Land***

The site is located within the commercial centre of Port Campbell with a total area of approximately 1346m<sup>2</sup> and contains:

- An existing building used as a food and drink premises (Grassroots Café)
- Shop frontage to Lord Street containing outdoor dining
- Single vehicle crossover along a side driveway to the rear of the site
- Vacant land to the rear of the café with informal on-site car parking.

### ***Surrounding Area***

The main land use characteristics within the surrounding area include:

- The site and surrounding land form part of the Port Campbell commercial precinct, located centrally within the township.
- Lord Street is the main vehicular and pedestrian link within centre of Port Campbell and connects the foreshore and bay area with the Great Ocean Road.
- Existing on-street car parking is available within Lord Street and other surrounding streets, including Cairns, Morris and Tregea Streets.
- Land in the Commercial 1 Zone (C1Z) of Lord Street contains a mix of commercial, retail, food and drink and accommodation uses.
- Directly adjoining the site to the south-west is an existing two (2) storey building, with planning approval for a microbrewery development, but currently used temporarily as a food and drink premises.
- Further west of the site is the Port Campbell bay and foreshore, which includes on-street car parking and a grassed open space area.
- South of the site is land located within the General Residential Zone (GRZ) with frontage to Hennessy Street, which forms part of the Port Campbell residential area, containing single dwellings and outbuildings on lots.



Figure 1: Planning Zone Map



Figure 2: Aerial Map

***Proposal***

The application proposes the development of three (3) two-storey dwellings, four (4) lot subdivision and a reduction of car parking at 28 Lord Street, Port Campbell.

Dwellings

The proposed dwellings will each be two-storey with an overall maximum height of 8.4m above ground level (AGL).

Unit 1

Will have a total building footprint of 206.8m<sup>2</sup> and incorporate two (2) bedrooms.

Unit 2

Will have a total building footprint of 203.8m<sup>2</sup> and incorporate two (2) bedrooms.

Unit 3

Will have a total building footprint of 178.7m<sup>2</sup> and incorporate one (1) bedroom.

Each dwelling will contain an open plan kitchen, living and dining room with direct access to private open space at the rear and a first-floor balcony on the northern frontage.

The dwellings have been designed to incorporate a modulated built form with pitched skillion roofing, Hebel external walls in classic cream, Colorbond shale grey roof and timber decking.

Construction of the dwellings will require excavation works to be undertaken at the rear of the site, due to the topography of the land. These works will include new engineered retaining walls along the southern boundary.

Vehicular access will be provided via a single width sealed driveway from Lord Street, to allocated car spaces for each of the dwelling and two (2) spaces for the existing food and drink business.

Subdivision

The proposed four (4) lot subdivision will include:

- Lot 1 – with an area of 549m<sup>2</sup> incorporating the existing commercial premises fronting Lord Street and two (2) car spaces at the rear of the existing building, accessed via the common property driveway.
- Lot 2 – with an area of 179m<sup>2</sup> and incorporating the dwelling of Unit 1.
- Lot 3 – with an area of 168m<sup>2</sup> and incorporating the dwelling of Unit 2.
- Lot 4 – with an area of 141m<sup>2</sup> and incorporating the dwelling of Unit 3.
- Common property between the four lots for vehicular access from the driveway.

Car Parking

The proposal provides two (2) car parking spaces per unit and two (2) on-site car parking spaces associated with the existing café (food and drink premises).

Based on the floor area of the existing café, eight (8) car parking spaces are required to be provided on-site. A reduction of six (6) on-site spaces is sought.

A copy of the permit application is provided for review under separate cover.



## **Policy and Legislative Context**

### ***Zoning***

The site is located within the Commercial 1 Zone which requires a permit to develop the three (3) proposed dwellings and subdivide the land.

The zone seeks to establish mixed use commercial centres and to provide for residential uses at densities relative to the role and scale of the commercial centre

Decision guidelines are provided addressing both subdivision and building and works.

### ***Overlays***

The site is located within Design and Development Overlay (Schedule 2) which requires a planning permit for the development and subdivision.

DDO2 applies to the Port Campbell Commercial Precinct and provides design objectives to protect the existing coastal character and identity of Port Campbell, whilst ensuring that new development is well-designed and responsive to its surrounds.

DDO2 includes decision guidelines aimed at addressing design objectives, scale and density of new development.

### ***Planning Policy Framework (including Municipal Strategic Statement and local policy)***

The following clauses from the PPF are relevant to this permit application:

#### Clause 11 Settlement

- Clause 11.01-1S Settlement
- Clause 11.01-1R Settlement – Great South Coast
- Clause 11.03-1S Activity Centres
- Clause 11.03-4S Coastal Settlement
- Clause 11.03-5R The Great Ocean Road Region

#### Clause 13 Environmental Risks and Amenity

- Clause 13.02-1S Bushfire Planning
- Clause 13.05-1S Noise Abatement

#### Clause 15 Built Environment and Heritage

- Clause 15.01-1S Urban Design
- Clause 15.01-2S Building Design
- Clause 15.01-3S Subdivision Design
- Clause 15.01-5S Neighbourhood Character

#### Clause 16 Housing

- Clause 16.01-1S Integrated Housing
- Clause 16.01-2S Location of Residential Development
- Clause 16.01-3S Housing Diversity
- Clause 16.01-3R Housing Diversity – Great South Coast

#### Clause 18 Transport

- Clause 18.02-4S Car Parking

Clause 21 Municipal Strategic Statement

- Clause 21 Municipal Profile
- Clause 21.02 Settlement, Built Form and Heritage
  - Clause 21.02-1 Township Settlement – seeks to encourage infill residential development within existing townships.
  - Clause 21.02-3 Built Form and Urban Design – promotes development which provides for good urban design outcomes and recognises local character.
- Clause 21.06 Local Areas
  - Clause 21.06-6 Port Campbell – seeks to protect the scale and identity of Port Campbell by supporting new development that is consistent with local character, along with new infill development within the commercial centre of suitable design. This includes the provision of housing and accommodation at the rear of commercial sites, catering to the needs of residents and visitors.

***Particular Provisions***

Clause 52.06 Car Parking

Requires assessment of car parking for new development and a permit to reduce the number of car parking spaces for the existing food and drink premises use.

Eight (8) car parking spaces are required to be provided on-site, based on the floor area of the existing use. Two (2) on-site spaces are proposed and the application seeks a reduction of six (6) spaces.

**Internal / External Consultation**

***Referrals***

No statutory external referrals were required for the application.

The following internal referral comments have been sought:

Internal Referrals	Response
Assets Planning	Comments provided regarding vehicular access and stormwater/drainage management.
Building	No building or construction concerns.

***Advertising***

Notice of the application was given in accordance with Section 52 of the Planning and Environment Act 1987, including:

- Letters to adjoining landowners/occupiers
- Sign on-site
- Council website.

Three (3) submissions have been received, each an objection to the application.

Key issues raised can be summarised as follows:

- Development scale, design and height
- Site works and retention (including cut and fill)
- Overlooking
- Impacts on views
- External lighting
- Stormwater management

- Devaluation of land
- Restrictions on development of adjoining residential properties.

Copies of the submissions were provided to the applicant who provided a response and amended plans on 27 March 2020, which was forwarded to the submitters for review.

Copies of the objections and applicant response are provided under separate cover.

### ***Consultation***

Consultation was undertaken for the application and included:

- Pre-application discussions before lodgement of the planning permit application.
- A request for further information made on 17 December 2019 seeking a response to address Clause 52.06 car parking requirements.
- Following notice, further discussions were held with the applicant and landowner regarding a response to issues raised in the submissions and progress for a decision.
- In lieu of an on-site planning inspection with Councillors and other parties due to COVID-19 social distancing restrictions, Councillors were provided with an application summary report on 3 April 2020, which summarised the application, planning framework and issues raised by objections.

### **Assessment**

Assessment of the planning application will address how the proposed development responds to the relevant provisions of the Corangamite Planning Scheme, including the Planning Policy Framework (PPF), zone, overlay and car parking controls.

The application is for new infill residential development within Port Campbell. The subject site is situated within the commercial centre of Port Campbell which contains a mixture of commercial, business, retail and accommodation uses. New development of this nature is supported, catering for the needs of residents and visitors and to meet growing tourism demands.

Key issues in the assessment of the application will focus on the design and scale of the proposed development in response to the coastal village character of Port Campbell and maintaining the amenity of adjoining residential properties.

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

The PPF supports the establishment of vibrant and diverse commercial areas that are accessible to the community and meet local needs. This includes supply of mixed housing types and densities. Port Campbell is identified within the Great South Coast Regional Growth Plan as a 'district town' with capacity to support new development.

New development is encouraged by the PPF where it provides safe and functional urban environments that incorporate good building design and contribute positively within the local context and enhance the surrounding area.

Key policy directions which support development and consolidation of commercial centres with accommodation types and new infrastructure to cater for tourism and visitor needs, must

be balanced against suitable building design and the protection of local character and amenity.

At a local level, the PPF supports the need to provide infill residential development within existing settlements and promote development which provides for good urban design outcomes and recognises local character. Within Port Campbell, this includes the provision of new dwellings and accommodation within the commercial centre to cater for the needs of both residents and visitors, whilst requiring new development to provide for innovative and responsive design outcomes that manage local character and the natural setting.

Port Campbell is a key tourism town along the Great Ocean Road and referred to within the Shipwreck Coast Master Plan as the 'heart' of the Shipwreck Coast. It is vital that new development provides quality facilities to enhance local values.

The proposal is supported within the PPF at a State, regional and local level catering for infill development that will increase Port Campbell's capacity meet future residential and visitor needs. The proposal carries policy support and will provide for an appropriate planning outcome.

### ***Commercial 1 Zone***

The purpose of the zone is to create a mixed-use commercial centre, whilst providing for residential uses complementary to the role and scale of the area.

The site contains a commercial use by way of the existing food and drink premises (Grassroots Café) which has frontage to Lord Street. The proposed development for three (3) dwellings will occur at the rear of the site and supports the future mixed use of the site, with the commercial premises retained. The development will maintain an integrated streetscape and the commercial nature of the area.

Access to the site can be adequately provided via an existing crossover and sealed driveway, with provision of on-site car parking for each dwelling and the commercial premises, whilst the site can connect to existing services.

The development has been assessed against the relevant objectives and standards of Clause 55 (Two or more dwellings on a lot and residential buildings) and will provide an outcome achieving good building design, respect to local character and protection of amenity.

The mixed-use development of the site is consistent with the purpose of the zone and will result in an acceptable design outcome.

### ***Design and Development Overlay (Schedule 2)***

DDO2 applies to the site and the broader Port Campbell Commercial Precinct and provides design objectives to protect the existing coastal character and identity of Port Campbell, whilst ensuring that new development is well-designed and responsive to its surrounds.

In response to the relevant design objectives, the following comments are made:

- The proposal will result in new built form at the rear of the site that will generally be greater in bulk and scale than its existing surrounds. However, this must be considered within the mixed built form context of the area, including existing nearby two-storey buildings and adjoining residential properties elevated above the site.

- The commercial area of Port Campbell contains a mix of building design with no evident or distinct character. The contemporary and modulated design of the development will match the mixed character and contribute to building diversity within the area.
- The siting and design at the rear of the site, along with the presence of the existing commercial building at the property frontage, will mitigate any visual impact the development may cause and maintain an integrated streetscape.
- The development will provide an acceptable design outcome that responds to the specific characteristics of the site, through the use of articulated built form, modulated design and external materials that will minimise bulk and scale and is appropriate within the context of the area.
- The development is responsive to the physical characteristics of the site by incorporating external articulation and a low-profile roof form, along with site works comprising cut and fill that will reduce the overall scale and appearance, minimising impacts on adjoining residential land.
- The building design responds to the local topography and nature of the area and provides for retained view sharing from the residential properties located east of the site to the Port Campbell bay and cliffs.
- External materials and colours to be used in the development will incorporate natural and muted tones which are appropriate and consistent with Port Campbell's coastal character, whilst on-site landscape will manage the presence of the development.

***Clause 52.06 Car Parking***

Based on the floor area of the existing café, eight (8) car parking spaces are required to be provided on-site. A reduction of six (6) on-site spaces is sought as a result of the development and subdivision.

Two (2) car spaces will be provided on separate lots to each dwelling and additionally at the rear of the existing commercial premises.

The development is unlikely to increase on-street parking demand within Port Campbell. The planning scheme car parking rates are State standards and do not reflect local characteristics of Port Campbell.

Customers already attending the existing business do not park on-site and instead utilise existing on-street parking supply. With available on-street car parking within Lord Street and other surrounding streets, a sufficient parking supply is provided to cater for the proposed reduction associated with an existing business.

***Response to Objections***

Three (3) objections to the application have been received. A copy of the submissions are provided under separate cover.

The key issues raised in the objections and an officer response are provided below.

<b>Objection</b>	<b>Officer response</b>
Development scale, design and height	<u><i>Objection not supported</i></u> Plans prepared for the development have been designed to respond to the site, topography and surrounds, incorporating building articulation and modulation, setbacks, a low-profile roof and external materials to

Objection	Officer response
	reduce the bulk and scale. Site works will also reduce the overall building height and limit the impact on adjoining residential properties, whilst the development is appropriate within its commercial context at the rear of the site. The built form will not adversely affect or change the character of the area.
Site works and retention (including cut and fill)	<u><i>Objection not supported</i></u> Works to undertake cut and fill and construct retaining walls are proposed to manage the physical conditions of the site and help reduce the overall height of the built form. This is an appropriate planning response. Detailed design, engineering and construction requirements for the retaining walls will be addressed through the building permit process, to ensure structural integrity and construction standards are met.
Overlooking	<u><i>Objection not supported</i></u> The development will not result in overlooking into secluded private open space or habitable rooms of any existing dwelling. Whilst adjoining elevated residential properties may have some indirect views into the rear courtyard areas of the dwellings, this will be mitigated by proposed site works and stepped retaining walls.
Impacts on views	<u><i>Objection not supported</i></u> VCAT have consistently held that there is no right to a view and this is not a relevant planning consideration. However, DDO2 which applies to the site seeks to provide for building design which achieves view sharing. The plans prepared consider the surrounding landscape and built form, and will adequately achieve a design outcome which maintains views across the site to the Port Campbell bay, to be retained by adjoining residential properties.
External lighting	<u><i>Objection not supported</i></u> External lighting is a standard component of any development. The applicant has confirmed that external lighting will be baffled to minimise any light spill or impact on adjoining properties. A standard condition will be included on any permit to this effect.
Stormwater management	<u><i>Objection not supported</i></u> A Stormwater Management Plan has been submitted with the application and reviewed by Council's Assets Planning Unit who accept the design. All stormwater from the development will be diverted into the Lord Street drainage system or retained on-site through soakage pits.
Devaluation of land	<u><i>Objection not supported</i></u> Financial impacts and land devaluation is not a relevant planning consideration. Planning assessment must instead focus on the design of the development within its physical context and having regard to the relevant planning controls.

Objection	Officer response
Restrictions on development of adjoining residential properties	<p><i>Objection not supported</i></p> <p>Assessment of the development is limited to the merits of the proposal. It is beyond the scope of any planning assessment to consider future development on adjoining land. Development applications on adjoining land can only be considered on a case by case basis as proposed and based on the planning controls in place at that time.</p>

### 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 recommendation (Recommended option), enabling a future mixed-use development of the site with residential and accommodation options.
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 buildings and works for construction of three (3) dwellings, four (4) lot subdivision and reduction of car parking is supported by the relevant policy direction and planning controls of the Corangamite Planning Scheme. In particular, local policy directly seeks to provide for new dwellings and accommodation types, catering for both the needs of residents and visitors to Port Campbell, and meeting growing tourism demands.

The proposal responds appropriately to the purpose and decision guidelines of the Commercial 1 Zone and the Design and Development Overlay (Schedule 2), and will result in a proper and orderly planning outcome.

Issues raised within submissions for the application have been reviewed as part of this assessment and do not raise any matters that would lead to an unacceptable planning outcome.

It is recommended that Council issue a Notice of Decision to Grant a Permit, subject to conditions.

### RECOMMENDATION

**That Council having caused notice of Planning Permit Application No. PP2020/006 to be given under Section 52 of the *Planning and Environment Act 1987*, pursuant to Section 64 of the *Planning and Environment Act 1987*, decides to issue a Notice of Decision to Grant a Permit under the provisions of the Corangamite Planning Scheme in respect of the land known as Lot 1 TP 126166Y, 28 Lord Street, Port Campbell, for Buildings and Works for Construction of Three (3) Dwellings, Four (4) Lot Subdivision and Reduction of Car Parking, subject to the following conditions:**

**Development 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.

**Stormwater Management and Drainage**

2. The permit holder must construct, at no cost to the Responsible Authority, all works as shown in the approved Stormwater Management Report (Greening Structural & Civil Consulting Engineers, Job No. 19-245, 21 October 2019), to the satisfaction of the Responsible Authority.
3. All stormwater and surface water discharging from the buildings and works approved by this permit must be retained on site or conveyed to the legal point of discharge to the satisfaction of the Responsible Authority.

**External Materials and Colours**

4. The external finishes of the development (including walls and roof materials) must be constructed in muted, non-reflective materials and tones which blend in with the surrounding character and landscape of the area, to the satisfaction of the Responsible Authority.

**Construction Management**

5. The development must be managed so that the amenity of the area is not detrimentally affected, through the:
  - (a) Transport of materials, goods or commodities to or from the land;
  - (b) Appearance of any buildings, works or materials;
  - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil, or otherwise;
  - (d) Presence of vermin.
6. The permit holder must use appropriate site management practices to prevent the transfer of mud, dust, sand or slurry from the site into drains or onto nearby roads and properties. In the event that a road, drain or adjoining property is affected, the owner must, upon the direction of the Responsible Authority, take the necessary steps to clean the affected portion of the road or drain, to the satisfaction of the Responsible Authority.

**External Lighting**

7. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.

**Landscaping**

8. Within six (6) months of the completion of the development, or within the next applicable planting season, whichever is the earlier, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping must thereafter be maintained to the satisfaction of the Responsible Authority.



**Subdivision Conditions:**

**Subdivision layout not altered**

9. The layout and site dimensions of the proposed subdivision as shown on the endorsed plans shall not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plans.

**Referral of the plan of subdivision**

10. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

**Easements**

11. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

**Utilities**

12. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.

**Telecommunications**

13. The owner of the land must enter into an agreement with:
- (a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
  - (b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
14. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
- (a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
-

- (b) A suitably qualified person for the provision of fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

**Public Open Space Contribution**

15. Before the issue of a statement of compliance under the Subdivision Act 1988, the applicant or owner must pay to the Responsible Authority a public open space contribution of five (5) per cent of the net developable area of land in accordance with the requirements of the Corangamite Planning Scheme and Section 18 of the Subdivision Act 1988.

**Referral Authority Conditions**

**Powercor**

16. The plan of subdivision submitted for certification under the Subdivisions Act 1988 must be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.
17. The applicant shall:
- (a) Provide an electricity supply to all lots in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor (a payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.
  - (b) Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.
  - (c) Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
  - (d) Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
  - (e) Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the location.
  - (f) Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.
-

- (g) Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Power Line" pursuant to Section 88 of the Electricity Industry Act 2000.
- (h) Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.
- (i) Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.
- (j) Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.
- (k) Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.

**Wannon Water**

- 18. The provision, at the developers cost, of the required water supply works necessary to serve the proposed development and each of the lots created by the Plan of Subdivision.
- 19. The provision, at the developers cost, of the required sewerage works necessary to serve the proposed development and each of the lots created by the Plan of Subdivision.
- 20. The works are to be constructed and acceptance tested under the supervision of a consulting engineer in accordance with the plans and specifications approved by Wannon Water.
- 21. The developer is to enter into an agreement with Wannon Water for the payment of the new customer contributions and subdivision fees applicable to the lots created.
- 22. Easements and/or other notations are to be shown on the endorsed plan to the satisfaction of Wannon Water for the provision of both existing and proposed water and/or sewerage services.
- 23. The plan of subdivision submitted for certification must be referred to Wannon Water in accordance with Section 8 of the Subdivision Act 1988.
- 24. The developer is to ensure all proposed buildings (or any overhang) and other infrastructure are clear of existing sewer easements and at least 1 metre horizontally clear of the outside edge of existing sewers and water mains on or adjacent to the property.
- 25. The developer entering into an agreement with Wannon Water for the payment of the new customer contributions applicable to the proposed development.

26. The developer obtaining the necessary consents and approvals for:
- (a) Alteration to or connection of on-site plumbing.
  - (b) Changes to the natural surface levels that result in a portion of the building or allotment not being able to be provided with gravity services.
  - (c) The placement of fill or cutting (benching) over existing sewers or sewerage easements on the property.

**Permit Expiry**

27. This permit will expire if one of the following circumstances applies:
- (a) The development has not started and the plan of subdivision have not been certified within two (2) years of the date of this permit.
  - (b) The development is not completed within four (4) years of the date of this permit.
  - (c) A statement of compliance is not issued within five (5) years of the date of certification.

In accordance with section 69 of the *Planning and Environment Act 1987*, an application may be made to the Responsible Authority to extend the periods referred to in this condition.

**Permit Notes:**

1. Further approval from Council's Assets Planning Unit will be required before works in Lord Street can commence.
2. ResCode requirements of Clause 55 have been assessed as part of this application. Any further changes to building design from that approved by the planning permit will require further consent from the Responsible Authority.

**COUNCIL RESOLUTION**

**MOVED:** *Cr Illingworth*

**SECONDED:** *Cr Beard*

That Council having caused notice of Planning Permit Application No. PP2019/140 to be given under Section 52 of the *Planning and Environment Act 1987*, pursuant to Section 64 of the *Planning and Environment Act 1987*, decides to issue a Notice of Decision to Grant a Permit under the provisions of the Corangamite Planning Scheme in respect of the land known as Lot 1 TP 126166Y, 28 Lord Street, Port Campbell, for Buildings and Works for Construction of Three (3) Dwellings, Four (4) Lot Subdivision and Reduction of Car Parking, subject to the following conditions:

**Development 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.

**Stormwater Management and Drainage**

2. The permit holder must construct, at no cost to the Responsible Authority, all works as shown in the approved Stormwater Management Report (Greening Structural & Civil Consulting Engineers, Job No. 19-245, 21 October 2019), to the satisfaction of the Responsible Authority.
3. All stormwater and surface water discharging from the buildings and works approved by this permit must be retained on site or conveyed to the legal point of discharge to the satisfaction of the Responsible Authority.

**External Materials and Colours**

4. The external finishes of the development (including walls and roof materials) must be constructed in muted, non-reflective materials and tones which blend in with the surrounding character and landscape of the area, to the satisfaction of the Responsible Authority.

**Construction Management**

5. The development must be managed so that the amenity of the area is not detrimentally affected, through the:
  - (a) Transport of materials, goods or commodities to or from the land;
  - (b) Appearance of any buildings, works or materials;
  - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil, or otherwise;
  - (d) Presence of vermin.
6. The permit holder must use appropriate site management practices to prevent the transfer of mud, dust, sand or slurry from the site into drains or onto nearby roads and properties. In the event that a road, drain or adjoining property is affected, the owner must, upon the direction of the Responsible Authority, take the necessary steps to clean the affected portion of the road or drain, to the satisfaction of the Responsible Authority.

**External Lighting**

7. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.

**Landscaping**

8. Within six (6) months of the completion of the development, or within the next applicable planting season, whichever is the earlier, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping must thereafter be maintained to the satisfaction of the Responsible Authority.

**Car Parking**

9. Two (2) car parking spaces must be provided and retained in conjunction with the existing food and drink premises to the satisfaction of the Responsible Authority.

**External Fixtures and Equipment**

10. Plant, equipment, services or architectural features, including antennas or satellite dish, other than those shown on the endorsed plans, must not be located above the roof level of the buildings without the written consent of the Responsible Authority.

**Subdivision Conditions:**

**Subdivision layout not altered**

11. The layout and site dimensions of the proposed subdivision as shown on the endorsed plans shall not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plans.

**Referral of the plan of subdivision**

12. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

**Easements**

13. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

**Utilities**

14. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.

**Telecommunications**

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16. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
- (a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
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**Public Open Space Contribution**

17. Before the issue of a statement of compliance under the Subdivision Act 1988, the applicant or owner must pay to the Responsible Authority a public open space contribution of five (5) per cent of the net developable area of land in accordance with the requirements of the Corangamite Planning Scheme and Section 18 of the Subdivision Act 1988.

**Referral Authority Conditions**

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- (a) Provide an electricity supply to all lots in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor (a payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.
  - (b) Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.
  - (c) Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
  - (d) Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
  - (e) Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the location.

- (f) Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.
- (g) Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Power Line" pursuant to Section 88 of the Electricity Industry Act 2000.
- (h) Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.
- (i) Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.
- (j) Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.
- (k) Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.

#### Wannon Water

- 20. The provision, at the developers cost, of the required water supply works necessary to serve the proposed development and each of the lots created by the Plan of Subdivision.
- 21. The provision, at the developers cost, of the required sewerage works necessary to serve the proposed development and each of the lots created by the Plan of Subdivision.
- 22. The works are to be constructed and acceptance tested under the supervision of a consulting engineer in accordance with the plans and specifications approved by Wannon Water.
- 23. The developer is to enter into an agreement with Wannon Water for the payment of the new customer contributions and subdivision fees applicable to the lots created.
- 24. Easements and/or other notations are to be shown on the endorsed plan to the satisfaction of Wannon Water for the provision of both existing and proposed water and/or sewerage services.
- 25. The plan of subdivision submitted for certification must be referred to Wannon Water in accordance with Section 8 of the Subdivision Act 1988.



26. The developer is to ensure all proposed buildings (or any overhang) and other infrastructure are clear of existing sewer easements and at least 1 metre horizontally clear of the outside edge of existing sewers and water mains on or adjacent to the property.
27. The developer entering into an agreement with Wannon Water for the payment of the new customer contributions applicable to the proposed development.
28. The developer obtaining the necessary consents and approvals for:
  - (a) Alteration to or connection of on-site plumbing.
  - (b) Changes to the natural surface levels that result in a portion of the building or allotment not being able to be provided with gravity services.
  - (c) The placement of fill or cutting (benching) over existing sewers or sewerage easements on the property.

**Permit Expiry**

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

- (a) The development has not started and the plan of subdivision have not been certified within two (2) years of the date of this permit.
- (b) The development is not completed within four (4) years of the date of this permit.
- (c) A statement of compliance is not issued within five (5) years of the date of certification.

In accordance with section 69 of the *Planning and Environment Act 1987*, an application may be made to the Responsible Authority to extend the periods referred to in this condition.

**Permit Notes:**

1. Further approval from Council's Assets Planning Unit will be required before works in Lord Street can commence.
2. ResCode requirements of Clause 55 have been assessed as part of this application. Any further changes to building design from that approved by the planning permit will require further consent from the Responsible Authority.

**CARRIED**

**Attachments**

1. Application Planning Permit PP2019/140 - Under Separate Cover
2. Combined Submissions PP2019/140 - Under Separate Cover
3. Applicant Response to Submissions PP2019/140 - Under Separate Cover

Cr R. Gstrein returned to the meeting at 7.35 pm.

## 10. OFFICERS' REPORTS

### 10.1 Property Leasing Policy Review

**Author:** Wendy Williamson, Property Officer

**File No:**

**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 - Wendy Williamson

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

#### **Summary**

The Property Leasing Policy (the Policy) governs the way in which Council administers the granting of leases and licenses for Council controlled land and buildings. The Policy has been reviewed and updated and is recommended for adoption.

#### **Introduction**

Council owns both community and operational land and manages Crown land where Council is the delegated Committee of Management. The aim of this policy is to establish a framework for Council when developing agreements. This framework is intended to streamline the use of Council land holdings for the benefit of the community and recover costs associated with managing Council assets. The review of the policy has been undertaken considering the *Local Government Act 2020*.

#### **Issues**

The Policy provides a framework by which use of Council property by community groups, commercial entities and other groups will be developed for the benefit of the community and to recover costs associated with managing Council assets, in accordance with Council practices and with relevant legislative requirements.

The policy was last reviewed in 2018 with some minor changes implemented. As part of the 2020 review the following amendments are proposed:

1. Inclusion of reference to the *Local Government Act 2020*
2. The inclusion of reference to the *Local Government (General) Regulations 2004* to the 2015 regulations and future regulations under the *Local Government Act 2020*
3. Update reference for *The Leasing Policy for Crown Land in Victoria* from 2010 to 2018. The objectives of this policy have also been updated to reflect its changes
4. Reference to a new lease document from the Department of Environment Land Water and Planning (DELWP) has been inserted
5. Reference has been included to the matrix which applies to a subsidised rental

6. In the table guide for the development of annual rental and operational cost for the Community Groups and Community Service rental, the following has been included “Annual budgeted fee adjustments will be applicable and will be in accordance with Council's Budgeted Fees and Charges Schedule”
7. Removal of procedural information for inclusion in property procedures documentation
8. Clarity around transfers of lease in relation to airstrip hangars
9. Changes in accordance with DELWP requirements.

### **Policy and Legislative Context**

The property leasing policy has been reviewed in line with Council’s Policy Development Framework.

The Policy is consistent with relevant legislation including the *Local Government Act 1989*, *Local Government Act 2020* and the *Crown Land (Reserves) Act 1978*. The changes to the Local Government Act have been passed by Parliament, with a staged approach to implementation proposed. Council officers have reviewed the changes and updated the policy where applicable in readiness for the staged implementation of the *Local Government Act 2020*.

This policy should be read along with these Acts and other relevant legislation as referred to within the body of the document.

The Property Leasing Policy is also in keeping with the commitments in the Council Plan 2017-2021:

*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.*

The Property Leasing Policy also takes into consideration other Council policies including but not limited to Community Initiated Projects and Essential Safety Measures.

### **Internal / External Consultation**

The Property Leasing Policy is an existing policy that has been reviewed internally by Council’s Facilities and Recreation department and senior officers.

### **Financial and Resource Implications**

There will be no costs to Council associated with the implementation of the review of this policy. Some existing tenants may see an increase in rental fees and other tenants may see a reduction, this would be based on the rental and operating cost subsidy categories as the policy is implemented and when agreements are renewed.

### **Options**

Council may choose to adopt the reviewed Property Leasing Policy as prepared, with amendments, or choose not to adopt the policy.

### **Conclusion**

The review of Council’s Property Leasing Policy was undertaken to ensure that Council has a clear strategic framework for the development of all types of agreements which aligns with

Council practices, to streamline the use of Council land holdings for the benefit of the community, and to recover costs associated with managing Council assets.

## RECOMMENDATION

**That Council:**

- 1. Revokes the Property Leasing Policy dated February April 2018.**
- 2. Adopts the Property Leasing Policy dated April 2020.**

## COUNCIL RESOLUTION

*MOVED: Cr Beard*  
*SECONDED: Cr Brown*

**That the recommendation be adopted.**

**CARRIED**

## Attachments

1. Property Leasing Policy April 2020 with Track Changes - Under Separate Cover
2. Property Leasing Policy April 2020



**CORANGAMITE  
SHIRE**

# Property Leasing Policy

**Corangamite Shire**

April 2020

# Council Policy



## Property Leasing

### Introduction

The property leasing policy is designed to outline and assist the way in which Council administers the granting of leases and licences for Council controlled land and buildings.

Council owns both community and operational land and manages Crown land where Council is the delegated Committee of Management. Council will attempt to streamline the use of its land holdings for the benefit of the community and/or to maximise the amount of revenue received from its assets.

### Purpose

The purpose of this policy is to establish a framework for Council arrangements when developing leases for use of Council property. This framework is intended to maximise the use of Council's community assets in a responsible manner and be consistent with the Council Plan 2017-2021:

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

*Council will make budgetary decisions that ensure 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.*

### Scope

This policy is applicable to all Council owned and occupied land and buildings and where Council acts as Committee of Management on Crown land.

This policy does not apply to premises that are exclusively occupied by Council operated services such as pre-schools, libraries and maternal child health services.

Committees established by Council under the *Local Government Act* are also not considered to be occupants. These Committees operate through a delegation of duties and powers from Council or the Chief Executive Officer.

### References

*Local Government Act 1989 and/or Local Government Act 2020*  
*Local Government (General) Regulations 2015 and/or future regulations*  
*Crown Land (Reserves) Act 1978*  
*Leasing Policy for Crown Land in Victoria 2018*  
*Land Act 1958*  
*Planning and Environment Act 1987 (Vic)*

Adopted at Council on:  
Agenda Item:  
Responsibility: Property Officer  
Document Number: 2012583

Department: Works & Services  
To be reviewed by: 2022  
Policy Number: INFRA 32-05  
Page Number: 2

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Corangamite Shire Council Policy – Property Leasing

*Retail Leases Act 2003*

### **Policy Detail**

#### **1. Laws and Regulations**

There are many laws and regulations that apply to the way in which Council manages its land holdings. A brief summary of the major legislation and regulations governing the granting of leases for Corangamite Shire Council is provided below.

*Local Government Act 1989 and/or Local Government Act 2020*  
*Local Government (General) Regulations 2015 and/or future regulations*

Local Government legislation defines how Council may enter into lease agreements. The main provisions with regards to the leasing of land are defined under Section 190 of the *Local Government Act 1989* and in Section 115 of the *Local government Act 2020*. The Acts and regulations outline the parameters of the power Council has to enter into a lease.

The regulations provide a more detailed definition of how Council may enter into lease agreements.

*Crown Land (Reserves) Act 1978*

The leasing provisions in the *Crown Land (Reserves) Act 1978* are used to authorise a wide range of leases for commercial and non-commercial purposes on reserved Crown land.

Agreements involving Crown land where Council is Committee of Management must be prepared in accordance with the guidelines provided by DELWP. All leases situated on Crown land will use the standard lease agreement as prescribed by DELWP. Initial consent is required by DELWP through a 'Grant and Purpose' request by Council, outlining the proposed terms and conditions of the lease.

Once initial approval is given by DELWP, and the documents have been compiled, signing of the agreement can occur by Council, the tenant and then final approval is given by DEWLP under the *Crown Land (Reserves) Act 1978* by the Minister or their delegate.

*Leasing Policy for Crown Land in Victoria 2018*

The objective of this policy is to provide a framework for the leasing of Crown land by formalising 'Crown Land Leasing Principles' at a State-wide level.

*Land Act 1958*

The *Land Act 1958* involves the sale, grant and occupation of unreserved Crown land, Crown water frontages and government roads in Victoria.

*Planning and Environment Act 1987 (Vic)*

The *Planning and Environment Act 1987* applies to both Crown land and freehold land. This Act outlines the planning use, development and protection of land in Victoria. Occupants need to comply with the Corangamite Shire Planning Scheme and obtain any required planning permits associated with the use and development of leased premises.

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Corangamite Shire Council Policy – Property Leasing

Retail Leases Act 2003

The *Retail Leases Act 2003* governs the way in which retail and commercial premises are leased and will apply to some Council leases .

**2. Types of Tenure**

The Corangamite Shire Council has three main forms of tenure which are used to grant the use of Council land holdings. They are as follows:

Lease

A lease is a contract by which the landlord (owner) grants exclusive use and possession of land to an occupant (lessee), in consideration for a payment (rent) for a specified term and purpose.

Licence

A licence is an agreement that generally allows the non-exclusive use of land for a fixed term to an occupant.

Occupancy Agreement

An occupancy agreement is an agreement that is not a residential tenancy agreement and is not subject to residential tenancies legislation. It will generally apply for an occupancy that occurs for a portion of the year, such as the hire of a venue.

Fees for casual hire will be charged in accordance with the fees and charges set out in Council's Annual Budgeted fees and charges schedule.

**3. Rental and Operating Cost**

There are seven categories based on the extent to which tenants may meet the criteria. Council will make an assessment against this criteria' and the eligibility for rental and operating cost subsidy annually.

Council reserves the right to amend the rental if a tenant gains liquor or gaming licences, or gains access to any similar commercial means of income generation during the life of an agreement.

Council will negotiate rental and operating cost subsidy with eligible tenants after consideration of various factors, including but not limited to the following;

- Consistency with Council objectives, core business and Council Plan
- Location of the property/ building and its commercial nature
- Use of volunteers
- Service and program fees
- Access by Corangamite Shire residents
- Extent of external funding
- History and track record as a Council tenant
- Community benefit
- Service to the community

Council reserves the right to enter into an agreement and negotiate the terms and conditions, maintenance obligations, annual rent and operating subsidy on a case by case basis.

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Corangamite Shire Council Policy – Property Leasing

Application of Rental Subsidy

Consideration will be given to the assessment and calculation of appropriate rental subsidy for those tenants of Council owned or controlled land and buildings whose operations is considered to be Community Service (Category B), Other (Category C) or Commercial/ Private (Category D), and where there is deemed to be a net community benefit. In determining if a further subsidised rental applies refer to the matrix in Document ID 1016612.

The following is provided as an indicative guide to the development of annual rent and operating costs.

Category	Annual Rent & Operating Costs	Eligibility
<p><b>A: Community Groups</b> This type of rental group will include recreation community groups that provide for the community and are readily available to Corangamite Shire Council residents. E.g. sports clubs</p>	<ul style="list-style-type: none"> <li>· Council to provide for municipal rates and charges and ensure compliance with essential safety measures.</li> <li>· The fire services property levy will be passed on to the tenant.</li> <li>· Subsidised rental \$104 (GST exc) per annum. Annual budgeted fee adjustments will be applicable and will be in accordance with Council's Budgeted Fees and Charges Schedule.</li> <li>· Terms and conditions of use and preventative maintenance will be negotiated with the tenant on a case by case basis.</li> <li>· Tenant to provide some maintenance.</li> </ul>	<ul style="list-style-type: none"> <li>· Use approved by Council and</li> <li>· Provides significant community benefit and                             <ul style="list-style-type: none"> <li>· Has limited revenue-raising ability (net of cost of service) e.g. service groups.</li> </ul> </li> <li>· Where the tenant has other substantial income sources raised through fees and charges, recurrent operational grants and funding, or via fundraising the tenant will be assessed at the next rental level.</li> </ul>
<p><b>B: Community Service</b> Organisations in this category will provide a core service to the local community. The group will be reliant on funding and do not have the capacity to generate a significant amount of income. They will not engage in any type of commercial activity. E.g. kindergarten, senior citizens, community house</p>	<ul style="list-style-type: none"> <li>· Rent negotiated based on size, community benefit, terms of use, level of maintenance capacity.</li> <li>· Tenant to be responsible for all municipal rates and charges and utilities.</li> <li>· Council to ensure compliance with essential safety measures.</li> <li>· Terms and conditions of use and preventative maintenance will be negotiated with the tenant on a case by case basis.</li> <li>· The fire services property levy will be passed on to the tenant.</li> <li>· Subsidised rental amount minimum \$104 (GST exc) to maximum \$1275 / 0.05% of property value (CIV) / \$10 / sqm floor space. Annual budgeted fee</li> </ul>	<ul style="list-style-type: none"> <li>· Use approved by Council and</li> <li>· Has revenue raising capacity or receives external funding assistance, e.g. Receives some State Government funding</li> </ul>

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Category	Annual Rent & Operating Costs	Eligibility
	adjustments will be applicable and will be in accordance with Council's Budgeted Fees and Charges Schedule.	
<p><b>C: Other</b> This type of rental group falls on to commercial/ private tendencies but assessments will be made in comparison with Category B: Community Services and the level of funding the group receives and the capacity to generate a significant amount of income.</p>	<ul style="list-style-type: none"> <li>· A commercial rental is based on a market valuation undertaken by the Valuer General or a registered valuer.</li> <li>· All costs incurred by Council will be passed on to the tenant, with the exception of essential safety measures compliance.</li> <li>· Maintenance to be negotiated within the agreement.</li> <li>· Terms and conditions of use and maintenance to be negotiated with the tenant on a case by case basis.</li> </ul>	<ul style="list-style-type: none"> <li>· Use approved by Council and</li> <li>· Provides services that are not targeted to the Corangamite Shire Council community or part of operations includes commercial activities</li> <li>· Has revenue raising capacity or receives external funding assistance, e.g. Receives some State Government funding.</li> </ul>
<p><b>D: Commercial/ Private</b> Commercial leases are leases where the lessee; - Operates a business or, - Undertakes commercial activity, - Obtains income from the lease and/or there is private gain from the use of the premises. Residential tenants and Family Day Care (FDC) Educators also apply to this category.</p>	<ul style="list-style-type: none"> <li>· A commercial rental is based on a market valuation undertaken by the Valuer General or a registered valuer.</li> <li>· All costs incurred by Council will be passed on to the tenant, with the exception of essential safety measures compliance.</li> <li>· Maintenance to be negotiated within the agreement.</li> <li>· In the case of a FDC Educator, the rental will be \$70 per week.</li> </ul>	<ul style="list-style-type: none"> <li>· Use approved by Council and</li> <li>· Provides services that are not targeted to the Corangamite Shire Council community or part of operations includes commercial activities.</li> </ul>
<p><b>E: Crown Land</b> All agreements on Crown Land are subject to the <i>Crown Land (Reserves) Act 1978</i>.</p>	Department of Environment, Land, Water and Planning nominal amount \$104 per annum or full market rent.	<ul style="list-style-type: none"> <li>· Agreements involving Crown land where Council is Committee of Management.</li> </ul>
<p><b>F. Occupancy Agreement</b> This occurs where a venue is hired from Council</p>	Set in accordance with Council's annual fees and charges	Use approved by Council or regular users where Council is manager
<p><b>G. Grazing</b> Other than those permits issued through Local Laws.</p>	<ul style="list-style-type: none"> <li>· A commercial rental is based on a market valuation undertaken by the Valuer General or a registered valuer.</li> </ul>	<ul style="list-style-type: none"> <li>· Use approved by Council and</li> <li>· Provides services that are not targeted to the Corangamite Shire Council community or part of operations includes commercial/ private activities.</li> </ul>

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Category	Annual Rent & Operating Costs	Eligibility
	<ul style="list-style-type: none"> <li>· All costs incurred by Council will be passed on to the tenant.</li> <li>· Maintenance to be negotiated within the agreement</li> <li>· The fire services property levy will be passed on to the tenant.</li> </ul>	

**Table 1: Rental and Operating Cost Subsidy Categories**

**4. Maintenance Responsibilities**

Each tenant is required to maintain the facility in accordance with a maintenance schedule attached to the agreement, using the services of registered and qualified tradespeople to undertake works that require a 'Certificate of Compliance'. Schedules will specify responsibilities of Council and tenant including responsibility for maintaining the structure including the building shell; fit out including fixtures and fittings; and grounds including ground surface. All tenants signing leases following commencement of this policy will be required to contribute towards maintenance of their facility. Generally, this will include responsibility to fully maintain elements related to the function of the facility, such as playgrounds, specialist equipment, tennis courts and the like. The level of maintenance responsibility outlined in the relevant schedule will be determined by the function of the facility, the degree of community benefit, and the tenant's ability to generate revenue. In broad terms maintenance responsibilities are as outlined below in table 2 which should be seen as a general guide only. Specific responsibilities will be negotiated with each tenant taking into account the nature, age and condition of the facility and included in a schedule to that tenant's lease.

Maintenance Definitions

1. Maintain: Clean, keep in good condition and perform incidental maintenance not requiring a skilled tradesperson
2. Repair: Keep in good condition in accordance with Australian Standards. Ensure useful life of the asset is met in accordance with Council's Asset Management Plan for Buildings and Other Structures.
3. Replace: Replace at end of useful life. Replace if broken or damaged beyond repair.
4. Full Maintenance: Clean, maintain, repair, replace. Undertake: carry out specified activity.
5. NA: No maintenance

Guide to Maintenance Responsibility

Council will assess its maintenance responsibility in line with the terms and conditions agreed to with the tenant, the rental category they fall within and those buildings and/or structures which are Council assets (Council owned). Council reserves the right to schedule maintenance or replacement of items in accordance with budget considerations.

Category	Building Component	Tenant Responsibility	Council Responsibility
<b>A: Community Groups</b>	All elements	Maintain	Repair
<b>B: Community Service</b>	Building Shell	Maintain	Repair & Replace

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	Fixtures / Fittings (toilet pans, taps, door furniture)	Maintain	Replace
	Interior Surfaces (painting, carpet, tiling)	Maintain	Replace
	Building Services (water supply, gas, sewerage, electrical)	Maintain	Replace
	Essential services		Full maintenance
	Routine services (gutter cleans,)		Full maintenance
	Grounds (landscape features, external furniture)	Maintain	Replace
	Trees		Full maintenance
	Specialist ground surface and equipment	Full maintenance	
<b>C: Other &amp; D: Commercial/ Private</b>	Building Shell	Maintain	Repair & Replace
	Fixtures / Fittings (toilet pans, taps, door furniture)	Full maintenance	
	Interior Surfaces (painting, carpet, tiling)	Full maintenance	
	Building services (water supply, gas, sewerage, electrical)	Maintain	Replace
	Essential services		Full maintenance
	Routine services (gutter cleans,)	Full maintenance	
	Grounds (landscape features, external furniture)	Full maintenance	
	Trees	Maintain	Replace
	Specialist ground surface and equipment	Full maintenance	
<b>E: Crown Land</b>	As per Category B, C or D depending on type of use		
<b>F. Occupancy Agreement</b>			Full maintenance
<b>G. Grazing</b>	Trees	Maintain	Replace
	Fences & gates	Full Maintenance	
	Grounds (landscape features, external furniture)	Full maintenance	
	Existing infrastructure e.g. Troughs, culverts,	Maintain	Replace

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	access roads and entrances		
	New infrastructure / improvements	Full Maintenance	

**Table 2: Maintenance Responsibilities**

**5. Renewal and End of Lease Arrangements**

In order to ensure that agreements are signed by Council and the lessee on or before the day that the agreement comes into effect and the agreement is held by Council, Council must ensure the timely renewal of agreements.

It is imperative to start the renewal process between 3 to 6 months before the end of the current lease to ensure the best outcome for Council is achieved.

End of Lease

Where the agreement has no option to renew and the lease term is set to end, Council needs to commence negotiations with the tenant to ascertain whether both parties are interested in continuing the arrangement. Should both be willing to enter into a new lease, the lease terms can be negotiated without reference to the current lease, although it is likely that the current lease would be the starting point for negotiations. After seeking a current market rental valuation for the premises, Council should negotiate all of the essential terms of the agreement no less than 6 months before the end of the current lease for commercial arrangements and 3 months before the end of the current lease for all other arrangements. A Tenancy Condition Report will be prepared by Council at the end of each lease renewal.

Lease Renewal

Where the lease contains an option to renew, the option must be exercised strictly in accordance with the lease and the related laws and regulations governing the agencies.

In most cases, the lease terms state to exercise the option:

- There must be no breach of any lease term
- Notice is given to Council between 3 and 6 months before the end of the lease – notice given before or after the time period may not be a valid notice
- Where the option is exercised, the same lease terms apply for the new lease, subject to the rent being adjusted
- Whilst there is no requirement for Council and the tenant to vary any of the other lease terms, there is nothing to prevent the terms being varied where both parties agree.

A Tenancy Condition Report will be prepared by Council at the beginning of each lease renewal.

**6. Terms and Conditions**

The terms and conditions of all Council tenure will be accessed on the nature of the agreement. Additional provisions will be included when necessary to meet specific requirements of Council or the other party involved. The following general terms and conditions should be included when developing an agreement.

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Corangamite Shire Council Policy – Property Leasing

Terms

The terms of the agreement will be assessed on a case by case basis depending on different factors including the occupant, use of the premises and community benefits. However, it shall be noted that all land identified under the *Crown Land (Reserves) Act 1978* must not be leased for more than 10 years (including further terms) unless the Ministers approval has been given. In accordance with the *Local Government Act 1989* and the *Local Government Act 2020* Council may not enter into a lease that exceeds 50 years.

Use of Premises

The use of the premises should be that of the permitted use of the premises only. Any changes will be subject to Council assessment. The premises should not be used for illegal purposes and Council's written consent is needed before any alterations or additions to the premises are made.

Optimum Use of Facilities

Council's goal is to ensure the greatest community benefit and value can be provided by the utilisation of Council's facilities. This is done by encouraging multi use of facilities and tailoring the services provided by tenants to best suit the community.

Rates, Taxes Charges and Outgoings

All rates, taxes, charges, levies and outgoings involved with the establishment, duration and termination of the tenure will reflect Table 1: Rental and Operating Cost Subsidy Categories. This may include municipal rates, service charges and the fire services property levy.

All land is rateable except the following, as summarised, under Section 154 of the *Local Government Act 1989* and in accordance with the *Local Government Act 2020*:

- a) Unoccupied land which is owned by the Crown, Council, public statutory body or trustees appointed under the Act
- b) Land used exclusively for public or municipal purposes
- c) Land used exclusively for charitable purposes
- d) Land which is held in trust for any religious body, which is used as a residence for a Minister or as education and training of persons to be Ministers of religion
- e) Land used for mining purposes
- f) Land held in trust and used exclusively by an RSL, Air Force Association or by the Australian Legion of Ex-Servicemen and Women.

All cultural and recreation lands shall be exempt from the payment of municipal rates, except where:

- The land is subject to a grazing lease, in which case it will attract the general rate or farm rate if applicable
- The land is used for housing gaming machines, in which case the portion of the premises used for housing gaming machines shall attract the commercial rates, and the balance of the property shall be exempt from the payment of municipal rates
- The land is used as a horse racing venue, in which case the property shall attract the cultural and recreational lands rate.

Transfer of Lease

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In the instance whereby a current lease agreement is transferred to another party, Council reserves the right to charge a fee.

Landlord's Installations

A list of all Council installations on the premises or those installed by Council after the commencement of the lease must be noted on the agreement.

Occupant's Installations

A list of all occupant installations installed by the occupant after the commencement of the lease must be noted on the agreement.

Subletting

The occupant must not transfer the lease or sublet the premises without the written consent of Council.

Advertising

Permission must be obtained from Council when seeking sponsorship and conform to all Council policies when erecting commercial advertising or signage.

Accessible Toilets

Accessible toilets in the building are not to be used for storage purposes.

Emergency Procedures

All occupants are requested to have in place and maintain current emergency and evacuation plans and procedures.

Smoking

Smoking in any form is strictly prohibited in all Council owned and managed buildings.

Security

The occupant must inform Council immediately of any key that may be lost. Cost for the replacement of keys will be borne by the occupant.

Test and Tag

The occupant must ensure that any equipment which is supplied and used by the occupant is checked regularly to ensure it is safe to use and is compliant with the Australian Standards, including the test and tag of electrical equipment. Any faults caused to Council's equipment or property will be the responsibility of the occupant. Council can organise the test and tag of equipment if required, however this service will be at the occupant expense.

Essential Safety Measures

In accordance with Council's Essential Safety Measures policy Council will ensure that essential safety standards in Council owned and occupied buildings is maintained and complies with the appropriate regulation, legislation or Australian Standard.

Water and Energy

Tenants are encouraged to minimise water and energy usage.

Consumption of Liquor

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No alcoholic beverage shall be sold at any time without the appropriate permit or licence.

Rent

The rental fee for all agreements will be determined by the nature of the lease, whether it is of a not for profit, community, commercial or private nature and in accordance with the classification of rental category. The costs associated with the valuing of the property will be the responsibility of the occupant.

Fees and Charges

All fees and charges will be reviewed each year in accordance with the budget process.

Rent Review

The rent will be reviewed at the end of the term of the agreement at other intervals if nominated. Generally the rental amount will increase by the Consumer Price Index (CPI) each year or by obtaining a current valuation of the property, unless otherwise stated. The rent will not be reviewed on a CPI adjustment date if the effect of that review is to reduce the rent payable from the rent which was paid during the 12 period just ended. Each agreement will be assessed on an individual basis.

Insurance

All occupants are obligated to take out and keep current their own public liability insurance cover with Council noted as an interested party. A minimum cover amount of \$20 million is required or such other amount reasonably specified from time to time by Council. Council reserves the right to request a copy of the current certificate of currency each year for their records. Building insurance is covered by Council in the majority of cases. Council will not insure the contents of any leased premises, unless otherwise stated in the agreement.

Legal Costs

The tenant will pay all legal costs associated with the establishment of a new lease agreement that differs from Council's standard lease document, unless otherwise negotiated, except if the lease is subject to the *Retail Leases Act 2003*.

Maintenance and Alterations

Building and property maintenance will be assessed in accordance with the nature of the agreement and associated works. Maintenance conducted by the occupants must be reported to Council, carried out in a responsible manner and adhere to the conditions of the agreement and statutory requirements.

Council has no responsibility to maintain/improve buildings on Council owned land occupied by an organisation or group exclusively for private purposes, subject to the requirements of the *Retail Leases Act 2003* if the land is occupied pursuant to a lease subject to that Act.

Wear and tear maintenance and works of a recurrent nature are the responsibility of the occupier or management body of the building, subject to the requirements of the *Retail Leases Act 2003* if the land is occupied pursuant to a lease subject to that Act.

Major maintenance and capital works are the responsibility of Council unless agreement with the lessee.

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Corangamite Shire Council Policy – Property Leasing

Maintenance Inspections

Council reserves the right to inspect the premises each year or more frequently as required. Council will give appropriate notice to the lessor in accordance with the lease or licence conditions.

Capital Works

In assessing maintenance requests for capital works, Council must consider the following:

- The reason for the request. For example: safety issues, damage, compliance
- Estimated cost of works
- Funds available and estimated additional annual works
- Alignment with Council policies e.g. Use of Council Land Policy

All capital upgrades will be considered as part of the budget process in the year which they are received.

Capital works undertaken by the lessee do not give the lessee any interest or claim in the works or improvements or the premises beyond the elements contained in the lease, nor do capital works give the lessee any claim to the site (premises or land) after the expiration date of the lease. Undertaking capital works during the lease term does not provide or confer any entitlements or residual rights to the lessee or enable the lessee to demand or expect a new lease following the expiry of the lease term.

Unless otherwise agreed by both parties in writing, all permanent buildings, structural improvements to those permanent buildings and essential safety measures constructed or installed on the premises (by Council, the tenant or any other person or organisation) during the term of the lease or licence shall become the property of Council.

Performing Rights

The tenant will be responsible for all performing rights and will indemnify Council against any claim for breach of copyright (e.g. APRA & PPCA).

Legislation and Regulations

All tenants must adhere to the conditions of any planning permit, issued by Council or other permits issued by other authorities. Tenants will also be required to comply with all legislation and regulations and obtain any permits or licences in order for the tenant to be able to use the premises for its permitted use.

Interest

The occupant shall reimburse Council for all rent, charges and costs by the due date issued on the invoice. Continued late payments could result in a rate of 2% per annum more than the rate from time to time fixed by the *Penalty Interest Rates Act 1983 (Vic)* being charged.

Renewal of Further Terms

Council has a legal obligation to renew a lease for any further terms stated in the agreement if:

- There is no unremedied breach of the agreement by the tenant of which Council has given the tenant written notice
- The tenant has not persistently committed breaches of the agreement of which Council has given written notice during the term, and

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- The tenant has requested the renewal in writing not more than 6 months nor less than 3 months before the end of the term. The latest date for exercising the option to renew should be stated in the attached schedule.

The renewed agreement must contain the same terms as the original agreement but with no option for renewal after the last option for a further term has been exercised. The agreement starts on the date after the original agreement ends and the starting rent will be determined in accordance with any rent reviews.

End of Lease Procedures

At the termination of an agreement, an inspection of the premises will take place to ensure vacant possession and the condition of the premises is that of the terms and conditions of the agreement. A Tenancy Condition Report will be prepared by Council for this purpose.

Application of Rental Subsidy

Consideration should be given to the assessment and calculation of appropriate rental subsidy for those tenants of Council owned or controlled land and buildings whose operations is considered to be Community Service (Category B), Other (Category C) or Commercial/ Private (Category D), and where there is deemed to be a net community benefit.

Lease Holdover

Lease holdover occurs when a tenant continues to remain in possession of the property after the lease expires or terminates. The holdover clause is to be cited within all agreements. The holdover clause is as follows:

“If the Lessee shall remain in possession of the property, or any portion thereof, after expiration of this lease agreement, the lessee shall be deemed a lessee from month to month at the same monthly rental and in all other respects subject to the terms, covenants and conditions of this lease agreement. Such tenancy from month to month may be terminated by either party giving, written notice to the other. This provision shall not be constructed as giving lessee any right so to hold over”.

Property Leasing Policy

Council’s Property Leasing Policy is to be adhered to when developing, renewing and administering lease and licence agreements for Council controlled land and buildings.

Dating of Documents

In accordance with key findings determined from the Local Government Inspectorate Review in April 2015, Council is required to attach a copy of the legal advice received, regarding the dating of documents to all lease agreements. A file note will be included referring to the legal advice received. Refer to document ID 1178161.

Attachments

Attachments that should form part of the documentation include but are not limited to a plan and/or map of the property, planning or building permits that have been issued and a schedule of the agreement.

Approvals

**Types of Leases to be considered by Council**

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- Any renewal of Leases except where the lease is a Airstrip Hanger lease
- Any new Licence agreements which are to be entered into with a new tenant

**Types of Leases which have been delegated to the Chief Executive Officer**

- Airstrip Hangar leases, transfers, assignments or subletting
- All Licence agreements, including renewals, assignments or subletting
- Crown Land Licence agreements

In the case of a licence agreement for non exclusive use of Council buildings, land or property provisions in Section 190 of the Local Government Act 1989 or Local Government Act 2020 do not apply. Subject to conditions and limitations of the Instrument of Delegation by Council to the Chief Executive Officer (CEO), a nonexclusive licence contract may be signed have the CEO.

**7. Application of the Council Seal**

The Council Seal is the signature of Council, therefore the Council Seal should be affixed to any agreement which is heard at Council or which is deemed appropriate by the Chief Executive Officer.

**8. Procedures for the Granting of an Agreement**

Where Council is entering into a new lease the Council Leasing Procedures 2020 should be followed.

**Review Date** This policy will be reviewed in 2022, or earlier as required by changed circumstances including changes to legislation and policies of Corangamite Shire Council, the Victorian Government and its agencies of Federal Government and its agencies.

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

**References**

The following references apply to this policy:

- *Local Government Act 1989* and *Local Government Act 2020*. This legislation can be found at <https://www.legislation.vic.gov.au/>
- *Local Government (General) Regulations 2015* and future regulations. This legislation can be found at [https://www.legislation.vic.gov.au/Crown Land \(Reserves\) Act 1978](https://www.legislation.vic.gov.au/Crown Land (Reserves) Act 1978). This legislation can be found at <https://www.legislation.vic.gov.au/>
- Local Government Best Practice Guideline for the Sale, Exchange and Transfer of Land, Department of Planning and Community Development, 2009, viewed 14 April 2020”<[https://www.localgovernment.vic.gov.au/\\_data/assets/pdf\\_file/0028/48628/Local-Government-Best-Practice-Guideline-for-the-Sale-and-Exchange-of-Land.pdf](https://www.localgovernment.vic.gov.au/_data/assets/pdf_file/0028/48628/Local-Government-Best-Practice-Guideline-for-the-Sale-and-Exchange-of-Land.pdf)>
- Leasing Policy for Crown Land in Victoria 2018, Department of Sustainability and Environment. This Policy can be found at <https://www.forestsandreserves.vic.gov.au/>
- Email (document ID 1178161) Advice SLM Law regarding Local Government Inspectorate Report and the need to date leases and sale documents 2015
- The standard Department of Environment, Land, Water and Planning Section 17(b) *Crown Land (Reserves) Act* Licence Document. This legislation can be found at <https://www.legislation.vic.gov.au/>

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Adopted at Council on:  
Agenda Item:  
Responsibility: Property Officer  
Document Number: 2012583

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Department: Works & Services  
To be reviewed by: 2022  
Policy Number: INFRA 32-05  
Page Number: 15

Corangamite Shire Council Policy – Property Leasing

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- A list of Crown Land Reserves applicable under Section 17(2) can be found in an email document ID 2569700
- Corangamite Shire Community Engagement Policy can be found in ID 1209692
- Tenancy condition report 2020 can be found in ID 2857961
- Procedure for Property Leasing (under development)

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Adopted at Council on:  
Agenda Item:  
Responsibility: Property Officer  
Document Number: 2012583

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Department: Works & Services  
To be reviewed by: 2022  
Policy Number: INFRA 32-05  
Page Number: 16

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## 10.2 Sale of Council Land and Building Policy Review

**Author:** Wendy Williamson, Property Officer

**File No:**

**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 - Wendy Williamson

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

### Summary

The Sale of Council Land and Building Policy (the Policy) outlines the way in which Council administers its real estate assets. The policy has been reviewed with only minor changes recommended for adoption.

### Introduction

Council owns a large number of land and building assets. In the past two years this policy has been applied and a number of Council assets that have been considered surplus to requirement have been sold.

The Policy guides the way in which Council reviews the status of these assets and determine if they are surplus to requirement. Council's asset requirements may change over time, thus all Council land and buildings should be reviewed regularly to ensure that the land or building is being held for a specific purpose for current or future use or identified as potential for disposal.

### Issues

The Policy has been developed to ensure a consistent approach is taken in the administration of the sale, exchange or transfer of Council land holdings. The Policy has also been developed to comply with existing government legislation and regulations.

Council's policy for sale of council land and building provides criteria for identification of surplus land and buildings assets. The criteria includes:

- history of the land
- size and location
- demonstrated past and current usage
- surrounding usage
- community or Council plans
- strategic relevance
- access to the property
- demonstrated community need and future foreseeable use; and

- any rationalisation of services and infrastructure is fully explored with relevant service departments and community groups before proceeding to sale.

Council approval is sought in order to proceed with a notice of intention to dispose of any land or building, after which a public submission process is undertaken prior to the final decision being made to dispose of any land or building. To give notice Council advertises its intention to sell any land or buildings in accordance with the provisions of the *Local Government Act*. Onsite or direct community consultation is also facilitated to seek community input as to whether there is current or future community use of the Council asset.

The Sale of Council Land and Building Policy was last reviewed in 2018, with a comprehensive review undertaken and some amendments implemented. As part of the 2020 review the following minor amendments are proposed:

1. Update reference to the new *Local Government Act* and regulations
2. Update reference to other Council documents.

The review of the policy has been undertaken considering the *Local Government Act 2020*.

### **Policy and Legislative Context**

The Sale of Land and Building Policy is a Council policy that has been reviewed in accordance with Council's Policy Development Framework.

The Policy is consistent with relevant legislation including the *Local Government Act*. This policy should be read along with these Acts and other relevant legislation as referred to within the body of the document. The changes to the Local Government Act have been passed by Parliament, with a staged approach to implementation proposed. Council officers have reviewed the changes and updated the policy where applicable in readiness for the staged implementation of the *Local Government Act 2020*.

The Sale of Council Land and Building Policy is also in keeping with the commitments in the Council Plan 2017-2021:

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 Sale of Land and Building Policy is an existing policy that has been reviewed internally by Council's Facility and Recreation Department and senior officers.

### **Financial and Resource Implications**

There will be no costs to Council associated with the implementation of the review of this policy.

### **Options**

Council may choose to adopt the revised Sale of Council Land and Building Policy as prepared, with amendments, or choose not to adopt the policy.

### **Conclusion**

The Sale of Council Land and Building Policy review is a necessary update of Council's policy, which outlines a need to review Council land and building assets regularly, to ensure they are being held for a specific purpose or identified as potential land holdings for disposal.

### **RECOMMENDATION**

**That Council:**

1. **Revokes the Sale of Council Land and Building Policy dated April 2018.**
2. **Adopts the Sale of Council Land and Building Policy dated April 2020.**

### **COUNCIL RESOLUTION**

*MOVED: Cr Durant*  
*SECONDED: Cr Gstrein*

**That the recommendation be adopted.**

**CARRIED**

### **Attachments**

1. Sale of Council Land and Buildings Policy 2020 with track changes - Under Separate Cover
2. Sale of Council Land and Buildings Policy 2020



**CORANGAMITE  
SHIRE**

# **Sale of Council Land and Buildings Policy**

**Corangamite Shire**

April 2020



# Council Policy



## Sale of Council Land and Buildings

### Introduction

The Sale of Council Land and Building Policy outlines the way in which Council administers its real estate assets.

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

### Purpose

The purpose of this policy is to establish a framework for Council decisions when considering the disposal of Council land or buildings.

This framework should assist to ensure that Council land and buildings are disposed in a responsible manner, in accordance with the outlined policy, legislative requirements and consistent with the Council Plan 2017-2021:

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

*Council will make budgetary decisions that ensure 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.*

### Scope

This policy is applicable to all Council owned land and buildings.

### Laws and regulations

There are many laws and regulations that apply to the way in which Council disposes of its land holdings. The sale of Council land and buildings should be in accordance with the *Local Government Act* and any subordinate legislation (regulations).

### Surplus Council Land and Buildings

Council will review, identify and evaluate, on an as needs basis, all Council land holdings. Properties that are designated as surplus to requirement may be made available for sale.

Surplus Council land and buildings will be identified and considered using the following criteria:

- history of the land
- size and location of the property
- demonstrated past and current usage
- surrounding usage

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Corangamite Shire Council Policy – Sale of Council Land and Building Policy

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- community or Council plans
- strategic relevance
- access to the property
- demonstrated community need
- future foreseeable use. This may include Council, community, amenities, environmental and infrastructure usage.

All property marked as being surplus will be subject to a report to Council outlining:

- the reasons for the recommended sale
- a valuation (as per the rating system, which is provided by the Valuer-General's Office)
- the proposed method of sale
- community consultation plan and outcomes

The valuation will be listed separately and remain confidential to ensure the integrity of the sale process. Once Council approval has been received, a public submission process will take place advertising Council's notice of intention to sell in accordance with the provisions in the *Local Government Act*.

**Requirement for a Current Valuation of Land**

In accordance with the *Local Government Act*, before a council sells or exchanges land, it must obtain a valuation of the land which is made not more than 6 months prior to the sale or exchange of that land.

The valuation must be conducted by a valuer that holds the qualifications or experience specified under Section 13DA of the *Valuation of Land Act 1960*. Under Section 13DA of this Act, councils are obligated to appoint a valuer who holds the experience or qualifications specified from time to time by the Minister by notice published in the Government Gazette.

**General Principles**

The method of sale chosen to sell the property will be determined by the nature of the land or building.

Council will aim to maximise the price of asset sales.

Different sale methods that can be considered are:

- sale through a real estate agent
- sale by public auction
- sale by public tender
- sale by public registration or expression of interest
- sale /exchange by private treaty.

Each sale method has its benefits of exposing the land to the market. The following principles will apply to the sale:

- The sale of land is not permitted before an auction or close of tenders.
- The reserve price will be set prior to an auction, close of tenders or receipt of offers and remain confidential.
- The valuation will be used as the reserve price.
- If land fails to sell at auction, it is to be passed in for negotiation with the highest bidder and offered for sale to that person at not less than the reserve price.

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Corangamite Shire Council Policy – Sale of Council Land and Building Policy

- If the land remains unsold following negotiations after an auction or unsuccessful tender, it should be left on the market for private sale at not less than the reserve price for an appropriate or reasonable period of time as determined by the CEO or delegated officer.
- A decision to accept a written offer which is lower than the valuation can only be made by Council decision. Having considered relevant factors and Council having formed an opinion that the offer is reasonable, the land may be sold. Council will disclose the reasons for its decision, in a future Council Report, to sell the land for a price lower than the valuation.

**Use of Proceeds**

Income from the sale of land will be treated as revenue in the year which it is received and considered as part of any budget considerations.

**Dating of Documents**

In accordance with key findings determined from the Local Government Inspectorate Review in April 2015, Council is required to attach a copy of the legal advice received, regarding the dating of documents to all lease agreements. A file note will be included referring to the legal advice received. (Doc ID 1178161).

**Reference to linked Procedure or Guidelines**

References accompanying this policy that should be reviewed when considering the sale of Council land including

- *Local Government Act 1989* and/or *Local Government Act 2020*.  
This legislation can be found at <https://www.legislation.vic.gov.au/>
- *Local Government (General) Regulations 2015* and/or any future regulations  
This legislation can be found at <https://www.legislation.vic.gov.au/>
- *Valuation of Land Act 1960*.  
This legislation can be found at <https://www.legislation.vic.gov.au/>
- *Council Plan 2017-2021*.  
This can be found at <https://www.corangamite.vic.gov.au/>
- *Local Government Best Practice Guideline for the Sale, Exchange and Transfer of Land, Department of Planning and Community Development, June 2009*, viewed 14 April 2020  
[https://www.localgovernment.vic.gov.au/data/assets/pdf\\_file/0028/48628/Local-Government-Best-Practice-Guideline-for-the-Sale-and-Exchange-of-Land.pdf](https://www.localgovernment.vic.gov.au/data/assets/pdf_file/0028/48628/Local-Government-Best-Practice-Guideline-for-the-Sale-and-Exchange-of-Land.pdf)
- *Procurement Policy, Corangamite Shire, February 2019* or the most recent version where it is endorsed by Council

**Review Date**

This policy will be reviewed in 2022, or earlier as required by changed circumstances including changes to the legislation and policies of Corangamite Shire, the Victorian Government and its agencies or Federal Government and its agencies.

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

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Adopted at Council on: 28April 2020  
Agenda Item:  
Responsibility: Property Officer  
Document Number: 2054108

Department: Works & Services  
To be reviewed by: April 2022  
Policy Number: INFRA 38-05  
Page: 4

## 10.3 Risk Management Policy Review

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

**File No:**

**Previous Council Reference:** Nil

### Declaration

Chief Executive Officer – Andrew Mason

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

Author - Michele Stephenson

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

### Summary

This report presents the Risk Management Policy (the Policy) for Council's consideration. The Policy states the risk management objectives and accountabilities for the management of risk at Council, and informs the Risk Management Framework, including the Corporate Risk Register.

The Policy is due for review in accordance with the policy review schedule. A review has identified that no changes are required at this time, and it is proposed that the Policy be reviewed again in 2021 to align with the review of the Risk Management Framework (RMF).

### Issues

The Audit Committee previously reviewed the RMF annually. The Audit Committee resolved at its March 2019 meeting that the RMF has now reached a sufficient level of maturity to be reviewed biennially, or as required by legislative changes. The next biennial review is due in March 2021.

The new Council Plan developed after the council elections will identify the strategic risks and risk appetite for the new council term. A comprehensive review of the RMF and Risk Register will be undertaken at that time. The Policy should be reviewed at the same time, and in accordance with Council's new objectives and risk appetite.

### Policy and Legislative Context

Consideration of this report is in accordance with the Committee's Annual Work Plan and the following commitments 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.

**Internal / External Consultation**

The Human Resources/Risk Department was involved in the review of the current policy.

**Financial and Resource Implications**

There are no financial or resource implications as a result of this report.

**Options**

Council may choose to adopt the Risk Management Policy without amendment for a further period of twelve months and align future reviews with the scheduled reviews of the RMF. Alternatively, Council may choose not to adopt the Policy.

**Conclusion**

An effective Risk Management Policy is a critical element in the management of risk. This report advises Council that a review of the Policy has identified no changes to the Policy at this time, and requests that Council align future reviews of the Policy with RMF reviews. It is recommended that Council adopt the Risk Management Policy for twelve months and review it again when the new Council Plan is in place.

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

1. **Revokes the Risk Management Policy dated February 2018.**
2. **Adopts the Risk Management Policy dated April 2020.**

**COUNCIL RESOLUTION**

**MOVED:** *Cr Illingworth*

**SECONDED:** *Cr Brown*

**That the recommendation be adopted.**

**CARRIED**

**Attachments**

1. Risk Management Policy April 2020 - tracked changes - Under Separate Cover
2. Risk Management Policy April 2020



**CORANGAMITE  
SHIRE**

# Risk Management Policy

Corangamite Shire Council

April 2020

# Council Policy

## Risk Management



### Introduction

Integrated risk management of all Corangamite Shire Council operations is a key objective of the Council management system. This policy provides the guidance for management of risk across Council.

### Purpose

The purpose of this policy is to manage the organisation's risks, protect our employees, assets and the community against potential losses, minimize uncertainty and maximise opportunities when achieving Council's goals and objectives.

### Scope

This policy applies to all activities, decisions and operations of the Corangamite Shire.

### Definitions

- **Risk** – The chance that an event will occur that will impact upon the Council's objectives as defined in the Council Plan. It is measured in terms of consequence and likelihood.

### References

- Local Government Act 1989
- AS/NZS ISO 31000:2009 *Risk management – Principles and guidelines*
- Corangamite Shire Council Plan 2013-2017
- Corangamite Shire Risk Management Framework

### Policy Detail

Corangamite Shire Council is committed to managing risk and continuously improving risk management through:

- impediments to delivering benefits from Council Plan objectives being identified and addressed (downside risk).
- identifying opportunities for continual improvement (upside risk).
- an integrated risk management approach where risk is consciously addressed prior to making decisions with the view to adding value.
- all proposals and business cases identifying risks and treatment strategies to enable effective decision making.
- risk being acknowledged, communicated and reviewed across Council.
- risk being accepted by those with the appropriate authority.
- Strategic and Operational risks being MONITORED, REPORTED, and CONTROLLED.
- Contingency planning, including Business Continuity, and the establishment of a Council risk profile.
- all operational tasks and supporting activities being carried out using the systematic, structured approach within the Corangamite Shire Risk Management Framework.

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Adopted at Council on:  
Agenda Item:  
Responsibility: Manager Human Resources/Risk  
File Number: D/18/8937

Directorate: Corporate & Community Services  
To be reviewed by: April 2021  
Policy Number: CORCOM 06-02  
Page Number: 2

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Corangamite Shire Council Policy – Risk Management

This will be achieved through the Risk Management Framework which will provide:

- Confident and rigorous decision making and planning;
- Better identification of opportunities for improvement;
- Pro-active rather than re-active management;
- More effective allocation and use of resources;
- Improved incident management and reduction in loss and the cost of risk, including commercial insurance premiums;
- Improved stakeholder confidence and trust;
- Improved compliance with relevant legislation; and
- Better corporate governance.

**Policies and Procedures.** This policy should be read in conjunction with the Corangamite Shire Council Risk Management Framework along with health, safety and risk related policies and procedures.

**Accountabilities and responsibilities**

- **Council.** Approve the Strategic Risk Profile at appendix 1, including risk appetite, as defined in the Risk Management Framework.
- **Audit Committee.** Ensure that independent risk advice is provided to Council in accordance with Section 139 of the Local Government Act 1989. (Audit Committee responsibilities are detailed at the Audit Committee Charter.)
- **Chief Executive Officer.** Provide overall direction for the management of risk across all areas of Council's business.
- **Directors.** Act as Strategic/Operational Risk Owners in accordance with the Risk Management Framework.
- **Director Corporate & Community Services.** Monitor the implementation of the Risk Management Policy and Framework and provide advice and assistance to all areas on risk management matters through the Human Resources/Risk Management Unit. Provide support to the Audit Committee and coordinate internal audits.
- **Manager HR/RM.** Maintain and provide an annual review of the Risk Framework to the Senior Officer Group (SOG).
- **Risk Management Coordinator.** Coordinate risk management awareness and training throughout the organisation to address the needs of management and staff. Maintain the Corporate Risk Register and provide risk related reports.
- **Managers.** Implement the Risk Management Policy in their areas of responsibility and create an environment where each staff member is responsible for and actively

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Adopted at Council on:  
Agenda Item:  
Responsibility: Manager Human Resources/Risk  
File Number: D/18/8937

Directorate: Corporate & Community Services  
To be reviewed by: April 2021  
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Page Number: 3



Corangamite Shire Council Policy – Risk Management

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involved in managing risk. Act as Operational Risk Owners in accordance with the Risk Management Framework.

- **Staff.** Be actively involved in identifying, reporting and managing risks in the workplace.

**Review Date**

This policy will be reviewed in April 2021 or as required by changed circumstances, including changes to legislation and policies.

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

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Adopted at Council on:  
Agenda Item:  
Responsibility: Manager Human Resources/Risk  
File Number: D/18/8937

Directorate: Corporate & Community Services  
To be reviewed by: April 2021  
Policy Number: CORCOM 06-02  
Page Number: 4

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## 10.4 Disability Discrimination Policy Review

**Author:** Katie Hearn, Manager Community Services

**File No:**

**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 - Katie Hearn

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

### Summary

This report recommends Council adopt the revised Disability Discrimination Policy dated April 2020 as attached.

### Introduction

The current Disability Discrimination Policy (the Policy) was previously updated in April 2017. Officers have reviewed the policy and have identified minor changes (as indicated on the attached version incorporating tracked changes).

### Issues

The purpose of the Policy is to state Council's position regarding the *Disability Discrimination Act 1992 (Cth)*. This Policy provides guidance on how Corangamite Shire Council will meet the requirements of the *Disability Discrimination Act*.

Council recognises that people with disabilities are valued members of the community who make a variety of contributions to the social, economic and cultural life within the Shire and beyond. A community that recognises inclusion and diversity as a strength and supports the participation of all its members regardless of ability makes for a richer community life.

Amendments contained within this policy review are; updated reference to the *Local Government Act 2020* and an updated reference to Council's Access and Inclusion Plan which has a focus on disability and inclusion.

### Policy and Legislative Context

The *Disability Discrimination Act* and *Charter of Human Rights and Responsibilities Act* reinforces Council's general obligation not to treat a person with a disability less favourably than they would treat a person without a disability in similar circumstances.

The *Disability Discrimination Act* recognises that people with disabilities constitute a significant proportion of the local community and that they have a right to participate as fully as possible in the life of the community.

The *Disability Discrimination Act* holds precedence over other Commonwealth and State legislation unless exempted in writing by the Australian Attorney General. It is a legal requirement of Council to respond to issues and complaints relating to access to services under the control of Council, pursuant to the *Disability Discrimination Act*.

The *Charter of Human Rights and Responsibilities Act 2006* (the Charter) is a Victorian law that sets out the basic right, freedoms and responsibilities of all people in Victoria. It is about the relationship between government and the people it services.

#### **Internal / External Consultation**

Consultation with the Program Support Leader Access and Inclusion and Aged & Disability Services Team was undertaken during the review of this policy. Community engagement undertaken as part of working towards Council's Access and Inclusion Plan has also been considered.

#### **Financial and Resource Implications**

There are no financial and resource implications as a consequence of adopting the revised Disability Discrimination Policy.

#### **Options**

Council may choose to adopt the updated Disability Discrimination Policy or it may choose not to adopt the policy.

#### **Conclusion**

The Disability Discrimination Policy supports Council in demonstrating that it is committed to promoting an inclusive and accessible community where all people, including people with a disability are active, socially connected individuals who are able to access information, activities, facilities and services within the community.

### **RECOMMENDATION**

#### **That Council:**

1. **Revokes the Disability Discrimination Policy dated April 2017.**
2. **Adopts the Disability Discrimination Policy dated April 2020.**

#### **COUNCIL RESOLUTION**

**MOVED:**            *Cr Durant*  
**SECONDED:**    *Cr Gstrein*

**That the recommendation be adopted.**

**CARRIED**

#### **Attachments**

1. Council Disability Discrimination Policy April 2020 with Track Changes - Under Separate Cover
2. Council Disability Discrimination Policy April 2020



**CORANGAMITE  
SHIRE**

# **Disability Discrimination Policy**

**Corangamite Shire**  
April 2020

# Council Policy



## Disability Discrimination Policy

### Introduction

The *Disability Discrimination Act 1992* is Commonwealth legislation that is designed to prevent discrimination on the basis of disability.

The *Disability Discrimination Act* (DDA) makes it unlawful to discriminate in the provision of goods, services or facilities, against people on the basis that they have, or may have, a disability. It also makes it unlawful to discriminate against a person on the basis that one of their associates has, or may have a disability.

The *Disability Discrimination Act* holds precedence over other Commonwealth and state legislation unless exempted in writing by the Australian Attorney General. It is a legal requirement of Council to respond to issues and complaints relating to access to services under the control of Council, pursuant to the *Disability Discrimination Act*.

The objects of the *Disability Discrimination Act* are:

- (a) to eliminate, as far as possible, discrimination against persons on the ground of disability in the areas of:
  - (i) work, accommodation, education, access to premises, clubs and sport
  - (ii) the provision of goods, facilities, services, land
  - (iii) existing laws
  - (iv) the administration of Commonwealth laws and programs.
- (b) to ensure, as far as practicable, that persons with disabilities have the same rights to equality before the law as the rest of the community, and
- (c) to promote recognition and acceptance within the community of the principle that persons with disabilities have the same fundamental rights as the rest of the community.

The *Disability Discrimination Act* reinforces Council's general obligation not to treat a person with a disability less favourably than they would treat a person without a disability in similar circumstances.

The *Disability Discrimination Act* recognises that people with disabilities constitute a significant proportion of the local community and that they have a right to participate as fully as possible in the life of the community.

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Adopted at Council on:  
Agenda Item:  
Responsibility: Manager Community Services  
Document Number: 1727613

Department: Corporate and Community Services  
To be reviewed by: April 2023  
Policy Number: CORCOM 03-03  
Page Number: 2

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Corangamite Shire Council Policy – Disability Discrimination Policy

**Purpose**

The purpose of this policy is to state Council's position in regard to the *Disability Discrimination Act 1992*. This policy provides guidance on how the Corangamite Shire will meet the requirements of the *Disability Discrimination Act*.

The policy also ensures Corangamite Shire's adherence to the *Local Government Act 2020* that requires a Council and CEO to set out measures to ensure gender equality, diversity and inclusiveness.

**Scope**

This policy is of important relevance to a number of Council services including:

- Access to Council owned and/or operated facilities used by the community
- Provision of Council services
- Purchase, sale and use of Council assets
- Council employment (including volunteers)
- Council contract management
- Provision of Council information to the community
- Development of Council policies and procedures

**Definitions**

The definition of disability for the purposes of the DDA is:

- Total or partial loss of the person's bodily or mental functions
- Total or partial loss of a part of the body
- The presence in the body of organisms causing disease or illness
- The presence in the body of organisms capable of causing disease or illness
- The malfunction, malformation or disfigurement of a part of the person's body
- A disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction
- A disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour

**Policy**

Corangamite Shire Council is committed to promoting an inclusive and accessible community where all people, including people with a disability are active, socially connected individuals who are able to access information, activities, facilities and services within the community.

This will be achieved by providing people with disabilities with the same opportunities, rights and responsibilities enjoyed by all other people in the community.

Council recognises that people with disabilities are valued members of the community who make a variety of contributions to the social, economic and cultural life within the shire and beyond. Council believes that a community that recognises its diversity and supports the participation of all its members makes for a richer community life. Council recognises that full compliance with the intent of the *Disability Discrimination Act* comes at a financial cost that cannot be easily achieved in the short term. Thus Council is committed to implementing the spirit and intent of the legislation by:

- Promoting a positive image of people with disabilities
- Ensuring the needs of people with disabilities are recognised in the development, planning and delivery of Council services and facilities

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Adopted at Council on:  
Agenda Item:  
Responsibility: Manager Community Services  
Document Number: 1727613

Department: Corporate and Community Services  
To be reviewed by: April 2023  
Policy Number: CORCOM 03-03  
Page Number: 3

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Corangamite Shire Council Policy – Disability Discrimination Policy

- Providing facilities, services and assets that, as far as practicable, comply with Australian Standards and Codes and the objectives of the *Disability Discrimination Act*
- Ensuring that all Councillors, staff and volunteers are aware of and understand the needs of people with disabilities
- Acknowledging the right of people with disabilities to contribute to the social, political, economic and cultural life of the community
- Ensuring, as far as practicable, Council’s relevant corporate documents address the needs of people with disabilities, in accordance with the principles outlined in the *Disability Discrimination Act* and this policy
- Establishing and maintaining an Action Plan (incorporated in the Municipal Health and Wellbeing Plan) which will be reviewed and revised in line with The Council Plan review every four years
- Reporting to Council and the community periodically about the achievements of the Municipal Health and Wellbeing Plan and Access and Inclusion Plan.

**Feedback and/or Complaints**

A member of the public can make a complaint or provide Council with feedback in relation to its compliance with the Act. Complaints should be directed to the Council in the first instance, and if a person considers that a complaint has not been satisfactorily handled by the Council, it is open to the person to lodge a formal complaint with the Australian Human Rights Commission - [www.hreoc.gov.au](http://www.hreoc.gov.au).

**References**

*Local Government Act 2020*

*Disability Discrimination Act 1992 (Commonwealth)*

*Disability Services Act (2006)*

*Disability Discrimination and Other Human Rights Legislation Amendment Act 2009*

*The Victorian Charter of Human Rights and Responsibilities Act 2006*

*The Equal Opportunity Act 2010*

**Review Date**

This policy is to be reviewed by April 2023 unless circumstances necessitate otherwise.

**Human Rights Compliance**

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

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Adopted at Council on:  
Agenda Item:  
Responsibility: Manager Community Services  
Document Number: 1727613

Department: Corporate and Community Services  
To be reviewed by: April 2023  
Policy Number: CORCOM 03-03  
Page Number: 4

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## 10.5 Contract 2019003 - Provision of Plant Hire and Associated Services

**Author:** Adam Taylor, Manager Finance

**File No:**

**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

The purpose of this report is for Council to consider extending Contract 2019003 - Provision of Plant Hire and Associated Services ('plant hire tender') for a period of up to 12 months.

Council awarded the plant hire tender in June 2018 to 42 contractors. This contract is due to expire on 30 June 2020 with the original contract not allowing for an extension. The tender allows for hire of plant and equipment for use on various works throughout the Shire and assists with the delivery of Council's substantial road construction and maintenance programs.

### Issues

This contract expires on 30 June 2020. Having regard to the current pandemic and expected economic downturn, officers believe there is risk that the target market would not be reached thus resulting in an unfair process and potential increased cost to Council.

### Policy and Legislative Context

The contract for the provision of plant hire and associated services was originally advertised for public tender in 2018, as required by Council's Procurement Policy and the Local Government Act, as it would involve cumulative purchases greater than \$150,000.

The procurement of services under this contract aligns with the following commitments in the 2017-2021 Council Plan:

We are committed to maintaining our local roads and advocating to the State and Federal Governments for improvements to the road network.

Maintain our local road network at current or improved standards.

Council will focus on the provision of high-quality roads.



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

**Internal / External Consultation**

Legal advice was sought from Maddocks as to whether an extension of this contract was allowable. It was considered that with a Council resolution that the contract could be extended to those contractors agreeing to do so, however the contract would not be binding on those who wished to opt out.

An email was sent to all 42 existing contractors seeking their agreement to an extension of the current contract for up to 12 months with no adjustment to current rates. So far 23 responses have been received with all agreeing to an extension with 2 contractors requesting a review of their current rates.

**Financial and Resource Implications**

There are limited financial implications for Council in extending the contract for Plant Hire and Associated Services. Where contractors request an increase in their rates this will be considered on a case by case basis in comparison to industry rates. The impact to Council is negligible as should Council have retendered this contract it is highly likely these contractors would have submitted amended rates.

**Options**

Council can opt to grant an extension of the existing Plant Hire and Associated Services Contract 2019003 to current contractors or can choose to retender the contract and risk the ability to attract relevant contractors.

**Conclusion**

Council’s Contract 2019003 - Provision of Plant Hire and Associated Services underwent a competitive tender process in June 2018. Legal advice has been received regarding Council’s ability to extend the contract. An extension of the contract will permit all relevant contractors to remain engaged by Council for delivery of key Council road construction and maintenance works.

**RECOMMENDATION**

**That Council extends Contract 2019003 - Provision of Plant Hire and Associated Services for a period of up to 12 months.**

**COUNCIL RESOLUTION**

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

**That the recommendation be adopted.**

**CARRIED**

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## 10.6 Finance Report - March 2020

**Author:** Adam Taylor, Manager Finance

**File No:**

**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 March 2020 and to approve changes to the 2019-2020 reviewed budget, that have resulted from a quarterly review of operations.

### Introduction

Council adopted the 2019-2020 Budget at a Special Council meeting in June 2019. At the August 2019 Ordinary Council meeting a range of 2018-2019 projects and grants paid in advance were identified as being required to be carried forward to the 2019-2020 year. Council has also approved 2019-2020 budget variations in October 2019 and January 2020.

Over the course of the March 2020 quarter, managers conducted a review of budgets and the required funds to deliver programs and initiatives. The report is seeking approval of the changes which will increase the projected 30 June 2020 cash position by \$1,209,691. The improved cash position reflects changes to Council's operating environment experienced during the quarter, the projected impacts of the COVID-19 pandemic and the necessity to free up cash in response to Council's resolution of 24 March 2020 instructing the Chief Executive Officer (CEO) to prepare a draft 2020-2021 Budget with a 0% rate increase and provide up to \$2.5 million for a community and business recovery fund.

Notwithstanding the changes to the forecast 30 June 2020 cash position, Council year to date financial performance for 2019-2020 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 2019 was \$23.31 million which was primarily due to incomplete projects, grant funding received in advance and a favourable result to the adjusted 2018-2019 forecast. A summary of Council's forecast cash position after the 2018-2019 carry forwards and 2019-2020 adjustments, including March 2020 is detailed below:

Cash position as at 30 June 2019	\$23,306,297
2019-2020 adopted surplus / (deficit)	\$431,506
2018-2019 carry forwards (net)	(\$13,023,376)
2019-2020 September quarter adjustments	(\$457,726)
2019-2020 December quarter adjustments	(\$293,517)
2019-2020 March quarter adjustments	\$1,209,691
<b>2019-2020 Forecast "cash" Surplus/(Deficit)</b>	<b><u>\$11,172,875</u></b>

A summary of the March 2020 quarter adjustments is as follows:

Recurrent operations	\$904,265
Operating projects	\$366,143
Capital projects	\$520,317
Reserve transfers	\$130
Extraordinary events <sup>1</sup>	(\$581,164)
<b>Total quarterly forecast budget adjustments</b>	<b><u>\$1,209,691</u></b>

<sup>1</sup> Extraordinary events includes the direct costs of COVID-19 and the subsequent estimated loss of income in the current financial year.

### ***Financial Performance***

Council's financial performance for 2019-2020 is on target with a year to date favourable cash variance of \$1,063,175 compared to budget. Main contributors to the better than forecast cash result at 31 March are:

- Recurrent operations are \$782,164 favourable to budget due to user fees received in excess of budget and savings in fuel and salary and wages.
- Rate income is \$4,028 unfavourable to budget due to timing. Although, the amount is immaterial.
- Operating project expenditure is \$5,447 favourable to budget due to timing of grant payments.
- Capital expenditure is \$269,104 favourable to budget due to forecasting differences and capital projects being behind schedule.
- Proceeds from sale of plant and equipment is \$100,575 favourable due to timing difference.
- Extraordinary Events is \$90,086 unfavourable to budget due to timing difference.

### ***Stimulus package & Covid-19 costs***

At the March 2020 ordinary meeting Council resolved and instructed the CEO to prepare a draft 2020-2021 budget incorporating a 0% increase in rates and a \$2.5 million COVID-19 recovery fund for community and business recovery. To fund these initiatives officers have identified \$1.66 million of savings in the current financial year. The savings will also assist funding the projected \$450,000 direct costs of COVID-19, including the loss of income identified. In identifying savings, some projects in the current financial year may not proceed. Similarly, this will impact the delivery of Council's 2019-2020 Annual Action Plan. The balance of funds required to finance the recovery will be met by a reduction in expenditure in future budgets. Further detail on the projects impacted is attached to this report.

### **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 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 2020 will differ from the reviewed budget due to the quarterly review of operations, the projected impact of COVID-19, including the resolution of 24 March 2020, and Council's response to the pandemic.

The purpose of the quarterly review is to identify significant variances to the budget. Adjustments are made due to new information being identified.

### **Options**

Council may choose to:

1. Accept the adjustments to the 2019-2020 forecast budget which will include the 2019-2020 March quarter adjustments, or
2. Not accept the adjustments to the 2019-2020 forecast budget.

### **Conclusion**

Council's financial performance for 2019-2020 remains on target. The year to date cash variance of \$1,063,175 is favourable compared to budget, this is primarily due to timing issues and projects being behind schedule. After the proposed quarterly adjustments of \$1,209,691 Council's cash position will remain within the target of \$5 million or greater. The proposed quarterly adjustments are in response to operating requirements, COVID-19 and Council's resolution of 24 March 2020.

## RECOMMENDATION

That Council:

1. Receives the finance report for the period ending 31 March 2020
2. Approves the forecast budget for 2019-2020, which includes the March quarter adjustments.

### COUNCIL RESOLUTION

*MOVED: Cr Illingworth*

*SECONDED: Cr Beard*

That the recommendation be adopted.

**CARRIED**

### Attachments

1. Finance Report - March 2020

CORANGAMITE SHIRE  
**FINANCIAL  
PERFORMANCE  
REPORT** MARCH 2020



## Finance Report

### Attestation

In my opinion the information set out in this report presents fairly the financial transactions for the period ended 31 March 2020. All statutory obligations which relate to the period of this report have been made.



Adam Taylor CPA

### Table of Contents

1. Performance Summary
2. Cash Budget
3. Recurrent Operations
4. Projects
5. Capital Projects
6. Project Delivery
7. Investments
8. Procurement
9. Outstanding Debtors
10. Reviewed budget changes
11. Balance Sheet for the period ended 31 March 2020
12. Income Statement for the period ended 31 March 2020

### 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

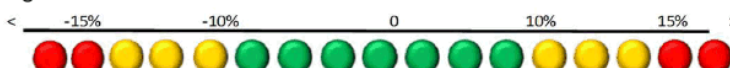
**Adopted Budget** represents the Budgeted adopted by the Council in June.

**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

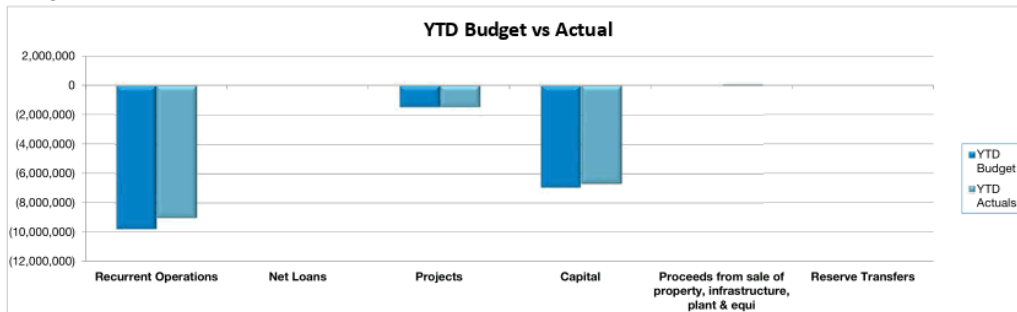


1. Performance Summary

	Adopted Budget	Reviewed Budget	Forecast Budget	YTD Budget	YTD Actuals	YTD Variance fav/(unfav)	
						\$	%
Recurrent Operations	(9,750,544)	(15,160,181)	(14,302,431)	(9,805,123)	(9,022,959)	782,164	8%
Rate Income	22,034,273	22,048,934	22,095,449	22,093,075	22,089,047	(4,028)	(0%)
Net Loans	0	0	0	0	0	0	0%
Projects	(2,537,719)	(8,163,674)	(7,797,531)	(1,476,881)	(1,471,434)	5,447	0%
Capital	(10,281,857)	(13,440,152)	(12,862,835)	(6,958,086)	(6,688,982)	269,104	4%
Proceeds from sale of property, infrastructure, plant & equi	423,500	423,500	366,500	0	100,575	100,575	0%
External Loan Funds	25,333	25,333	25,333	22,286	22,286	0	0%
Reserve Transfers	518,520	(197,980)	(197,850)	0	0	0	0%
Extraordinary Events	0	1,121,106	539,942	990,145	900,059	(90,086)	(9%)
<b>Surplus/(Deficit)</b>	<b>431,506</b>	<b>(13,343,113)</b>	<b>(12,133,423)</b>	<b>4,865,416</b>	<b>5,928,592</b>	<b>1,063,175</b>	<b>22%</b>
Surplus/(Deficit) B/forward	7,703,993	23,306,297	23,306,297				
<b>Surplus/(Deficit) at end of year</b>	<b>8,135,499</b>	<b>9,963,184</b>	<b>11,172,874</b>				

Note: Figures in brackets indicate cost to Council

Unfavourable variances shown in brackets



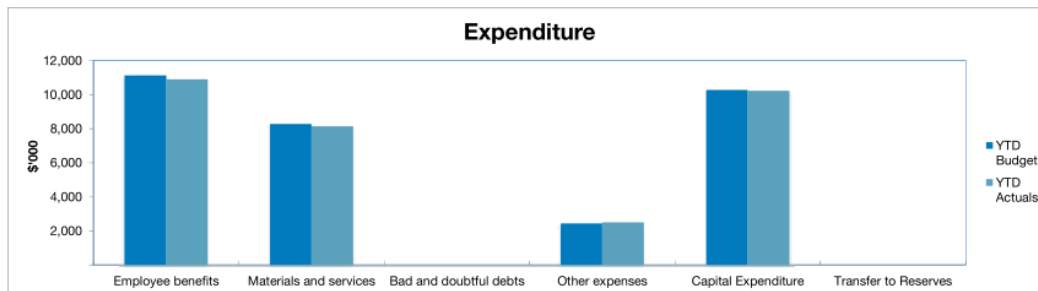
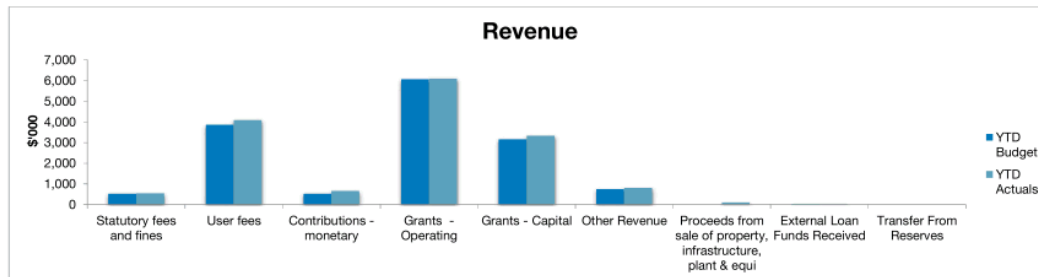


2. Cash Budget

	Adopted Budget	Reviewed Budget	Forecast Budget	YTD Budget	YTD Actuals	YTD Variance fav/(unfav)	%
						\$	
<b>REVENUE</b>							
Rates and charges	22,034,273	22,048,934	22,095,449	22,093,075	22,089,047	(4,028)	(0%) ●
Statutory fees and fines	442,627	434,467	434,467	521,701	544,829	23,128	4% ●
User fees	6,013,670	5,492,838	5,525,864	3,859,440	4,086,841	227,402	6% ●
Contributions - monetary	239,187	535,334	1,514,175	524,761	654,143	129,382	25% ●
Grants - Operating	11,407,286	8,768,081	8,332,395	6,063,517	6,081,954	18,437	0% ●
Grants - Capital	4,363,443	4,660,697	4,355,697	3,158,904	3,329,114	170,210	5% ●
Other Revenue	860,005	860,005	932,446	742,975	808,057	65,082	9% ●
Proceeds from sale of property, infrastructure, plant & equi	423,500	423,500	366,500	0	100,575	100,575	0% ●
External Loan Funds Received	25,333	25,333	25,333	22,286	22,286	(0)	(0%) ●
Transfer From Reserves	1,046,000	359,500	359,630	0	0	0	0% ●
<b>Total Revenue</b>	<b>46,855,323</b>	<b>43,608,688</b>	<b>43,941,955</b>	<b>36,986,657</b>	<b>37,716,846</b>	<b>730,189</b>	<b>86%</b> ●
<b>EXPENDITURE</b>							
Employee benefits	15,140,288	15,258,806	14,694,490	11,135,430	10,910,425	225,005	(2%) ●
Materials and services	13,055,110	19,632,973	19,631,960	8,275,375	8,143,363	132,012	(2%) ●
Bad and doubtful debts	2,500	2,500	2,500	2,000	0	2,000	(100%) ●
Other expenses	2,942,039	3,080,693	3,027,339	2,429,656	2,502,081	(72,425)	3% ●
Capital Expenditure	14,756,400	18,419,349	18,161,609	10,278,780	10,232,386	46,395	(0%) ●
Transfer to Reserves	527,480	557,480	557,480	0	0	0	0% ●
<b>Total Expenditure</b>	<b>(46,423,817)</b>	<b>(56,951,802)</b>	<b>(56,075,378)</b>	<b>(32,121,241)</b>	<b>(31,788,254)</b>	<b>332,987</b>	<b>(56%)</b> ●
<b>Surplus/(Deficit)</b>	<b>431,506</b>	<b>(13,343,113)</b>	<b>(12,133,423)</b>	<b>4,865,416</b>	<b>5,928,592</b>	<b>1,063,175</b>	<b>22%</b> ●

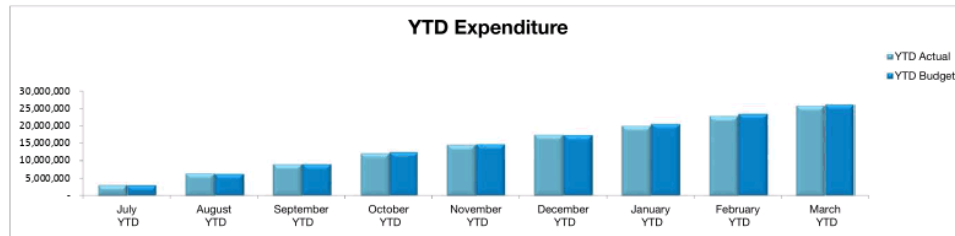
Note: Figures in brackets indicate cost to Council

Unfavourable variances shown in brackets



3. Recurrent Operations

	Adopted Budget	Reviewed Budget	Forecast Budget	YTD Budget	YTD Actuals	YTD Variance fav/(unfav)	
						\$	%
<b>Recurrent Operations</b>							
<b>Revenue</b>							
Corporate and Community Service	14,294,719	9,950,457	10,004,566	7,463,775	7,695,761	231,986	(3%) ●
Executive Office	0	0	0	0	978	978	0% ●
Sustainability Development	5,251,669	4,639,553	4,706,827	3,332,938	3,604,283	271,345	(8%) ●
Works and Services	6,890,975	6,945,982	6,941,494	5,562,438	5,496,223	(66,215)	1% ●
<b>Revenue Total</b>	<b>26,437,363</b>	<b>21,535,992</b>	<b>21,652,887</b>	<b>16,359,152</b>	<b>16,797,245</b>	<b>438,093</b>	<b>(3%) ●</b>
<b>Expenses</b>							
Corporate and Community Service	9,379,604	9,562,026	9,211,710	6,827,067	6,842,513	(15,446)	(0%) ●
Executive Office	940,597	940,324	909,324	676,100	620,904	55,196	8% ●
Sustainability Development	10,789,267	11,057,232	10,744,678	7,067,989	7,166,681	(98,692)	(1%) ●
Works and Services	15,078,438	15,136,590	15,089,605	11,593,119	11,190,106	403,013	3% ●
<b>Expenses Total</b>	<b>(36,187,907)</b>	<b>(36,696,172)</b>	<b>(35,955,318)</b>	<b>(26,164,275)</b>	<b>(25,820,204)</b>	<b>344,071</b>	<b>1% ●</b>
<b>Recurrent Operations Total</b>	<b>(9,750,544)</b>	<b>(15,160,181)</b>	<b>(14,302,431)</b>	<b>(9,805,123)</b>	<b>(9,022,959)</b>	<b>782,164</b>	<b>8% ●</b>



Comments:

**Recurrent Revenue** is \$438,093 favourable to budget.

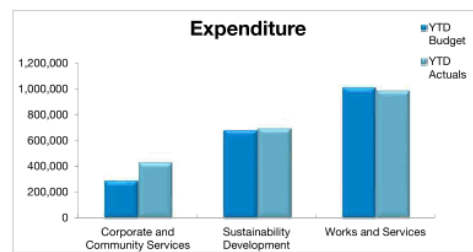
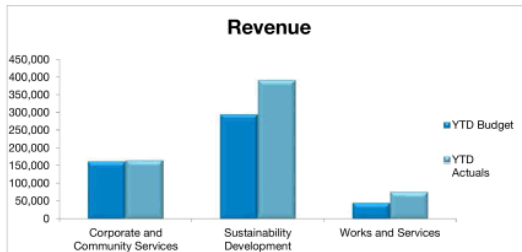
Corporate and Community Services favourable by \$231,986. Demand for mobile child care, family day care and aged care services have increased leading to an increased income. Given the recently announced changes to government funding for child care this is unlikely to remain favourable  
Sustainable Development is favourable by \$271,345. Income received for Landfill operations is currently in excess of budget.

**Recurrent expenditure** is \$344,071 favourable to budget.

Sustainable Development is unfavourable by \$98,692 as a result of timing differences mainly associated with cell construction at the landfill.  
Works and Services expenditure is favourable to budget with savings in fuel costs (\$103,000) and salary and wage savings (\$359,000). The recurrent salary and wage savings are due to workers spending more time on capital projects and will result in increased capital expenditure.

4. Projects

	Adopted Budget	Reviewed Budget	Forecast Budget	YTD Budget	YTD Actuals	YTD Variance fav/(unfav)	
						\$	%
<b>Projects</b>							
<b>Revenue</b>							
Corporate and Community Services	20,000	189,151	189,151	162,401	166,259	3,858	(2%) ●
Sustainability Development	217,126	285,251	318,801	295,751	392,183	96,431	(33%) ●
Works and Services	333,500	751,000	755,000	45,000	76,765	31,765	(71%) ●
<b>Revenue Total</b>	<b>570,626</b>	<b>1,225,402</b>	<b>1,262,952</b>	<b>503,152</b>	<b>635,207</b>	<b>132,054</b>	<b>(26%) ●</b>
<b>Expenses</b>							
Corporate and Community Services	397,480	5,481,450	5,340,619	287,199	427,074	(139,874)	(49%) ●
Sustainability Development	1,248,490	1,727,195	1,594,482	676,681	688,803	(12,123)	(2%) ●
Works and Services	1,462,375	2,180,431	2,125,382	1,016,153	990,764	25,389	2% ●
<b>Expenses Total</b>	<b>(3,108,345)</b>	<b>(9,389,076)</b>	<b>(9,060,483)</b>	<b>(1,980,033)</b>	<b>(2,106,641)</b>	<b>(126,608)</b>	<b>(6%) ●</b>
<b>Projects Total</b>	<b>(2,537,719)</b>	<b>(8,163,674)</b>	<b>(7,797,531)</b>	<b>(1,476,881)</b>	<b>(1,471,434)</b>	<b>5,447</b>	<b>0% ●</b>



Comments:

**Project Revenue** is \$132,054 favourable to budget.

Sustainability Development \$96,431 favourable to budget due to early payment of grant funding

**Project Expenditure** is \$126,608 unfavourable to budget.

Corporate and Community Services \$139,874 unfavourable to budget due to timing of payments associated with the shared service project

5. Capital

	Adopted Budget	Reviewed Budget	Forecast Budget	YTD Budget	YTD Actuals	YTD Variance fav/(unfav)	
						\$	%
<b>Capital</b>							
<b>Revenue</b>							
Sustainability Development	80,000	362,924	332,924	176,500	320,837	144,337	(82%) ●
Works and Services	5,428,543	4,963,773	5,313,480	3,144,194	3,222,567	78,373	(2%) ●
<b>Revenue Total</b>	<b>5,508,543</b>	<b>5,326,697</b>	<b>5,646,404</b>	<b>3,320,694</b>	<b>3,543,403</b>	<b>222,709</b>	<b>(7%) ●</b>
<b>Expenses</b>							
Corporate and Community Services	177,000	247,965	203,704	63,462	91,608	(28,146)	(44%) ●
Sustainability Development	495,000	1,351,706	1,301,084	742,000	577,360	164,640	22% ●
Works and Services	14,084,400	16,819,678	16,656,821	9,473,318	9,563,417	(90,099)	(1%) ●
<b>Expenses Total</b>	<b>(14,756,400)</b>	<b>(18,419,349)</b>	<b>(18,161,609)</b>	<b>(10,278,780)</b>	<b>(10,232,386)</b>	<b>46,395</b>	<b>0%</b> ●
<b>Capital Total</b>	<b>(9,247,857)</b>	<b>(13,092,652)</b>	<b>(12,515,205)</b>	<b>(6,958,086)</b>	<b>(6,688,982)</b>	<b>269,104</b>	<b>4%</b> ●



**Comments:**

**Capital revenue** is \$222,709 favourable to budget

Sustainable Development is favourable by \$144,337 due to timing of grant income

**Capital expenditure** is \$46,395 favourable to budget.

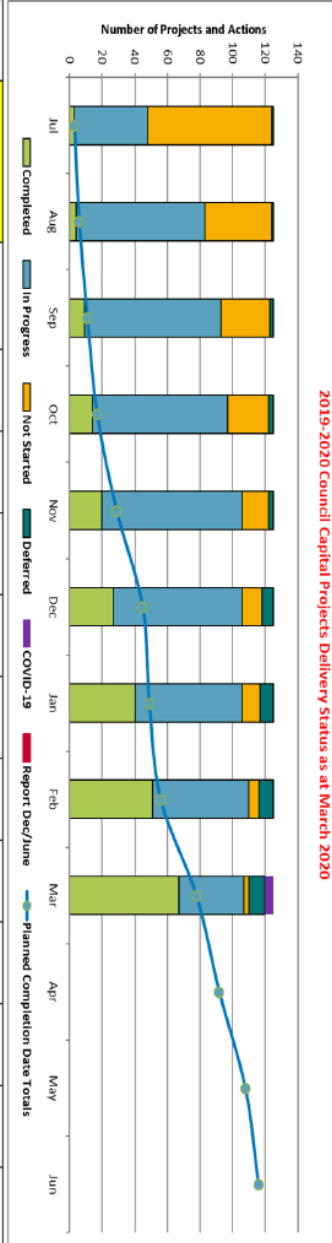
Sustainable Development is favourable by \$164,640 with the timing of Port Campbell Urban Design project being the main reason

Works and Services unfavourable by \$90,099 with projects being completed ahead of schedule

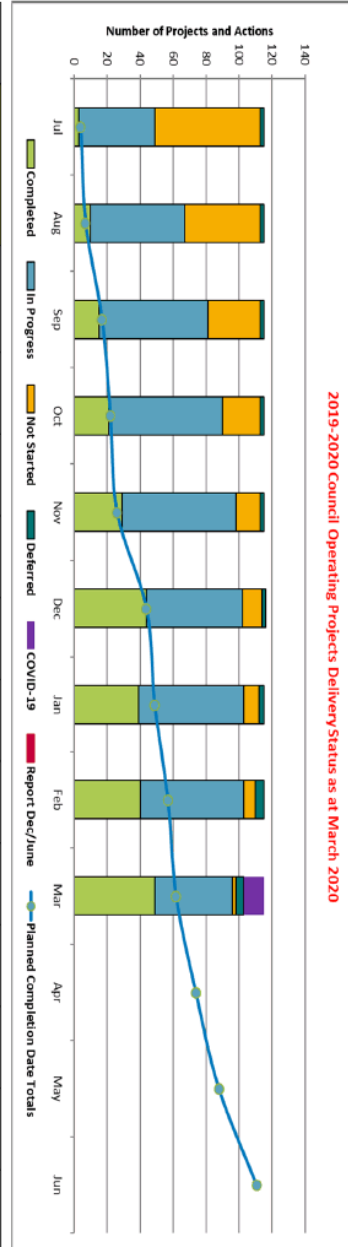
### 6. Project Delivery

The graphs and tables below provide an overview of the status of Council's capital and operating projects for the reporting period.

2019-2020 Council Capital Projects Delivery Status as at March 2020

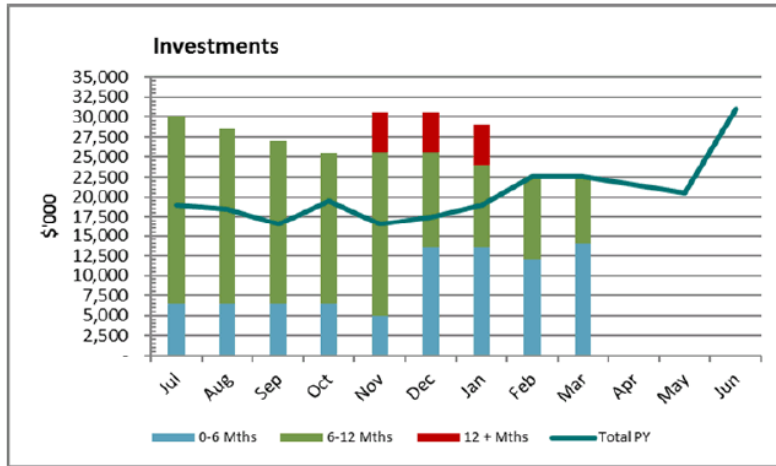


Directorate	Council	Capital Projects	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Not Started	76	41	84	84	25	16	12	11	66	59	40	0	0	0
In Progress	45	79	83	20	86	79	27	40	51	67	0	0	0	0
Completed	3	4	14	122	115%	122	118	117	116	110	60.3%	0	0	0
Sub Total	124	124	123	7.3%	11.5%	16.4%	22.9%	34.2%	44.0%	60.3%				
Completion Rate	2.4%	3.2%	7.3%	11.5%	16.4%	22.9%	34.2%	44.0%	60.3%					
Deferred	1	1	2	3	3	3	7	8	9	10	0	0	0	0
Unfunded	0	0	0	0	0	0	0	0	0	0	0	0	0	0
COVID-19	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Report Dec/June	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	125	125	125	125	125	125	125	125	125	125	125	125	125	125
Planned Completion Date Totals	\$436,777	\$1,589,889	\$2,078,445	\$2,787,288	\$3,865,214	\$5,374,733	\$6,548,989	\$7,781,707	\$8,354,422	\$10,527,302	\$12,687,842	\$15,116,071	\$18,140,497	\$116
Actual YTD	\$142,750	\$524,301	\$1,864,003	\$2,276,627	\$3,612,186	\$5,389,185	\$6,789,023	\$8,354,422	\$10,527,302	\$12,687,842	\$15,116,071	\$18,140,497	\$116	
Budget YTD														



Directorate	Council	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
<b>Operating Projects</b>													
Not Started		64	46	32	23	15	12	9	7	2	0	0	0
In Progress		46	57	66	69	69	58	64	63	47	0	0	0
Completed		3	10	15	21	29	44	39	40	49	0	0	0
<b>Sub Total</b>		<b>113</b>	<b>113</b>	<b>113</b>	<b>113</b>	<b>113</b>	<b>114</b>	<b>112</b>	<b>110</b>	<b>98</b>	<b>0</b>	<b>0</b>	<b>0</b>
	<b>Completion Rate</b>	<b>2.7%</b>	<b>8.8%</b>	<b>13.3%</b>	<b>18.6%</b>	<b>25.7%</b>	<b>38.6%</b>	<b>34.8%</b>	<b>36.4%</b>	<b>50.0%</b>	<b>0</b>	<b>0</b>	<b>0</b>
Deferred		2	2	2	2	2	2	3	5	5	0	0	0
Unfunded		0	0	0	0	0	0	0	0	0	0	0	0
COVID-19		0	0	0	0	0	0	0	0	0	12	0	0
Report Dec/June		0	0	0	0	0	0	0	0	0	0	0	0
<b>Total</b>		<b>115</b>	<b>115</b>	<b>115</b>	<b>115</b>	<b>115</b>	<b>116</b>	<b>115</b>	<b>115</b>	<b>115</b>	<b>115</b>	<b>0</b>	<b>0</b>
<b>Planned Completion Date Totals</b>		<b>4</b>	<b>7</b>	<b>17</b>	<b>22</b>	<b>26</b>	<b>44</b>	<b>49</b>	<b>57</b>	<b>62</b>	<b>74</b>	<b>88</b>	<b>111</b>
Actual YTD		\$90,881	\$28,388	\$535,683	\$703,682	\$881,790	\$1,206,794	\$1,231,148	\$1,683,689	\$1,975,247	\$2,887,778	\$2,278,460	\$9,180,633
Budget YTD													

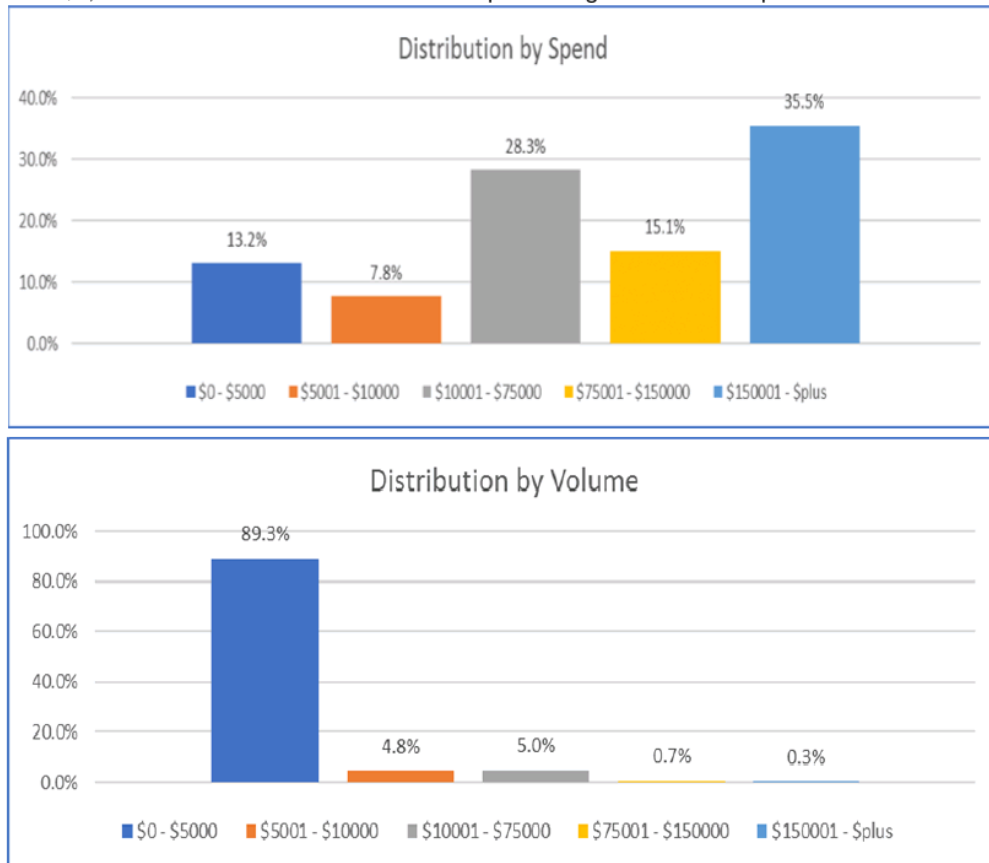
**7. Investments**



The above graph shows the 2019-2020 total investments as a comparative line and categorises current year investments by term. Term deposits are similar to prior year as we are currently holding additional funds rather than investing to ensure that we are able to have sufficient cashflow as we are paying suppliers more frequently.

**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 89.3% of transactions for the period were for a value of \$5,000 or less with a cumulative value representing 13.2% of total procurement.

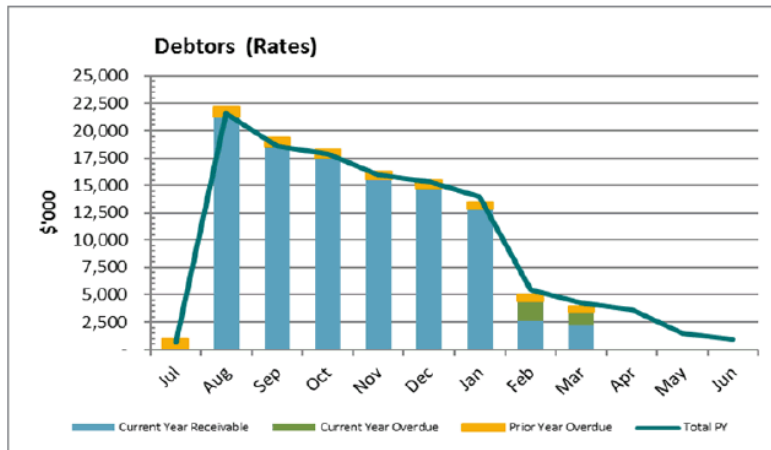




### 9. Outstanding Debtors

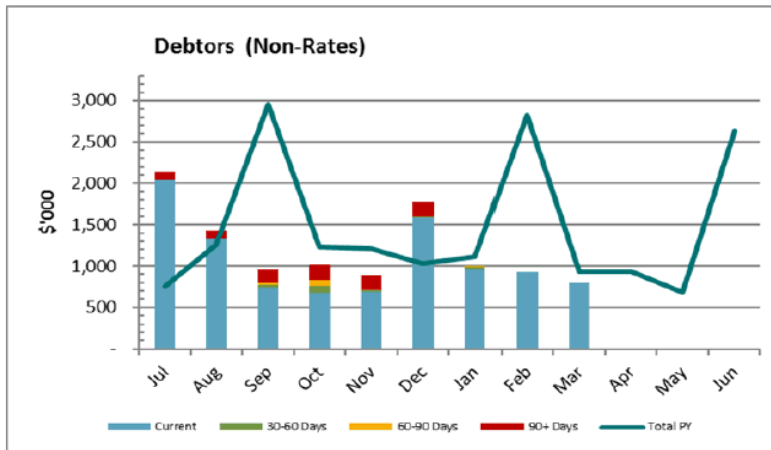
#### Rate Debtors

The below graph shows the total outstanding rates from the 2019-2020 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.



Rates are raised in August and the first instalment is due on 30 September, the second instalment 30 November, the third instalment 28 February and the final instalment 31 May. Ratepayers who choose to pay a lump sum are due on 15 February. 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 consistent with the current year with low levels of outstanding debt.

10. March 2020 Forecast changes

Project Name	2019-2020 Adopted Budget	2019-2020 Reviewed Budget	2019-2020 Forecast Budget	(Favourable / Unfavourable) Details
<b>Recurrent Operations</b>				
Health Services	107,535	107,535	75,535	32,000 Savings identified due to vacant position/s
Road Closures	11,588	11,588	5,281	6,307 Savings identified due to Covid-19 and reduction in events
Project Management and Continuous Improvement Team	200,000	200,000	0	200,000 Project not proceeding due to COVID-19
Finance	681,639	681,639	621,639	60,000 Savings identified due to vacant position/s
Councillor Remuneration	305,236	302,236	286,236	16,000 Savings identified due to vacant position/s
Executive Services	502,011	502,011	487,011	15,000 Savings identified due to vacant position/s
Community Relations	838,004	818,004	789,004	30,000 Savings identified due to vacant position/s
Record Management & Archive	193,730	193,730	217,730	(24,000) Additional expenditure for maternity leave payments
Port Campbell Information Centre	297,616	297,616	307,616	(10,000) Savings identified due to vacant position/s
Investment Interest	(500,000)	(500,000)	(550,000)	50,000 Additional investment interest to be received
Information Services Operations	372,529	372,529	397,529	(25,000) Income reduction for shared GIS resource which is no longer proceeding
Community Services Management	237,964	262,964	278,964	(15,718) reallocation to allow for trainee wages and oncosts
Ageed & Disabled Administration	273,865	273,865	223,865	50,000 Savings identified due to vacant position/s
HR & Risk Management	269,021	269,021	309,021	(40,000) Savings identified due to vacant position/s offset by increase in legal expenses
Herit Claims Excess-Council Property	13,000	13,000	3,424	9,576 Savings identified during budget reviews
Recreation Culture Facility Management	410,420	410,420	398,031	12,389 Savings identified due to vacant position/s and reduction in expected legal costs
Landfill Operations - Maroondah	(2,001,770)	(1,309,397)	(1,297,047)	(6,350) additional costs to cover workforce development
Sustainability Management Admin	210,025	210,025	102,299	104,726 Savings identified due to vacant position/s
Planning	479,463	479,463	369,463	90,000 Savings identified due to vacant position/s and reduction in expected legal costs
Building	(578)	10,922	(5,078)	65,000 additional fees expected to be received
Engineering Administration	738,124	738,124	698,424	39,700 Savings identified due to vacant position/s
Heavy Haul	(1,409,561)	(1,409,561)	(1,389,537)	(20,025) reallocation to allow for apprentice wages
Rates Income	(22,094,273)	(22,108,934)	(22,164,638)	55,664 Additional income received for supplementary rates and interest charges
Population Attraction	20,000	187,000	0	20,000 Project not proceeding due to COVID-19
Great South Coast Early Years Network	0	187,000	(14,031)	14,031 Project no longer proceeding. Previous contributions repaid
Youth Council	5,100	5,100	2,000	3,100 Savings identified due to Covid-19
Enterprise Bargaining	7,000	7,000	0	7,000 Negotiations delayed due to COVID-19
Organisational Training	56,000	75,810	61,000	14,810 Savings identified due to Covid-19
Arts and Cultural Strategy Initiatives	35,000	35,000	25,000	10,000 Savings identified due to Covid-19
Sports Centre - Timboon	27,002	31,252	41,329	(10,077) Loss of income due to Covid-19
Pre School MCH Programmed Maint	38,000	18,000	0	18,000 Project not proceeding due to COVID-19
Senior Citizens Centre Build Maint	48,116	48,116	40,116	8,000 Savings identified due to Covid-19
Public Conveniences	255,941	255,941	228,435	27,506 Reallocation of costs for new Port Campbell toilets
Council Hazard Removal	104,820	104,820	92,039	12,721 Savings identified due to Covid-19
Infrastructure Assets Assessment	63,000	67,000	76,673	(9,673) additional work required for asset revaluations
MPHWP Implementation	15,000	25,000	4,000	21,000 Savings identified due to Covid-19
Drug and Alcohol Testing Program	10,000	10,000	0	10,000 Savings identified due to Covid-19
Recruitment	29,368	29,368	20,000	9,368 Savings identified due to Covid-19
Port Campbell Public Toilets	0	0	34,506	(34,506) separate project setup to track cost of cleaning new toilets
Sleep and Setting	0	0	(10,364)	10,364 Additional funding stream received for Maternal & Child Health
Council Offices	158,019	158,019	138,450	19,569 Electricity savings identified due to solar panels
Other minor recurrent budget changes	1,196,262	1,218,027	1,200,222	17,805 Minor budget changes for projects <55000
				<b>904,266</b>
				<b>Total recurrent operations variations</b>

Operating Projects						
Beyond the Bell Action Group	0	4,733	(1,090)	5,623	Savings identified due to Covid-19	
Food and Fire Strategy - Value Add Opportunity Investigati	20,000	25,000	0	25,000	Project not proceeding due to COVID-19	
Urban Street Tree Asset Management Program	200,000	200,000	155,000	45,000	Project completed under budget	
Redundant Roadside Signs Removal	0	20,000	0	20,000	Project not proceeding due to COVID-19	
Festival and Events Funding	60,000	81,263	57,000	24,263	Savings identified due to in kind contributions	
Office 365 Transition	0	8,800	0	8,800	Project not proceeding due to COVID-19	
Property & Rating/Workload Improvements	0	53,875	23,000	30,875	Project reduced in scope	
Prepare Kerbside Collection Contract Schedules and	0	30,000	15,000	15,000	Project reduced in scope. Existing contracts to be rolled over	
Waste Water Subsidy Population Attraction	0	30,000	10,000	20,000	Project reduced in scope due to limited applications	
Road Condition Data Collection	0	38,513	38,513	(8,513)	additional funds required to complete project	
Raised Bed Cropping Drainage Improvement	0	13,124	0	13,124	Project not proceeding due to COVID-19	
Emergency Management - Review Plan	0	29,475	39,475	(10,000)	additional funds required to complete project	
Aerial Photography	0	37,137	29,499	7,638	Project to be completed under budget	
Urban Stormwater - Drainage Inspections	30,000	30,000	792	29,208	Project not proceeding due to COVID-19	
Sealed Road Inspections - Video Inspection	70,000	70,000	88,000	(18,000)	additional funds required to complete project	
Domestic Wastewater Mapping Updates, Data matching	25,000	25,000	0	25,000	Project not proceeding due to COVID-19	
Corporate Enterprise System - Property and Rating	60,000	60,000	0	60,000	Project not proceeding due to COVID-19	
Northern towns tourism project -	0	0	(14,000)	14,000	Project to be completed under budget	
Business Incubator Hub Feasibility Study	100,000	100,000	70,000	30,000	Project to be completed under budget	
Traineeships and Apprenticeship Program	90,000	90,000	62,769	27,231	Reallocation of costs for new trainee positions	
Port Campbell Car Parking Study	70,000	70,000	50,000	20,000	Project to be completed under budget	
Camperdown Botanic Gardens	0	0	19,650	(19,650)	additional funds required to complete project	
Other minor recurrent budget changes	48,480	88,480	87,136	1,344	Minor budget changes for projects <\$5000	
				<b>366,143</b>		
<b>Total operating project variations</b>						
<b>Capital Projects</b>						
Motor Vehicle Purchases	252,000	252,000	157,791	94,209	Some vehicles not being replaced - COVID-19 savings	
Plant & Equipment Purchases	808,500	1,398,500	1,348,500	50,000	Savings achieved on changeover of heavy fleet	
R&R Preparation Prior to Reseal	200,000	200,000	276,831	(76,831)	additional funds required to complete project	
Rf Reseal Program	1,639,000	1,654,000	1,581,000	33,000	Project completed under budget	
Camperdown Theatre - Lighting and Sound Upgrade	0	36,122	55,500	(19,378)	additional funds required to complete project	
Castle Cravey Bridge (B025) Realignment	0	(109,172)	(206,215)	97,043	Project completed under budget	
Public Art - Town 5	0	10,000	0	10,000	Project not proceeding due to COVID-19	
Waste Treatment Review, Design and Implementation	250,000	450,000	325,000	125,000	Grant has been received to help fund project	
Camperdown Theatre Royal Redevelopment - Planning and design	0	40,000	0	40,000	Project not proceeding due to COVID-19	
Public Art - Camperdown	0	10,000	0	10,000	Project not proceeding due to COVID-19	
Camperdown Depot - Additional Shedding	0	60,000	0	60,000	Project not proceeding due to COVID-19	
Playground Renewal - Port Campbell, Construction	0	187,791	210,926	(23,135)	additional funds required to complete project	
BSV Dairy Supply Chain Implementation -	0	231,770	203,457	28,313	Project completed under budget	
Tomahawk Creek Road and William Road Upgrade	0	8,148	21,232	(13,084)	additional funds required to complete project	
Civic Centre Alarm & PA System	50,000	50,000	20,000	30,000	Project to be completed under budget	
Salvards Roof Replacement/Removal	60,000	60,000	40,000	20,000	Project to be completed under budget	
Footpath - Brooke St, Manifold St to Laura St,	25,000	25,000	19,761	5,239	Project to be completed under budget	
Drone Technology for Asset Inspections	15,000	15,000	0	15,000	Project not proceeding due to COVID-19	
Keel and Channel - High Street Service Road, Renewal	40,000	84,000	77,468	6,532	Project completed under budget	
Long Bay Parking in Timbourn	50,000	50,000	0	50,000	Project combined with town centre activation project	
Digger's Bridge Road (0km to 0.95km) Rehab	209,000	226,000	235,000	(9,000)	additional funds required to complete project	
Centre Rd Simpson (5.1km to 5.86km) Rehab	186,000	226,000	260,999	(34,999)	additional funds required to complete project	
Koahla Road (Heytesbury) (1.84km to 2.68km)	132,000	182,000	97,000	85,000	Project could not be completed with reduced budget, has been reduced in scope	
Jancour Road (4.35km to 5.05km) Rehab	168,000	248,000	214,784	33,216	Project to be completed under budget	
Eastern Creek Road (7.99km to 9.03km) Rehab	261,000	261,000	340,000	(79,000)	additional funds required to complete project	
New Coorung Road (Ch 1.3km to 2.45km) Rehab	304,000	304,000	267,000	37,000	Project to be completed under budget	

Slurry Seal Program Trial	300,000	300,000	289,209	16,791	Project completed under budget
Road Upgrade to support local business and tourism	200,000	607,000	580,000	27,000	Project to be completed under budget
Cobden - South Esklin Guardrail Replacement	0	0	22,634	(22,634)	Project required due to safety concerns
Purchase - 5 Curdies Road Timboun	0	360,000	335,079	24,921	Project completed under budget
Timboun Town Centre Activation	0	0	100,000	(100,000)	Council contribution recently announced grant funding for project
Tearing Civic Hall Upgrade	0	60,076	87,706	(27,630)	Use of heritage reserve to increase project funding
Other minor recurrent budget changes	455,300	660,540	632,796	27,744	Minor budget changes for projects <\$5000
<b>Total capital project variations</b>				<b>520,317</b>	
<b>Reserve Transfers</b>					
Playground Renewal - Port Campbell Construction	0	(27,500)	0	(27,500)	Remove reserve contribution - transfer completed in last financial year
Tearing Civic Hall Upgrade	0	0	(27,630)	27,630	Use of heritage reserve to increase project funding
<b>Total reserve transfer variations</b>				<b>130</b>	
<b>Extraordinary Events</b>					
2016 Flood Event - Administration	0	(594,434)	(449,297)	(145,137)	A portion of expenditure related to the September 2016 Flood event was ineligible to be claimed
2018 St. Patrick's Day Fires - Initial Response	0	(534,506)	(548,479)	13,973	Additional costs to recoup from Disaster Funding
COVID-19 Response	0	0	450,000	(450,000)	Loss of income and direct costs of COVID-19. Estimates only at this stage
<b>Total recurrent operations variations</b>				<b>(891,164)</b>	
<b>Total March quarter budget variations</b>				<b>1,209,591</b>	

## 11. Balance Sheet for the period ended 31 March 2020

	Prior Year Balance	Adopted Budget	Reviewed Budget	Forecast Budget	YTD Actuals
<b>CURRENT ASSETS</b>					
Cash and cash equivalents	33,290,726	19,970,918	21,474,786	22,684,346	32,472,032
Financial Assets	25,359	12,400	12,400	12,400	5,018,510
Rate Receivables	942,718	1,000,000	1,000,000	1,000,000	3,889,977
Other Trade Receivables	2,823,039	1,500,000	1,400,000	1,400,000	1,595,577
Inventories	64,607	80,000	140,000	140,000	210,630
Other assets	1,037,208	494,170	1,000,000	1,000,000	333,349
<b>Total Current Assets</b>	<b>38,183,658</b>	<b>23,057,488</b>	<b>25,027,185</b>	<b>26,236,746</b>	<b>43,520,074</b>
<b>NON CURRENT ASSETS</b>					
Investments in associates	293,180	264,715	293,180	293,180	293,180
Financial Assets	12,374	46,217	0	0	12,374
Trade and other receivables	24,146	0	25,000	25,000	16,004
WIP - Capital	2,421,516	14,756,400	18,059,349	17,826,530	12,318,823
Fixed assets	452,827,678	460,836,881	442,330,194	442,305,273	453,162,757
<b>Total Non Current Assets</b>	<b>455,578,893</b>	<b>475,904,213</b>	<b>460,707,723</b>	<b>460,449,984</b>	<b>465,803,138</b>
<b>Total Assets</b>	<b>493,762,552</b>	<b>498,961,701</b>	<b>485,734,908</b>	<b>486,686,729</b>	<b>509,323,212</b>
<b>CURRENT LIABILITIES</b>					
Trade and other payables	2,111,041	3,260,796	2,100,000	2,100,000	1,536,340
Trust funds and deposits	226,018	235,584	226,018	226,018	345,128
Provisions - current	3,791,329	3,850,712	3,800,000	3,800,000	3,888,154
<b>Total Current Liabilities</b>	<b>6,128,387</b>	<b>7,347,092</b>	<b>6,126,018</b>	<b>6,126,018</b>	<b>5,769,622</b>
<b>NON CURRENT LIABILITIES</b>					
Provisions - non-current	3,967,421	3,559,555	3,972,265	3,972,265	3,748,320
<b>Total Non Current Liabilities</b>	<b>3,967,421</b>	<b>3,559,555</b>	<b>3,972,265</b>	<b>3,972,265</b>	<b>3,748,320</b>
<b>Total Liabilities</b>	<b>10,095,808</b>	<b>10,906,647</b>	<b>10,098,283</b>	<b>10,098,283</b>	<b>9,517,942</b>
<b>Net Assets</b>	<b>483,666,743</b>	<b>488,055,054</b>	<b>475,636,626</b>	<b>476,588,447</b>	<b>499,805,270</b>
<b>EQUITY</b>					
Operating Surplus/Deficit	7,212,310	1,365,053	(8,030,117)	(7,078,296)	16,138,692
Accumulated surplus	178,010,185	178,640,436	185,024,516	185,024,646	185,222,496
Asset revaluation reserve	290,264,105	300,748,590	290,264,105	290,264,105	290,264,105
Reserves	8,180,142	7,300,975	8,378,122	8,377,992	8,180,142
<b>Total Equity</b>	<b>483,666,743</b>	<b>488,055,054</b>	<b>475,636,626</b>	<b>476,588,447</b>	<b>499,805,270</b>

	Prudential Guideline	Adopted Budget	Reviewed Budget	Forecast Budget	YTD Actuals
Working capital ratio / Liquidity ratio (current assets to current liabilities)	150%	313.83%	408.54%	428.28%	754.30%
Debt servicing ratio (interest paid as % of total revenue)	5%	0.00%	0.00%	0.00%	0.00%
Debt commitment ratio (interest and loan repayments as a % of rate revenue)	15%	0.00%	0.00%	0.00%	0.00%

12. Income Statement for the period ended 31 March 2020

	Adopted Budget	Reviewed Budget	Forecast Budget	YTD Budget	YTD Actuals	YTD Variance favourable/ (unfavourable)
<b>REVENUE</b>						
Rates and charges	22,034,273	22,048,934	22,095,449	22,093,075	22,089,047	(4,028)
Statutory fees and fines	442,627	434,467	434,467	521,701	544,829	23,128
User fees	6,013,670	5,492,838	5,525,864	3,859,440	4,086,841	227,402
Contributions - monetary	239,187	535,334	1,514,175	524,761	654,143	129,382
Grants - Operating	11,407,286	8,768,081	8,332,395	6,063,517	6,081,954	18,437
Grants - Capital	4,363,443	4,660,697	4,355,697	3,158,904	3,329,114	170,210
Other Revenue	860,005	860,005	932,446	742,975	808,057	65,082
<b>Total Revenue</b>	<b>45,360,491</b>	<b>42,800,356</b>	<b>43,190,493</b>	<b>36,964,371</b>	<b>37,593,985</b>	<b>(629,614)</b>
<b>EXPENDITURE</b>						
Employee benefits	15,140,288	15,258,806	14,694,490	11,135,430	10,910,425	225,005
Materials and services	13,055,110	19,632,973	19,631,960	8,275,375	8,143,363	132,012
Bad and doubtful debts	2,500	2,500	2,500	2,000	0	2,000
Depreciation	12,855,500	12,855,500	12,855,500	0	0	0
Other expenses	2,942,039	3,080,693	3,027,339	2,429,656	2,502,081	(72,425)
<b>Total Expenditure</b>	<b>(43,995,437)</b>	<b>(50,830,473)</b>	<b>(50,211,789)</b>	<b>(21,842,461)</b>	<b>(21,555,868)</b>	<b>286,592</b>
<b>Surplus/(Deficit) from Operations</b>	<b>1,365,053</b>	<b>(8,030,117)</b>	<b>(7,021,296)</b>	<b>15,121,911</b>	<b>16,038,117</b>	<b>(916,206)</b>
Proceeds from sale of property, infrastructure, plant & equip	423,500	423,500	366,500	0	100,575	(100,575)
Written down value property, infrastructure, plant and equip	423,500	423,500	423,500	0	0	0
Net (gain)/loss on disposal of property, infrastructure, plant and equipment	0	0	(57,000)	0	100,575	(100,575)
<b>Surplus/(Deficit) for Period</b>	<b>1,365,053</b>	<b>(8,030,117)</b>	<b>(7,078,296)</b>	<b>15,121,911</b>	<b>16,138,692</b>	<b>(1,016,781)</b>

## 10.7 Quick Response Grants Allocation April 2020

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

**File No:**

**Previous Council Reference:** Nil

### Declaration

Chief Executive Officer – Andrew Mason

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

Author – David Rae

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

### Summary

The purpose of this report is to approve the April 2020 allocation of funds under the Quick Response Grants Program.

### Introduction

The Quick Response Grants Program is beneficial in supporting instances of community need that are not readily able to be considered under the Community, Events and Festivals, Facilities or Environmental Grants Programs. Applications for Quick Response Grants are considered by Council as they are received.

### Issues

The Quick Response Grants Program has a fixed budget that Council provides annually for the distribution of funds to Shire community groups. The Quick Response Grants Program has a rolling intake and this flexible approach allows Council to allocate small amounts to various community groups which results in positive outcomes.

Applications received for this allocation are attached under separate cover. Each application has been assessed against the following criteria, as detailed in the Quick Response Grants Policy:

- a. Eligible recipient
- b. Council Plan alignment
- c. Community benefit
- d. Eligible expenditure.

The assessment has also been provided as a separate attachment to this report.

### Policy and Legislative Context

Consideration of applications for the Quick Response Grants Program is in accordance with the Quick Response Grants Policy and the following 2017-2021 Council Plan commitments:

We are committed to working towards ensuring the safety, health and wellbeing of our communities.

Council will continue to provide and support a range of community and social support services.

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

Improved educational outcomes in Corangamite Shire.

Support our small towns and dispersed population.

Improve the health and wellbeing of our community.

### Internal / External Consultation

Applications for the Quick Response Grants Program are available from Council's website or by contacting Council's Community Relations team. Applicants are encouraged to discuss their application with the respective Ward Councillor prior to submission. Applicants may also contact Council's Director Corporate and Community Services for further information. Applicants will be advised of the outcome of their application following the Council meeting. Successful applicants will also be requested to provide a grant acquittal following completion of the event or project, including return of unexpended amounts.

### Financial and Resource Implications

The 2019-2020 Quick Response Grants Program budget allocation is \$17,500. Annual allocations for each Ward shall not exceed 1/7th of the fund's annual budget in the case of North, South West, Coastal and South Central Wards, and 3/7th of the fund's annual budget in the case of Central Ward. Should the allocations be approved as recommended in this report, the remaining allocation is outlined in the table below.

Ward	Annual Allocation \$	Previous Allocations \$	This Allocation \$	Remaining Allocation \$
Coastal	2,500.00	1,478.00	0.00	1,022.00
North	2,500.00	1,500.00	1,000.00	0.00
South Central	2,500.00	860.00	0.00	1,640.00
South West	2,500.00	1,478.00	0.00	1,022.00
Central	7,500.00	3,376.09	500.00	3,623.91
	<b>17,500.00</b>	<b>8,692.09</b>	<b>1,500.00</b>	<b>7,307.91</b>

### Options

Council can consider:

1. Allocating the funds as requested by the applicants
2. Allocating the funds for a reduced amount
3. Not allocating funds as requested by the applicants.

### Conclusion

The Quick Response Grants Program provides financial assistance to community groups to undertake beneficial projects and activities. The applications recommended for funding in this allocation are in accordance with Quick Response Grants Policy and will result in positive outcomes for the community.



**RECOMMENDATION**

That Council approves the following applications for funding from the Quick Response Grants Program for April 2020:

Applicant	Purpose	Ward	Amount
Terang Bowling Club	Funds to update kitchen utensils, cooking equipment (pots and pans) and purchase a food processor. Funds will also assist in replacing old plastic utensils and containers.	Central	\$500.00
Darlington Mechanics Institute And Recreation Reserve Inc	Cost associated with sealing and protecting kitchen and supper room floors.	North	\$500.00
Skipton Community Shop Inc	Cost of repairing a Christmas sleigh used as a town feature over the festive period annually.	North	\$500.00

**COUNCIL RESOLUTION**

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

That the recommendation be adopted.

**CARRIED**

**Attachments**

1. Quick Response Grants Assessment - April 2020 Allocation - Under Separate Cover
2. Application QRG Darlington Mechanics Institute And Recreation Reserve - Part A - Under Separate Cover
3. Application QRG Darlington Mechanics Institute And Recreation Reserve - Part B - Under Separate Cover
4. Application QRG Skipton Community Shop - Under Separate Cover
5. Application QRG Terang Bowling Club - Under Separate Cover

## 10.8 Records of Assembly of Councillors

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

**File No:**

**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 24 March 2020.

### 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 considered
- 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:

- 24 March 2020 Councillor Briefing Session
- 14 April 2020 Councillor Briefing Session

### **RECOMMENDATION**

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

#### **COUNCIL RESOLUTION**

***MOVED:***            *Cr Illingworth*

***SECONDED:***      *Cr Beard*

**That the recommendation be adopted with rewording to the Record of an Assembly of Councillors dated 24 March to read “ Brooke Love and Andrew Mason left the meeting at 5.15 pm (Hot Topic Staffing Matter) and returned at 5.25 pm.”**

**CARRIED**

### **Attachments**

1. Record of an Assembly of Councillors Councillor Briefing 24 March 2020
2. Record of an Assembly of Councillors Councillor Briefing 14 April 2020

# Council

## Record of an Assembly of Councillors



**Date:** 24 March 2020                      **Time:** 3.30 pm  
**Place:** Timboon Hall

**Present:**

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

**Officers:**

Brooke Love                       Andrew Mason                       Aaron Moyne                       David Rae

Brook Love and Andrew Mason left the meeting at 5.15 pm (Hot Topic Staffing Matter) and returned at 5.25 pm.

**Guests:****Issues Discussed:**

Item	Discussion Topic
1	<b>Alternate Access to Camperdown Botanic Gardens</b>
2	<b>COVID-19 Planning Discussion</b>
3	<b>Hot Topics</b> <i>Agenda Items, Regional Partnership, Caretaker, Staffing Matter, Tracks, Powerline Clearance Issues,</i>
4	<b>Councillor Items</b> <i>Dust and Drainage, Jubilee Spillway of Bridge, Simpson Neighbourhood House AGM, 12 Apostles Businesses, Driveway Old Port Campbell Road</i>

**Conflicts of Interest declared:** Nil

**Councillor left the meeting at:** am/pm

**Councillor returned to the meeting at:** am/pm

**Councillor Conflict of Interest Form Completed:** Yes/No

**Meeting close:** 5.30 pm

**Note taker:** Andrew Mason

# Council

## Record of an Assembly of Councillors



**Date:** 14 April 2020      **Time:** 10.00 am  
**Place:** Virtual Meeting via Microsoft Teams

**Present:**

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

*Cr Brown left at 3.00 pm*

**Officers:**

Brooke Love               Andrew Mason               Aaron Moyne               David Rae

*Adam Taylor (Item 1)*

*Penny MacDonald (Item 5)*

**Guests:**

*Craig Fraser, CEO South West Healthcare Item 2*

**Issues Discussed:**

Item	Discussion Topic
1	<b>Draft Budget</b>
2	<b>South West Healthcare Update</b>
3	<b>Hot Topics</b> <i>Covid-19 Update, Workforce and Working from Home, Rail Line Duplication, Planning Inspections, Community Vision, Local Govt. Act, Community Facility Grants, Council Meeting, By-election update.</i>
4	<b>Councillor Items</b> <i>Community and Business Updates, Youth Council</i>
5	<b>Council Plan Review 2020 and Draft Annual Action Plan</b>

**Conflicts of Interest declared:** Nil

**Councillor left the meeting at:** am/pm

**Councillor returned to the meeting at:** am/pm

**Councillor Conflict of Interest Form Completed:** Yes/No

**Meeting close:** 3.30 pm

**Note taker:** Andrew Mason

## 11. OTHER BUSINESS

The Mayor, Cr N. Trotter called for any items of other business. The following items were submitted:

- Cr L. Brown thanked Council's management team and staff for their leadership during the COVID-19 pandemic and acknowledged that Councillors are working as one.
- Cr L. Brown spoke in regard to Council's responsibility to create employment along the coast and to get projects that have been identified for this area started, noting Council has planned projects, it is time to get them started.
- Cr J. Beard raised concern regarding connectivity for Shire students after being in touch with principals from the local schools during the week. Cr Beard noted there appears to be a lack of mobile and internet access across the Shire and limited IT support available to schools.

### COUNCIL RESOLUTION

*MOVED:*            *Cr Beard*  
*SECONDED:*      *Cr Illingworth*

**That the CEO write to Federal Education Minister and State Education Minister along with local Members Dan Tehan to express Council's concerns with the lack of connectivity within Corangamite Shire and the lack of IT support for those who have to learn remotely.**

**CARRIED**

- Cr S. Illingworth agreed with Cr Brown's comments above. He spoke about the Timboon to Port Campbell Rail Trail being a key project which will enable Council to employ a mass of people along the trail. Cr. Illingworth believes this project is ready for delivery under COVID Infrastructure projects.
- Cr N. Trotter spoke in regard to the tragedy last week where four police officers were killed in the line of duty. Cr Trotter noted Council's respect for the police and that his thoughts go out to their colleagues and families at this time.
- Cr N. Trotter also thanked the community for their cooperation during the COVID-19 pandemic. Cr Trotter spoke of downloading the Govt. COVID-19 app which is an important tool to help increase understanding of the virus and containing its spread.

## 2. OPEN FORUM

Nil.

### COUNCIL RESOLUTION

*MOVED: Cr Beard*  
*SECONDED: Cr Gstrein*

**That standing orders be suspended.**

**CARRIED**

Standing Orders were suspended at 8.13 pm.

Livestreaming of the meeting concluded.

### COUNCIL RESOLUTION

*MOVED: Cr Gstrein*  
*SECONDED: Cr Durant*

**That standing orders be resumed.**

**CARRIED**

Standing orders were resumed at 8.16 pm

## 13. CONFIDENTIAL ITEMS

### RECOMMENDATION

That pursuant to the provisions of Section 89(2) of the *Local Government Act* the meeting be closed to the public to enable consideration of the following reports as they relate to personnel matters.

#### COUNCIL RESOLUTION

*MOVED: Cr Gstrein*

*SECONDED: Cr Durant*

That the recommendation be adopted.

**CARRIED**

The meeting moved into confidential items at 8.16 pm.

### 13.1 Personnel Matter

### 13.2 CEO Performance Review April 2020

#### COUNCIL RESOLUTION

*MOVED: Cr Gstrein*

*SECONDED: Cr Durant*

That the meeting move out of confidential items.

**CARRIED**

The meeting moved out of confidential items at 8.40 pm.

**Meeting Closed: 8.40 pm.**

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

**CONFIRMED:**

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

**DATE:**