



CORANGAMITE
SHIRE

agenda

CORANGAMITE SHIRE

MEETING OF COUNCIL

WEDNESDAY 27 JANUARY 2021

To be held at the Theatre Royal
Manifold Street, Camperdown commencing at 7.00 pm
and livestreamed on the internet

COUNCIL:

Cr Ruth Gstrein (Central Ward)
MAYOR

Cr Jo Beard (South Central Ward)
DEPUTY MAYOR

Cr Geraldine Conheady (Central Ward)

Cr Laurie Hickey (Central Ward)

Cr Kate Makin (South West Ward)

Cr Jamie Vogels (Coastal Ward)

Cr Nick Cole (North Ward)

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Order of Business

1. PRAYER

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

2. ACKNOWLEDGEMENT OF COUNTRY

We acknowledge the Traditional Custodians of the land around Corangamite Shire, the Eastern Maar and Wadarurrung people. We pay our respects to their Elders and peoples past and present.

3. APOLOGIES

4. DECLARATIONS OF CONFLICT OF INTEREST

5. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the Corangamite Shire Council meeting held on Friday 15 December 2020 be confirmed.

6. DEPUTATIONS & PRESENTATIONS

7. COMMITTEE REPORTS

8. PLANNING REPORTS

9. OFFICERS' REPORTS

10. OTHER BUSINESS

11. OPEN FORUM

12. CONFIDENTIAL ITEMS

ANDREW MASON
CHIEF EXECUTIVE OFFICER

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6. DEPUTATIONS & PRESENTATIONS

1. Members of the public may address Council under this section of the agenda during a meeting of Council if:
 - a) The person is addressing the Council in respect to a submission on an issue under Section 223 of the *Local Government Act 1989*, or
 - b) The person has requested that they address Council on an issue and the Mayor has agreed that they be heard.
2. Requests to address Council must be received by 5.00 pm on the day prior to the scheduled meeting of Council.
3. Presentations made to Council in this section of the agenda may not exceed five minutes in length, although Councillors may ask questions following each presentation. If a presentation exceeds five minutes in length, the Mayor may request that the presenter ceases to address Council immediately.

7. COMMITTEE REPORTS

Nil.

8. PLANNING REPORTS

8.1 Planning Scheme Amendment C55cora - Request for Authorisation - 373 Old Geelong Road, Camperdown

Author: Aaron Moyne, Manager Planning and Building Services

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 has received a request for a planning scheme amendment to rezone land at 373 Old Geelong Road, Camperdown from Farming Zone to Industrial 1 Zone.

The request has been submitted by Myers Planning Group on behalf of the landowner – JB Baulch.

This report seeks Council's approval to request Ministerial Authorisation for planning scheme amendment C055 and proceed with public exhibition.

The amendment attracts strategic support for future industrial land supply outside of Camperdown.

Introduction

A request has been received by Council to undertake a planning scheme amendment to rezone land at 373 Old Geelong Road, Camperdown. The amendment specifically seeks to rezone the subject land from Farming Zone to Industrial 1 Zone.

The proposal has previously been discussed with the landowner and planning consultant (Myers Planning Group) before the amendment request was made.

The subject site adjoins existing industrial land in the Old Geelong Road/Depot Road area, currently being developed by Camperdown Dairy, and is identified within the Camperdown Township Structure Plan as future industrial land.

For the amendment to proceed, Council must resolve to request Ministerial Authorisation and proceed with public exhibition in accordance with the *Planning and Environment Act 1987*.

Issues

The subject site is located north of Camperdown at 373 Old Geelong Road and adjoins existing industrial land being developed by Camperdown Dairy.

The site has an overall area of 9.42 hectares and is located within the Farming Zone. The property currently incorporates two heavy vehicle crossovers to Old Geelong Road and is developed with a large shed for a rural contracting business, along with a small-scale shipping container service station. The eastern portion of the property is vacant pasture.

Surrounding land uses include farming land to the north, east and south. Industrial land is currently being developed west of the site, whilst the Camperdown Racecourse Reserve is located south-east of the site. Old Geelong Road is a local road managed by Council and approved for higher productivity freight vehicles.

Road upgrade works and widening at the Old Geelong Road/Depot Road intersection will occur in early 2021.

Reticulated water is provided to the site, whilst sewer is available running along Depot Road to the Wannon Water waste reclamation facility, north-west of the site.

An existing planning zone and aerial map is provided at Figure 1 and 2.

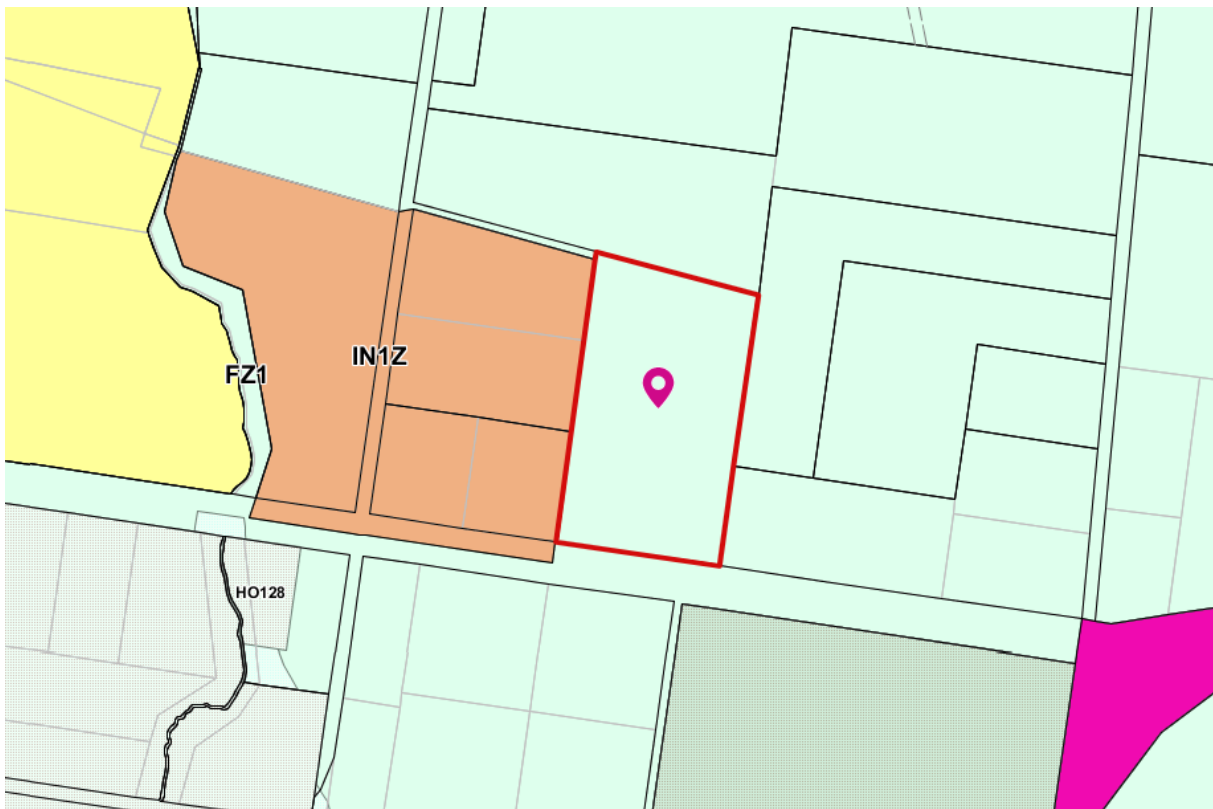


Figure 1. Planning Zone Map



Figure 2. Aerial Map

An issue previously raised with Council across the Shire has been the lack of available industrial land which is serviced and development ready for industrial uses or manufacturing.

Camperdown Dairy are currently developing a new milk processing facility adjoining the site and this rezoning request provides a further opportunity for industrial land provision to support future development. This could include an industrial precinct involving the relocation of existing businesses and attraction of new businesses to the Shire, along with the subsequent economic benefits and job opportunities.

The amendment will effectively extend this industrial precinct north of Camperdown, within an area located away from the township, residential and sensitive land uses, minimising development and amenity constraints. The nearest dwellings are located beyond 500 metres to the east and west of the site, providing adequate separation distances.

Policy direction within the Corangamite Planning Scheme supports the proposal to rezone the land and provide future industrial land supply. Local policy specifically seeks to support employment opportunities and industry linked with the agricultural sector.

Should Council support the amendment and resolve to seek Ministerial Authorisation, the amendment will undergo a public exhibition and notice process for a minimum of thirty (30) days.

If no submissions are received, Council will consider adoption of the amendment in final before submitting to the Minister for Planning for approval.

Submissions received which are unresolved must be referred to a Planning Panel who consider the merits of the amendment and issues raised by submissions. A report is then presented back to Council before final adoption and approval.

Overall, the amendment appears to carry strategic support, with no evident policy or site constraints that conflict with the proposal.

Policy and Legislative Context

Corangamite Shire Council Plan 2017-2021 objectives:

Maintain our competitive advantage as an “investment friendly” council and a leader in local economic development.

Ensure the Corangamite Planning Scheme provides for the fair, orderly, economic and sustainable use and development of land.

Internal / External Consultation

The proponent has previously held discussions with Council officers regarding the merits and proposed rezoning of the amendment.

The proponent has initiated consultation with Camperdown Dairy and other adjoining landowners to discuss the proposed rezoning.

The amendment will require exhibition/public notice which provides an opportunity for affected landowners or interested parties to make a submission.

If no submissions are received, the amendment request is a straightforward process. If submissions are received and cannot be resolved (e.g. object to the rezoning), they must be referred to a Planning Panel for review.

A Planning Panel process provides a further opportunity for submitters to express any concerns that they may have with the amendment.

Financial and Resource Implications

The amendment is not a Council budgeted project and any costs associated with the process will be borne by the proponent.

Rezoning the land to Industrial 1 Zone presents a future opportunity for investment attraction within Corangamite Shire within the industry, manufacturing or small-business, which enquiries for new proposals have recently been received.

Options

The following options are available:

1. Council resolve to request Ministerial Authorisation for the amendment and proceed with public exhibition. (Recommended)
2. Council resolve to not provide its support for the amendment and it does not progress any further.

Conclusion

A proponent led request has been received for a planning scheme amendment to rezone land at 373 Old Geelong Road, Camperdown, from Farming Zone to Industrial 1 Zone.

For the amendment to progress, Council must resolve to request Ministerial Authorisation and undertake public exhibition as the relevant planning authority.

The amendment presents an opportunity for Council to leverage future industrial development and investment opportunities within the Shire, adjoining an existing industrial precinct.

RECOMMENDATION

That Council:

- 1. Requests authorisation from the Minister for Planning under Section 8A of the *Planning and Environment Act 1987* to prepare Planning Scheme Amendment C055.**
- 2. Proceeds with notice and exhibition of Planning Scheme Amendment C055 in accordance with the *Planning and Environment Act 1987*.**

Attachments

1. Application Planning Scheme Amendment Rezoning 373 Old Geelong Road, Camperdown PSA2020/001 - Under Separate Cover

8.2 Planning Permit Application PP2020/087 - Two Lot Subdivision and Use and Development of Land for a Dwelling - 270 N Robilliards Road Timboon

Author: Melanie Osborne, Planning Officer

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 a two lot subdivision and the use and development of land for a dwelling at 270 N Robilliards Road Timboon.

Two (2) submissions objecting to the application have been received.

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

Introduction

Planning Permit Application PP2020/087 was received by Council on 30 July 2020. The applicant seeks approval for a two lot subdivision and use and development of a dwelling.

Public notice of the application was given and two (2) submissions were received objecting to the proposal. Key planning issues raised in the objections can be summarised as:

- Amenity impacts on neighbouring properties
- Land use conflict between the subject site and neighbouring agricultural activities
- Access to water supply
- Site access
- Impacts on native vegetation
- Fragmentation of farming land

This report provides a planning assessment of the application.

History

Planning history for this site includes:

- Planning permit PP2016/073 issued on the 12 August 2016 for the development of a dwelling on the subject site. The dwelling approved under this permit was to be located on the north eastern lot and required the consolidation of lots in order to provide access to the site. The dwelling was not constructed and the permit has now expired.

Subject Land

The subject site consists of two lots with a total area of 124.9ha. Each lot is vacant agricultural land used for broad acre grazing. See Figure 1 for the current lot configuration.

The site is part a larger pastoral property which extends east to N Robilliards Road. The larger farm is made up several allotments with a total area of approximately 333ha.

The site is located within the Farming Zone – Schedule 1 and subject to Environmental Significance Overlay – Schedule 1 and Bushfire Management Overlay.

Surrounding Area

Land within the surrounding area includes:

- Agricultural properties used in conjunction with grazing and dairy production.
- South east of the site on H Robilliards Road are four (4) small ‘rural lifestyle’ properties.
- North of the site is the Curdies River, where the land falls steeply to the valley floor.
- A small creek joining the river runs through the property. This section of land is covered with remanent vegetation.
- An unmade government road runs north-south through the site.
- Lot 1 TP389265 is a small section of land deviated from H Robilliards Road. The section of land is adjacent to the site and owned by Council. Council is currently processing a request to declare this section of land as a road to provide landowner access.

A planning zone and aerial map are provided at Figures 1 and 2.

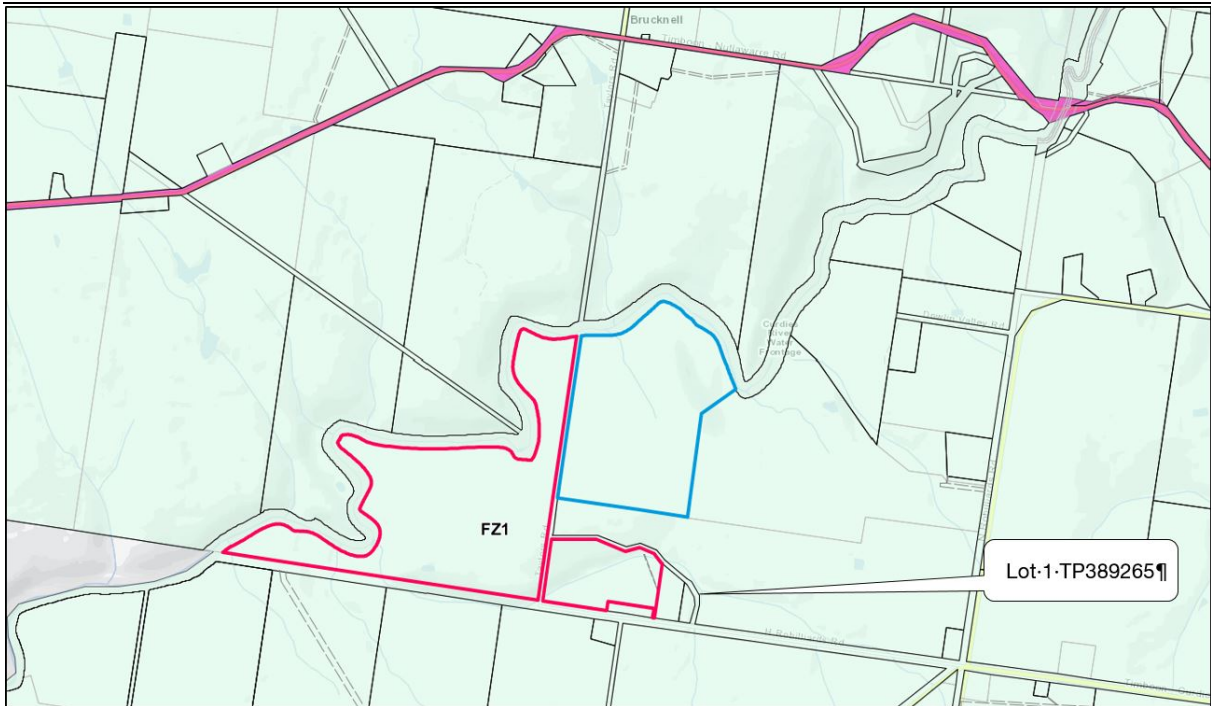


Figure 1: Planning Zone Map (the boundary of the existing allotments is shown in pink and blue)

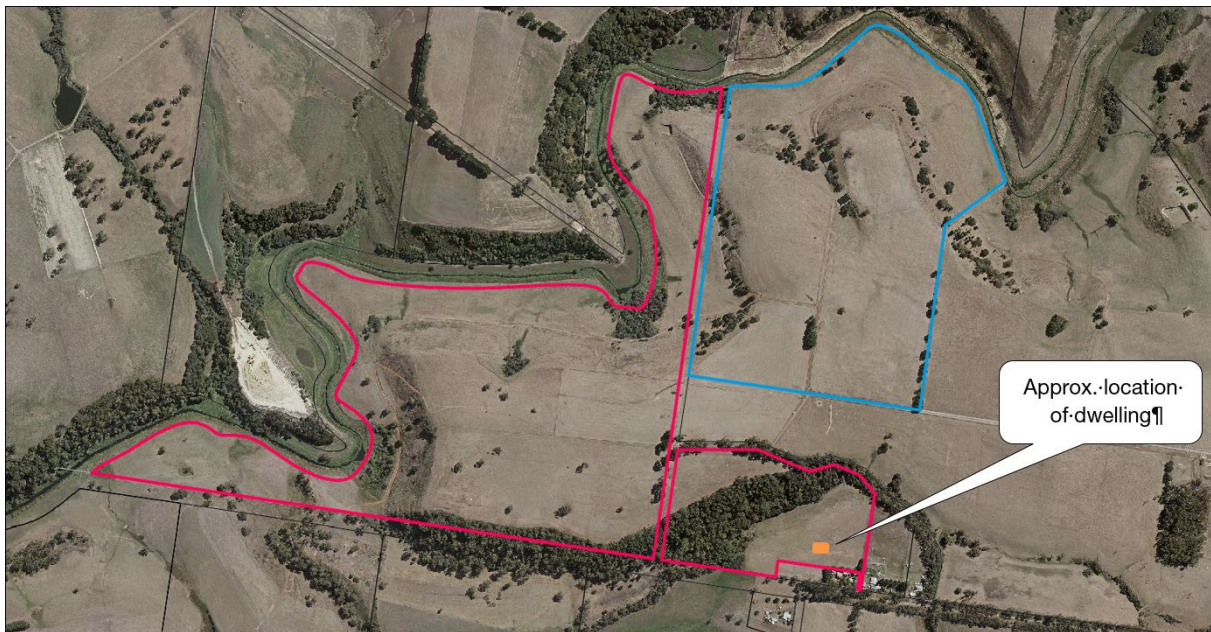


Figure 2: Aerial showing subject site and surrounds

Proposal

The application seeks permission for a two lot subdivision and use and development of land for a dwelling.

Subdivision

The proposed subdivision seeks to realign the boundaries between two existing lots to create:

- Lot 1 of 4.7ha, which will contain the proposed dwelling.
- Lot 2 which will be in three parts, totalling 120.2ha of farmland.

Dwelling

The dwelling is proposed to be sited 75m north of H Robilliards Road and 106m from the eastern boundary. See Figure 2 for an aerial showing the approximate location of the dwelling.

Access to the dwelling will be from H Robilliards Road via a driveway to be constructed of gravel/crushed rock.

The proposed dwelling is a simple and modern design. It will consist of three bedrooms plus a study and have an open plan kitchen/living/dining area. Total building footprint is approximately 206m².

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

Policy and Legislative Context

Zoning

The subject site is in the Farming Zone – Schedule 1 (FZ1). A planning permit is required for subdivision and the use and development of land for a dwelling on a lot that is less than 40 hectares.

The purpose and decision guidelines of the zone must be considered when assessing applications for subdivision and development.

Overlays

Environmental Significance Overlay - Schedule 1 (ESO1)

The ESO1 has been applied to land adjacent to the Curdies River and joining creek running through the subject site.

A permit is required to subdivide land under the overlay. The proposed dwelling will be constructed outside the area covered by the ESO1 and does not require assessment under the overlay. Schedule 1 to the ESO provides environmental objectives which seek to protect waterways and must be considered when assessing applications for subdivision.

Bushfire Management Overlay (BMO)

Under the BMO a planning permit is required for the subdivision of land and the development of a dwelling. The purpose of the BMO is to ensure that development is only permitted where risk to human life and property from bushfire can be reduced to an acceptable level.

Municipal Planning Strategy and Planning Policy Framework

The following clauses are considered relevant to this permit application:

Clause 02 Municipal Planning Strategy

- Clause 02.01 Context
- Clause 02.02 Vision
- Clause 02.03-1 Strategic Directions – Settlement
- Clause 02.03-3 Strategic Directions – Environmental risks and amenity (Bushfire, flooding, erosion and land slip)
- Clause 02.03-4 Strategic Directions – Natural resource management (agriculture)

This policy recognises that agriculture is the Shire's largest and most important industry and seeks to manage subdivision and the development of new dwellings where there is potential to impact on existing rural properties 'right to farm' or which removes land from agricultural production.

Clause 11 Settlement

- Clause 11.01-1S Victoria - Settlement
- Clause 11.01-1R Victoria - Settlement – Great South Coast
- Clause 11.03-6S Regional and local places

Clause 12 Environmental and Landscape Values

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

Clause 13 Environmental Risks and Amenity

- Clause 13.02-1S Bushfire - Bushfire planning

Clause 14 Natural Resource Management

- Clause 14.01-1S Agriculture – Protection of agricultural land
- Clause 14.01-1L Agriculture – Subdivision in the Farming Zone; discourages subdivision unless it can be shown that the subdivision will:
 - Enhance farm consolidation or trading of lots between farms.
 - Not adversely impact on the ability to use the land for agriculture.
 - Maintain sufficient land to support a viable agricultural enterprise.
- Clause 14.01-1L Agriculture – Protection of agricultural land; seeks to:
 - minimise conflicts between agricultural and non-agricultural land uses in rural areas.
 - avoid non-agricultural land use and development in rural areas that prejudices the productive use of agricultural land.
 - ensure dwellings are sited so that they do not compromise surrounding farming activities.

Clause 15 Built Environment and Heritage

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

Clause 16 Housing

- Clause 16.01-3S Residential Development – Rural residential development

Clause 65 Decision Guidelines

Must be considered in the assessment of the application.

Particular Provisions

Clause 53.02 Bushfire Planning

This clause sets out objectives and bushfire mitigation measures for new development in areas under the Bushfire Management Overlay. Development needs to meet the relevant objectives, relating to defendable space, construction, water supply and access set out in the provisions.

Internal / External Consultation

Referrals

The following referrals have been undertaken for this application:

Section 55 Referrals	Response
Country Fire Authority (Recommending Referral Authority)	Does not object to Council granting a permit, subject to conditions.
SEA Gas (Determining Referral Authority)	Does not object to the proposed subdivision – proposed small lot is 1.4km from the Mortlake Gas Pipeline.

Internal Department	Response
Assets Planning	Upgrade of driveway access from H Robilliards Road will require a separate Vehicle Crossing Permit from Council.
Environmental Health	The proposed dwelling must connect to an approved onsite wastewater management system in the absence of reticulated sewerage.

Advertising

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

- letters to adjoining landowners and occupiers; and
- notice on Council's website.

Two (2) objections to the application were received.

Key planning issues raised in the objections can be summarised as follows:

- Amenity impacts on neighbouring properties
- Land use conflict between the subject site and neighbouring agricultural activities
- Access to water supply
- Site access
- Impacts on native vegetation
- Fragmentation of farming land

Copies of the submissions were provided to the applicant. The applicant has responded to the issues raised by objectors and submitted amended plans to address concerns. This information has been circulated to objectors.

Changes to proposed plans include:

- The construction of paling fence along the eastern site boundary of proposed Lot 1.
- Establishment of a 5-10m wide plantation along the southern boundary of proposed Lot 1.
- Updated Environmental Management Plan to provide a requirement for access to bush land via proposed Lot 1.

A copy of the objections and the applicant response, including amended plans is provided under separate cover.

Consultation

Consultation for the application was undertaken and included:

- Pre-application discussions with the applicant.
- An on-site Council planning inspection was held on Tuesday 12 January 2021, attended by Councillors, Council officers, the applicant and objectors. Details of the application, key issues and considerations under the Corangamite Planning Scheme were discussed.

Assessment

Assessment of the planning application will address how the proposal responds to the relevant sections of the Corangamite Planning Scheme, including the Municipal Planning Strategy and the Planning Policy Framework, zone and overlays.

Key consideration for this assessment is whether it is appropriate to create an additional small house lot, 'rural lifestyle' property in a farming area.

Municipal Planning Strategy and Planning Policy Framework

The objectives and strategies of the Planning Policy Framework (PPF) recognise the importance of agriculture and the need to protect productive agricultural land from inappropriate subdivision that creates isolated small rural residential lots, which can be incompatible with adjoining farming operations and potentially create land use conflict.

These objectives are further supported through the Municipal Planning Strategy (MPS) and local planning policy. The agricultural sector is the largest and most important industry in the Corangamite Shire, employing approximately one third of the Shire's workforce. A key issue for Council is the need to manage rural-residential development and subdivision in order to reduce potential impacts and the loss of productive agricultural land.

When assessing these types of applications, it must be demonstrated that the subdivision will not result in the loss of productive agricultural land, enhance farming operations and that farming on the balance lot and surrounding properties can continue unhindered.

The current proposal to separate a small parcel of land from a larger farming operation for the purpose of creating a rural-residential lot, on balance, provides an acceptable response to the MPS and PPF.

The land to be included in the proposed rural-residential lot is effectively isolated from the larger broad acre farm due to the creek, contours of the land and the dense vegetation along the riparian area. South-east of the site are four existing lots containing dwellings which creates a cluster of rural-residential uses.

Conflict between these properties and the farming operation have arisen in the past. The applicant states it is expected that a future landowner of the small lot will likely use the land for small-scale agricultural ancillary to a dwelling, which will be more compatible with the existing rural-residential properties in this location. Farming practices continue to change and providing small properties in appropriate locations can improve agricultural activity, supporting and providing benefit to the local community. In the south of the Shire, particularly around Timboon, demand for small-scale local agricultural production has increased and this offers a further point of difference and advantage.

The benefit of the proposal is that proposed Lot 2 being the balance farmland will continue to be used as part of the existing large broad acre farm and operate unhindered by the creation of the small rural-residential lot on H Robilliards Road. Physical context of the creek and the adjacent riparian environment provides an acceptable buffer between the subject site and adjoining farming properties.

Farming Zone (Schedule 1)

The purpose of the zone is to provide land for agricultural uses and ensure that non-agricultural uses such as dwellings do not adversely affect existing or the expansion of agriculture production.

The proposal requires careful consideration due to the risks associated with fragmentation and permanent loss of farming land and the potential for the proposal to lead to further applications for rural-residential use and development in the locality. These risks must be balanced against the land use capacity of the site and surrounding context.

The construction of the proposed dwelling and subdivision will result in a loss of productive agricultural land. However, the creation of the small property with a dwelling in this location is acceptable given the context of the surrounding area. This section of land is already separated from the balance farmland due to the creek running through the site. The site also adjoins existing small lots with dwellings creating a rural-residential cluster.

The construction of a dwelling on the small lot will not adversely affect the continued use of adjoining land for agriculture. The proposed dwelling will be on a lot with sufficient land area and the dense vegetation along the creek on proposed Lot 2 and west of the site will act as a buffer, mitigating potential adverse impact and land use conflict from a dwelling.

The proposal will allow the current landowner to focus their efforts on the balance farmland and improve the operation of the larger broad acre farm. The small dwelling lot will have a land area of 4.7ha and lends itself to a rural-residential use with ancillary agriculture, which will be attractive and add value within the area.

The proposed dwelling will result in a cluster of five dwellings in the Farming Zone that are isolated from the settlement of Timboon, which may encourage other similar applications. However, planning policy and the Farming Zone are clear around prioritising agriculture and these types of proposals are generally discouraged unless the particular location and circumstances support such a proposal.

On balance, the proposal sufficiently complies with the purpose and provisions of the Farming Zone.

Overlays

Environmental Significance Overlay (Schedule 1)

The purpose and objectives of the Environmental Significance Overlay (Schedule 1) is to protect water quality and water health and the associated biodiversity values of watercourses. Consideration must be given to potential impacts the proposed subdivision may have on the quality and health of the relevant watercourse.

The proposed subdivision layout provides that the creek and the associated riparian environment will be contained within the boundary of proposed Lot 2. The use of this lot will continue to be part of the larger pastoral property and remains unchanged.

An Environmental Management Plan was provided with the planning application. Should a permit be issued the owner will enter into a Section 173 Agreement with Council to mandate the appropriate management of the riparian environment, including weed control, pest control, fencing requirements, and the prevention of any removal of native vegetation. The registration of the Agreement on title will continue with the land and improve the natural resource and environmental values of the area, satisfying the objectives of the Environmental Significance Overlay.

Bushfire Management Overlay

The Bushfire Management Overlay (BMO) has been applied to the subject site as the creek and vegetation along the associated riparian environment present a bushfire hazard and warrants the need for bushfire protection measures to be implemented.

An application submitted under the BMO must meet the relevant requirements of Clause 53.02 Bushfire Planning.

Lot 2 to be created by the subdivision will be a large farming lot which will continue to be used for animal grazing and does not increase bushfire risk for the area.

Proposed Lot 1 will be a small property with a dwelling. The Bushfire Management Plan provided with the application shows the lot can provide defensible space, water supply for fire-fighting, and adequate access for emergency vehicles. The application was referred to the CFA who do not object to the proposal, subject to standard conditions being included on any permit issued.

The application provides an acceptable response to the BMO and Clause 53.02.

Objections

Two (2) objections to the application have been received. The key issues raised through objections and an officer response is provided below.

Objection	Officer response
Fragmentation of farming land	<u>Objection not supported</u> Proposed Lot 2 will continue to operate as part of the larger broad acre farm. The land to be included in proposed Lot 1 is separated from the balance farm and adjacent to existing rural-residential properties. The land is already separated and its proximity to these properties has led to land use conflict in the past. This section of land is not required to support the ongoing operation of the balance farm.
Site access	<u>Objection not supported</u> It is suggested that the subdivision layout will not allow appropriate access to the creek and riparian area which is heavily vegetated. The proposed subdivision layout is in line with existing boundaries. The retention of the creek and riparian environment within Lot 2 is acceptable and the landowner can access the area via foot until vehicular access is provided.

Objection	Officer response
	Council is currently processing a separate request to declare Lot 1 TP389265 as a road. This will improve access to the site subject to further approval.
Amenity impacts on neighbouring properties	<p><u>Objection not supported</u></p> <p>The location of the private driveway (to be constructed) to the proposed dwelling is via an existing access gate from H Robilliards Road. The neighbouring dwelling is close to the boundary and the bedroom window faces this section of the site.</p> <p>Amenity proportion to rural-residential properties is limited and not the same as what would be normally afforded in a residential area. Access to the site via this driveway will be appropriate and the applicant proposes to construct a fence to improve privacy, which can be managed through permit conditions.</p>
Land use conflict between subject site and neighbouring agricultural activities	<p><u>Objection not supported</u></p> <p>Objectors have raised a number of disputes with the owner of the subject land around land and farm management. The application must be assessed against the relevant provisions of the Corangamite Planning Scheme and the changes being proposed. Impacts of the subdivision and the creation of a small rural-residential lot have been covered in the assessment of this application.</p>
Access to water supply	<p><u>Objection not supported</u></p> <p>An existing water supply easement benefiting the objector is unaffected by the proposal. The objector will retain existing rights to access water and undertake maintenance as per the current easement.</p>
Impacts on native vegetation	<p><u>Objection not supported</u></p> <p>The applicant has prepared an Environmental Management Plan to support the ongoing protection of vegetation along the creek.</p> <p>Native vegetation impacted by the construction of access from a road is likely to be exempt from requiring a planning permit. However, this will be assessed further through a future Vehicle Crossing Permit in consultation with Council's Assets Planning Department, with works and associated cost the responsibility of the owner of the subject land.</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 land is suitable for subdivision and the creation of a small rural-residential lot even though these types of applications are generally discouraged by the planning scheme. The proposal will result in an improved outcome for agriculture on the balance land and stronger protections for the native vegetation and natural resource management along the waterway and riparian area.

The proposed dwelling and small lot rural-residential subdivision is consistent with adjoining land uses along H Robilliards Road, resulting in a cluster of residential uses surrounded by productive farming activity.

The proposal provides an acceptable response to the Municipal Planning Strategy, Planning Policy Framework, Farming Zone, Bushfire Management Overlay and Environmental Significance Overlay (Schedule 1), 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. PP2020/087 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 PS 318102V & Lot 1 LP 85886, 270 N Robilliards Road Timboon for a *Two Lot Subdivision and Use and Development of Land for Dwelling*, subject to the following conditions:

SUBDIVISION

Subdivision Layout

1. **The layout and site dimensions of the subdivision as shown on the endorsed plan(s) 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.**

Utilities

2. **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.**

Easements

3. **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.

Certification

4. 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.

Section 173 Agreement Required

5. Before Statement of Compliance is issued for the plan of subdivision under the Subdivision Act 1988, the owner of the land must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 and must make application to the Registrar of Titles to have the agreement registered on the title to the land under Section 181 of the Act. The Agreement must provide that:

- (a) The commitment to maintain and protect the remnant native vegetation along the creek on proposed Lot 2 made in the Environmental Management Plan prepared by Davies Simpson (Ref. 2737, Version 4 dated 17 July 2020), must be carried out in accordance with the Plan as attached to this Agreement, except as otherwise approved by the Responsible Authority in writing.
- (b) No native vegetation is to be removed, destroyed or lopped from the area shown as 'remnant native vegetation covered creek' in the Environmental Management Plan, except where the vegetation removal is exempt under the Corangamite Planning Scheme (or superseding planning controls).

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

USE AND DEVELOPMENT

Layout Not Altered

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

Services

7. Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
8. The dwelling must be connected to a reticulated sewerage system or if not available, the wastewater must be treated and retained within the lot boundaries in accordance with the State Environment Protection Policy (Waters of Victoria under the Environment Protection Act 1970).

Note: A permit to Install/Alter a Wastewater Treatment System must be applied for through Council's Environmental Health Unit and the Permit obtained before the new system is installed.

-
9. The dwelling 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 purposes.
 10. The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

Stormwater Drainage

11. 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.

Boundary Fence

12. Before the development is started, a fence with a height of 1.8m for the purpose of providing an effective visual screen for the neighbouring property must be installed along the eastern boundary of proposed Lot 1 from H Robilliards Road for a length of 20m to the satisfaction of the Responsible Authority.

COUNTRY FIRE AUTHORITY (CFA) CONDITIONS

Bushfire Protection Measures

13. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the Responsible Authority and the relevant fire authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

Bushfire Management Plan

14. The Bushfire Management Plan prepared by Davies Simpson (Bushfire Management Statement, Ref. 2737, page 13, dated 15 July 2020) and accompanying Site Analysis and Design Response Plan (Ref. 2737, Version 4, Sheet 2 of 3) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.

Water Supply

15. A static water supply of 10,000lt for firefighting purposes must be provided to the following requirements:
 - (a) Be stored in an above ground water tank constructed of concrete or metal.
 - (b) Have all fixed above-ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal.
 - (c) Include a separate outlet for occupant use.
 - (d) Be readily identifiable from the building or appropriate identification signage to the satisfaction of the relevant fire authority.
 - (e) Be located within 60 metres of the outer edge of the approved building.

- (f) The outlet/s of the water tank must be within 4 metres of the accessway and unobstructed.
- (g) Incorporate a separate ball valve (British Standard Pipe (BSP 65 millimetre) and coupling (64 millimetre CFA 3 threads per inch male fitting).
- (h) Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling).

Access Requirements

16. The following design and construction requirements apply:

- (a) All-weather construction.
- (b) A load limit of at least 15 tonnes.
- (c) Provide a minimum trafficable width of 3.5 metres.
- (d) Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically.
- (e) Curves must have a minimum inner radius of 10 metres.
- (f) The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum grade of no more than 1 in 5 (20%) (11.3°) for no more than 50 metres.
- (g) Dips must have no more than a 1 in 8 (12.5%) (7.1°) entry and exit angle.
- (h) Incorporate a turning area for firefighting vehicles close to the building.

Expiry of Permit

17. 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 and the use has not started 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.

Attachments

1. Copy of Objections PP2020/08 - Under Separate Cover
2. Application Response to Objections PP2020/08 - Under Separate Cover
3. Copy of S55 Referral Responses PP2020/08 - Under Separate Cover
4. Application Planning Permit PP2020/08 - Under Separate Cover

9. OFFICERS' REPORTS

9.1 Councillor Code of Conduct

Author: Penny MacDonald, Executive Services and Governance Coordinator

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

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

Author - Penny MacDonald

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

Summary

Due to the introduction of the *Local Government Act 2020* (the Act) and *Local Government (Governance and Integrity) Regulations 2020* (the Regulations), and the general election held in October 2020, Council is required to review and adopt the Councillor Code of Conduct (the Code) before 24 February 2021. This report facilitates that review.

Introduction

The Act requires councils to develop a Councillor Code of Conduct which must be reviewed and adopted within four months after a general election. The Act specifies that the purpose of the Code is to “include the standards of conduct expected to be observed by Councillors in the course of performing their duties and functions as Councillors, including prohibiting discrimination, harassment (including sexual harassment) and vilification”.

Issues

Under the Act, the Code must include:

- the standards of conduct prescribed by the regulations expected to be observed by Councillors
- any provisions prescribed by the regulations
- provisions addressing any matters prescribed by the regulations
- any other matters which the Council considers appropriate, other than any other standards of conduct (optional).

Currently the Regulations stipulate the Standards of Conduct for Councillors and details for any internal arbitration process (for alleged breaches of the Standards of Conduct), both of which have been included in the amended Code. Other key changes in the amended Code include:

- Updated references to local government legislation, Local Laws, and Council policies, as well as inclusion of the Governance Rules.
- Revised values to reflect the values of the new Council.

- Removal of provisions relating to gifts due to the new Councillor Gift Policy that will complement the Code.
- Revised internal dispute resolution processes.

Policy and Legislative Context

Section 139(4) of the Act requires Council to review and adopt a Councillor Code of Conduct within four months after a general election.

Under section 139(5) a formal resolution to adopt the Code at a Council meeting requires a majority vote of at least two thirds (2/3) of all Councillors elected to the Council. For Corangamite Shire Council that is a vote of five (5) votes.

In accordance with section 139(7), a Councillor Code of Conduct is inoperative to the extent that it is inconsistent with any Act (including the *Charter of Human Rights and Responsibilities Act 2006*) or regulation.

A council may review its Councillor Code of Conduct at any time under section 140 of the Act, although a formal resolution of Council with at least a two thirds (2/3) majority will be required.

Changes to the legislation means Councillors are no longer required to make a declaration stating that they will abide by the Councillor Code of Conduct within one month of any amendments being made. Instead Councillors now make a declaration that they will abide by the Code and uphold the Standards of Conduct when they take their Oath or Affirmation of Office.

The review of the Code will ensure compliance with the Act and is consistent with the following 2017-2021 Council Plan commitment and objective:

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

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

Internal / External Consultation

Councillors and senior officers have been consulted in the preparation of the amended Code. The amended Code has been benchmarked against Councillor Codes of Conduct of various other councils, including Moyne Shire and Melbourne City Council.

Financial and Resource Implications

There are no financial implications in the adoption of the amended Councillor Code of Conduct. The review of the Code was carried out within existing financial and staffing resources.

Options

Council is required to review and adopt the Councillor Code of Conduct by 24 February 2021. Council may adopt the attached Code as presented or make further changes prior to adoption.

Conclusion

Changes to local government legislation and the general election held in October 2020 means that Council is required to review and adopt the Corangamite Shire Councillor Code of

Conduct prior to 24 February 2021. Councillors have been consulted in the development of the amended Councillor Code of Conduct. A formal resolution of Council to adopt the Code requires a majority vote of at least two thirds of all Councillors (five votes).

RECOMMENDATION

That Council:

- 1. Revokes the Councillor Code of Conduct dated January 2017.**
- 2. Adopts the Councillor Code of Conduct dated January 2021 and Councillors sign the Code.**

Attachments

1. Councillor Code of Conduct January 2021 Tracked Changes - Under Separate Cover
2. Councillor Code of Conduct January 2021



Councillor Code of Conduct

Corangamite Shire
January 2021

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Councillor Code of Conduct

1. Introduction

This Code of Conduct sets out the values, standards and behaviours expected to be observed by Councillors in the course of performing their duties and functions. The Code governs not only the use of Council resources, but also relationships between Councillors, recognising that these relationships are critical to good governance.

The Code is in accordance with the provisions of the *Local Government Act 2020* (the Act) and *Local Government (Governance and Integrity) Regulations 2020* (the Regulations), and complements the *Governance Rules, Local Law No.3*, as well as other Council policies.

As democratically elected Councillors of Corangamite Shire, we are committed to working together in the best interests of the people within our municipality and to discharging our responsibilities to the best of our skill and judgement.

2. Values

Values we uphold are:

- Respect
- Integrity
- Teamwork.

3. Application of the Code of Conduct

A Councillor must observe the Code of Conduct whenever he or she:

- a) conducts the business of the Council
 - b) conducts the business of the office to which he or she has been elected or appointed
 - c) acts as a representative of the Council
- or
- d) is in any dealings with the public and or generally in the public arena.

4. Councillor Standards of Conduct

We commit ourselves to ensure that our behaviour is consistent with the Standards of Conduct as set out in the Regulations.

4.1 Treatment of Others

A Councillor must, in performing the role of a Councillor, treat other Councillors, members of Council staff, the municipal community and members of the public with dignity, fairness, objectivity, courtesy and respect, including by ensuring that the Councillor:

- a) takes positive action to eliminate discrimination, sexual harassment and victimisation in accordance with the *Equal Opportunity Act 2010*; and
- b) supports the Council in fulfilling its obligation to achieve and promote gender equality; and

Adopted by Council on:

Responsibility: Chief Executive Officer
Document Number:

Department: Governance
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- c) does not engage in abusive, obscene or threatening behaviour in their dealings with members of the public, Council staff and Councillors; and
- d) in considering the diversity of interests and needs of the municipal community, treats all persons with respect and has due regard for their opinions, beliefs, rights and responsibilities.

4.2 Performing the Role of Councillor

A Councillor must, in performing the role of a Councillor, do everything reasonably necessary to ensure that the Councillor performs the role of a Councillor effectively and responsibly, including by ensuring that the Councillor:

- a) undertakes any training or professional development activities the Council decides is necessary for all Councillors to undertake in order to effectively perform the role of a Councillor; and
- b) diligently uses Council processes to become informed about matters which are subject to Council decisions; and
- c) is fit to conscientiously perform the role of a Councillor when acting in that capacity or purporting to act in that capacity; and
- d) represents the interests of the municipal community in performing the role of a Councillor by considering and being responsive to the diversity of interests and needs of the municipal community.

4.3 Compliance with Good Governance Measures

A Councillor, in performing the role of a Councillor, to ensure the good governance of the Council, must diligently and properly comply with the following:

- a) any policy, practice or protocol developed and implemented by the Chief Executive Officer in accordance with section 46 of the Act for managing interactions between members of Council staff and Councillors;
- b) the *Council Expenses Policy* adopted and maintained by the Council under section 41 of the Act;
- c) the *Governance Rules* developed, adopted and kept in force by the Council under section 60 of the Act;
- d) any directions of the Minister issued under section 175 of the Act.

4.4 Councillor Must Not Discredit or Mislead Council or Public

- a) In performing the role of a Councillor, a Councillor must ensure that their behaviour does not bring discredit upon the Council.
- b) In performing the role of a Councillor, a Councillor must not deliberately mislead the Council or the public about any matter related to the performance of their public duties.

4.5 Standards Do Not Limit Robust Political Debate

Nothing in these standards is intended to limit, restrict or detract from robust public debate in a democracy.

Corangamite Shire Council – Councillor Code of Conduct

5. Roles and Responsibilities

We understand that the relationship between elected officials and employed staff of the Shire is critical to ensuring that the Council can meet its objectives and fulfil its obligations to the community. Broadly, we commit ourselves to open and respectful relationships, while specifically we note the particular importance of the following relationships.

5.1 Mayor/Councillors

The functions of Mayor are defined in Part 2 Division 3 of the Act. We will support the Mayor in the execution of his/her role, ensuring that the office of Mayor continues to be held in high esteem by the community.

5.2 Councillors/Councillors

The role of Councillors is defined in section 28 of the Act.

We know that the effective functioning of Council is based on harmonious relationships between Councillors.

We will strive for shared understanding and knowledge of issues critical to our community as a whole, and provide our fellow Councillors with the benefit of our local knowledge.

We will consider the manner in which we engage with each other, acknowledging that we may at times have differing opinions. We will strive to undertake our discussions and debates in respectful, open way.

We understand that the discussions of Council are not merely a forum in which to put our own opinion but also a forum in which to listen and encourage the views of others.

We will not resort to verbal or physical abuse, nor will we tolerate this behaviour by others.

5.3 Mayor/Chief Executive Officer (CEO)

Section 46 of the Act includes the responsibility of the CEO for supporting the Mayor in the performance of his or her role. We have an expectation that the role of the Mayor includes regular interaction with the CEO to ensure that information relevant to councillors and staff is communicated swiftly.

5.4 Councillors/Chief Executive Officer (CEO)

The role of a Councillor does not include the performance of any functions that are specified as functions of the CEO under section 46 of the Act.

We recognise that maintaining a strong working relationship between Councillors and the CEO builds on the organisations understanding of our varied communities and increases the engagement between communities and the organisations employed staff. We will therefore ensure that our exchange of information is forthright and respectful.

Adopted at Council on:
Agenda Item:
Responsibility: Chief Executive Officer
Document number:

Department: Governance
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5.5 Councillors/Council Staff

The Chief Executive Officer is responsible for managing interactions between Council Staff and Councillors, ensuring that appropriate policies, practices and protocols are in place which govern arrangements for their interaction, including access to Council offices/buildings.

We express our commitment to a high level of professionalism in our interaction with Council staff. We recognise that our interaction with Council staff, where appropriate should predominantly occur following initial contact with the Chief Executive Officer or relevant Director. We acknowledge that it is an offence to direct a member of Council staff in a manner described by section 124 of the Act.

Our commitment to steadfastly avoid the misuse of Council resources includes an undertaking to ensure that Council staff are not diverted by personal requests from Councillors.

We will refer any complaint regarding a member of Council staff to the Chief Executive Officer.

5.6 Personal Relationships between Councillors or Staff

Where a personal relationship exists between another Councillor or member of Council staff, we will disclose the relationship and its nature to the Chief Executive Officer due to the possibility of a conflict of interest arising during the performance of our role as Councillor.

6. Councillor Obligations

The following are agreed conduct obligations that complement the prescribed Standards of Conduct.

6.1 Courtesy and Respect

We will treat all people with **courtesy and respect**, recognising that there are legitimate differences in opinions, race, culture, religion, language, gender and abilities. This includes:

- a) Treating members of the community with dignity and making all efforts to ensure that neither offence nor embarrassment are caused.
- b) Treating fellow Councillors with respect, even when disagreeing with their views or decisions.
- c) Debating contentious issues without resorting to personal acrimony or insult.
- d) Acting with courtesy towards Council staff and avoiding intimidatory behaviour.

6.2 Integrity and Honesty

We will always act with **integrity and honesty**:

- a) Being honest in all dealings with the community, with other Councillors and with Council staff.
- b) Always acting with impartiality and in the best interests of the community as a whole.
- c) Not acting in ways that may damage the Council or its ability to exercise good government.

Corangamite Shire Council – Councillor Code of Conduct

- d) Exercising reasonable care and diligence in performing our functions as Councillors.
- e) Complying with all relevant laws, be they Federal, State or Local Laws.

6.3 Position of Trust

We recognise that we hold a **position of trust** and will not misuse or derive undue benefit from our positions:

- a) We will avoid conflicts of interest and comply with the relevant provisions of the Act, the *Governance Rules* and this Code of Conduct relating to interests and conflicts of interest.
- b) We will not exercise undue influence on other Councillors, members of Council staff or members of the public to gain or attempt to gain an advantage for themselves.
- c) We acknowledge it is an offence under section 123 of the Act to misuse our position in a manner described in that section.

6.4 Gifts

We will comply with the *Councillor Gift Policy*.

6.5 Council Resources

We will exercise appropriate prudence in the use of **Council resources**. This includes:

- a) Maintaining appropriate separation between personal property and Council property in the care of the Council.
- b) Not using Council resources, including staff, equipment and intellectual property for electoral or other personal purposes.
- c) Ensuring that Council resources are always used effectively and economically and for the purposes for which they are provided.
- d) Ensuring that claims for out of pocket expenses are accurate and relate strictly to Council business.

6.6 Council Information

We will treat **Council information** appropriately, by:

- a) Not using information gained by virtue of being a Councillor for any purpose than to exercise their role as a Councillor.
- b) Respecting the Council's policies in relation to public comments and communications with all forms of media.
- c) Not releasing information deemed 'confidential information', acknowledging that under section 125 of the Act it is an offence to disclose confidential information in the circumstances described in that section.
- d) Recognising the requirements of the *Privacy and Data Protection Act 2014* regarding the access, use and release of personal information.
- e) Acknowledging that any information conveyed will be provided to all other Councillors.
- f) Seeking advice from the Chief Executive Officer if we are unsure if a matter is confidential, but acknowledging that the legal onus to maintain confidentiality rests on individual Councillors.

6.7 Council Decision Making

We are committed to making all decisions impartially and in the best interests of the whole community and acknowledge that effective decision-making is vital to the democratic process and an essential component of good governance.

Accordingly:

- a) We will actively and openly participate in the decision making process, striving to be informed and to achieve the best outcome for the community.
- b) We will respect the views of the individual in the debate. However, we also accept that decisions are based on a majority vote.
- c) We accept that no Councillor can direct another Councillor on how to vote on any decision.
- d) We will commit to voting in all circumstances unless a conflict of interest provision prevents otherwise.

6.8 Support for Council Decisions

We understand that Council is bound by the decisions made at Council meetings, and that while we may not agree with all decisions taken, it is our responsibility to ensure stability of governance in our Shire.

Notwithstanding our right to express our views and the views of our constituents on any given matter, we will respect decisions made by Council and give our support to them

6.9 Conflict of Interest Procedures

We are committed to making all decisions impartially and in the best interests of the whole community. We therefore recognise the importance of fully observing the requirements of the *Local Government Act 2020* regarding the disclosure of conflicts of interest, and will comply with the conflict of interest provisions in the *Governance Rules*.

In addition to the requirements of the Act:

- a) We will give early consideration to each matter to be considered to ascertain if we have a conflict of interest.
- b) We recognise that the legal onus to determine whether a conflict of interest exists rests entirely with the individual Councillor. If a Councillor cannot confidently say that he or she does not have a conflict of interest, the Councillor will declare a conflict of interest and comply with the relevant requirements as if they had a conflict of interest.
- c) If the Councillor considers that they may be unable to vote on a matter because of a conflict of interest, they will notify, as soon as possible, the Mayor, CEO or the Committee Chair.

6.10 Personal Dealings with Council

When we deal with our Council in our private capacity (e.g. as a ratepayer, recipient of a Council service or applicant for a permit) we do not expect, nor will we request preferential treatment in relation to any such private matter. We will avoid any action that could lead Council staff or members of the public to believe that we are seeking preferential treatment

6.11 Election Period Procedures

We are committed to fair and democratic elections, good governance practices, and the legislative requirements, as outlined in the *Local Government Act 2020* and in Council's *Governance Rules*, which includes an Election Period Policy.

Should we stand for election to Federal or State Parliament, we will comply with Council's *Councillor Candidates at Federal or State Elections Policy*.

6.12 Interacting with Children and Young People

Council prides itself being a Child Safe organisation with a zero tolerance for child abuse, and adhering to the Victorian Child Safe Standards and related legislation. As such, we undertake to be aware of our responsibilities outlined in Council's *Child Safe Policy* and the processes for reporting and acting on concerns or reports of abuse or neglect of a child.

We commit to respecting, listening to and promoting the rights of children and ensuring our behaviour and interactions with children are age appropriate, respectful, and adhere to the behavioural expectations outlined in the Child Safe Standards.

6.13 Interaction/Relationship to other Policies

Council has developed a range of policies related to Councillor activity and decision making. We undertake to both familiarise ourselves with these policies, adhere to them as required and to seek advice if we are unsure of the policy detail.

We acknowledge that we take a role in the development and review of Council policies and commit to ensuring that policies regarding governance and transparency in our activities are reflective of community expectations and practice of Council.

7. Dispute Resolution

7.1 Informal Dispute Resolution (Facilitated Discussion)

We acknowledge that interpersonal differences and disputes between Councillors may arise from time to time (as distinct from allegations of breaches of the prescribed Standards of Conduct).

We will endeavour to resolve any interpersonal differences or disputes in an informal, courteous and respectful manner between ourselves, recognising that we have been elected to represent the best interests of the community.

Where Councillors in dispute have not been able to resolve the matter between themselves, either or both parties may request the Mayor to convene a meeting for a facilitated discussion. Where the Mayor is party to the dispute, the request is to be made to the Deputy Mayor, or if both the Mayor or Deputy Mayor is involved, the most recent past Mayor. The Deputy Mayor or most recent past Mayor will perform the functions in this Code ascribed to the Mayor.

Corangamite Shire Council – Councillor Code of Conduct

The Councillor requesting the meeting is to provide the Mayor with the name of the other Councillor and the details of the difference or dispute in writing. The written request is to indicate that it is for a facilitated meeting for informal dispute resolution. They should also notify the other Councillor of the request and provide a copy of the written request to them.

Where the request relates to an alleged breach of the prescribed Standards of Conduct, the request must:

- specify the name of the Councillor alleged to have breached the Standards
- specify the clause(s) of the Standards that is alleged to have been breached
- the misconduct that the Councillor is alleged to have engaged in that resulted in the breach
- name the Councillor appointed to be their representative where the request is made by a group of Councillors
- be signed and dated by the requestor or the requestors' representative.

Where the request for a facilitated meeting relates to an alleged breach of the Standards of Conduct, the Mayor is to provide the Councillor who is the subject of the request and the Councillor Conduct Officer a copy of the written request.

The Mayor is to ascertain whether or not the other party is prepared to attend a facilitated meeting.

If the other party is not prepared to attend a meeting, the Mayor is to advise the Councillor seeking the meeting. No further action is required of the Mayor.

As participation in the informal dispute resolution process is voluntary, a decline to participate in a facilitated meeting by the other party does not constitute a contravention of this Councillor Code of Conduct.

If the other party consents to a meeting, the Mayor is to convene a confidential meeting of the parties at the earliest available opportunity. Unless one or both parties are unavailable, this should be within ten (10) working days of receipt of the meeting request.

The Mayor may present the parties with guidelines in advance of the meeting or at the meeting, to help facilitate the meeting.

The role of the Mayor at the meeting is to assist the parties to resolve the dispute. In the process of doing this they may provide guidance about what is expected of a Councillor, including in relation to the role of a councillor under section 28 of the Act and the Code.

The Mayor is to document any agreement reached at the meeting. Copies of the agreement are to be provided to both parties and a copy kept by the Councillor Conduct Officer.

Where the dispute remains unresolved, a party may request external mediation. Where the matter relates to an allegation of a breach of the Standards of Conduct, an application for an internal arbitration process may be made.

7.2 External Mediation

A Councillor or a group of Councillors may request that their dispute to be referred to mediation, to be conducted by an external accredited mediator.

The Councillor requesting external mediation is to provide the Councillor Conduct Officer with the name of the other Councillor and the details of the difference or dispute in writing. The written request is to indicate that it is for external mediation. They should also notify the other Councillor of the request and provide a copy of the written request to them.

Where the request relates to an alleged breach of the Standards of Conduct, the request must:

- specify the name of the Councillor alleged to have breached the Standards;
- specify the clauses(s) of the Standards that is alleged to have been breached;
- the misconduct that the Councillor is alleged to have engaged in that resulted in the breach
- name the Councillor appointed to be their representative where the application is made by a group of Councillors; and
- be signed and dated by the applicant or the applicants' representative.

Where the request for external mediation relates to an alleged breach of the Standards of Conduct, the Councillor Conduct Officer is to provide a copy of the written request to the Councillor who is the subject of the request.

The Councillor Conduct Officer is to ascertain (in writing) whether or not the other party is prepared to attend external mediation. If the other party declines to participate in external mediation, he or she is to provide their reasons for doing so in writing to the Councillor Conduct Officer. These reasons may be taken into account if the matter is subsequently the subject of an application for an Internal Arbitration Process if it is related to an alleged breach in the Standards of Conduct.

If the other party declines to participate in external mediation, this does not constitute a contravention of this Councillor Code of Conduct.

If the other party agrees to participate in external mediation, the Councillor Conduct Officer is to advise the requesting Councillor, the Mayor and Chief Executive Officer as soon as possible.

The Chief Executive Officer is to engage the services of an external mediator to conduct the mediation at the earliest practicable opportunity.

The mediator is to document any agreement reached at the meeting. Copies of the agreement are to be provided to both parties. Where one party does not comply with the agreement, the other party has recourse to apply for an Internal Arbitration Process where the matter relates to an alleged breach of the Standards of Conduct.

If the parties cannot resolve the dispute at the meeting, a further meeting may be convened with the consent of both parties. Where the dispute remains unresolved, the Councillor has recourse to apply for an Internal Arbitration

Corangamite Shire Council – Councillor Code of Conduct

Process where the matter relates to an alleged breach of the Standards of Conduct.

7.3 Breaches of the Standards of Conduct (Internal Arbitration Process)

In accordance with the Act, a breach of the prescribed Standards of Conduct is considered misconduct and an Internal Arbitration Process may apply.

An application for an internal arbitration process to make a finding of misconduct may be made by either the Council following a Council resolution, a single Councillor, or a group of Councillors. An application must be made within three (3) months of the alleged misconduct occurring, and in the manner specified by the Principal Councillor Conduct Registrar in any guidelines published under section 149(1)(c) of the Act.

The Internal Arbitration Process and any sanctions that may be imposed are governed by the Act and Regulations.

7.4 Complaints by Members of the Public

A member of the public or a member of Council staff who believes a Councillor has breached the Standards of Conduct, may raise their complaint with another Councillor or Group of Councillors to take up on their behalf. This is the only possible way such a complaint by a member of the public or Council Staff may be considered under the Councillor Code of Conduct. A Councillor is not obliged to take up the complaint on behalf of the complainant.

A member of the public may also raise a formal complaint about a Councillor to the relevant integrity agency external to Council.

8. Review of Code of Conduct

The Code of Conduct must be reviewed within four months after a general election or at any time in accordance with the Act. A copy of this Code of Conduct (as amended from time to time) must be:

- given to each Councillor
- available for inspection at the Council offices
- published on the Council's internet website.

9. Compliance with *Charter of Human Rights and Responsibilities Act 2006*

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

Corangamite Shire Council – Councillor Code of Conduct

10. Endorsement

This Code of Conduct was adopted by the Council on [date] and is signed by the following Councillors.

Councillor Ruth Gstrein

Councillor Jo Beard

Councillor Geraldine Conheady

Councillor Nick Cole

Councillor Laurie Hickey

Councillor Kate Makin

Councillor Jamie Vogels

Adopted at Council on:
Agenda Item:
Responsibility: Chief Executive Officer
Document number:

Department: Governance
To be reviewed by: January 2025

Page Number: 13

9.2 Councillor Gift Policy

Author: Penny MacDonald, Executive Services and Governance Coordinator

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

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

Author - Penny MacDonald

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

Summary

Under the *Local Government Act 2020* (the Act), Council is required to adopt a councillor gift policy. This report facilitates adoption of the new policy to ensure compliance with the Act.

Introduction

The new *Local Government Act 2020* (the Act) requires Council to adopt a councillor gift policy by 24 April 2021. The Councillor Gift Policy complements personal interest returns completed by Councillors, as it ensures the details of any gifts received by Councillors are captured between the submission of returns. Where one or more gifts exceeding the gift declaration threshold (\$500) are received by a councillor from a single party, the details must be declared on the councillor's next personal interest return and the councillor will have a conflict of interest in a matter involving the relevant party where a Council decision is required.

Historically, Council included provisions relating to gifts in its Councillor Code of Conduct, however, this will now change to a separate policy in accordance with the Act.

Issues

Council's Councillor Gift Policy must include procedures for the maintenance of a gift register and any other matters prescribed in the regulations, which currently relate to personal interest returns and the details that must be captured about gifts that exceed the gift disclosure threshold. These include:

- a description of the gift
- monetary value of the gift
- the name of the person who gave the gift
- if the gift was given on behalf of another person or body and their details.

The attached Councillor Gift Policy outlines the responsibilities of Councillors to ensure good governance and transparency relating to gifts. These include the need to:

- Abide by the Councillor Code of Conduct and the legislated Standards of Conduct.

- Be ethical, fair and honest in the conduct of their official duties.
- Be fully accountable and responsible for their actions and ensure that the methods and processes they use to arrive at decisions relating to gifts are beyond reproach and can withstand audit and risk processes and proper scrutiny.
- Be aware that anonymous gifts are not to be accepted, as per section 137 of the *Local Government Act 2020*.
- Not seek, solicit, or use their position with Council to obtain gifts or benefits from external organisations or individuals.

The policy also provides information on the legislated obligations regarding conflicts of interest and gifts, as well as gifts received by Councillors during their Council election campaigns when standing for re-election to Council.

The policy outlines the procedures for Councillors when a gift is offered, including the requirement to report to the CEO when bribes or monetary gifts are offered and declined, and that all gifts should be declined unless they are token gifts of insignificant value, or to refuse the gift would be to cause offense or embarrassment. It should be noted that there is no minimum value when it comes to declaring gifts. All gifts are to be declared using a gift declaration form.

As required by the legislation, the policy also outlines procedures for the maintenance of Council's gift register. Council's gift register for Councillors and staff has been in place since 2009 and records details about gifts declined and accepted, including all the information required by the legislation. The gift declaration form, used to gather information for the register, will be updated to capture instances where gifts are offered on behalf of another person or body as required by the regulations.

Under the Act, Council may review the Councillor Gift Policy at any time.

Policy and Legislative Context

Section 138 of the *Local Government Act 2020* requires councils to adopt a councillor gift policy.

Section 137 of the Act stipulates that anonymous gifts must not be accepted, and that it is an offence for a councillor to receive an anonymous gift that is valued equal to or in excess of the gift disclosure threshold (currently \$500). A breach of these provisions could result in a maximum penalty of 60 penalty units and a requirement to pay the Council an amount equal to the value of the gift. A Councillor is not in breach of this clause if the anonymous gift is disposed of to the Council within 30 days.

Adoption of the Councillor Gift Policy ensures compliance with the new Act and is consistent with the following Council Plan commitment and objective:

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

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

Internal / External Consultation

A draft policy was created using the Act, the *Local Government (Governance and Integrity) Regulations* (the regulations), information from Local Government Victoria and other councils

by way of benchmarking. Following this, Councillors discussed the draft Policy with officers prior to the attached policy being finalised.

Financial and Resource Implications

Administration of the policy, including maintenance of the gift register, will be managed within existing budget allocations.

Checks of the register will be carried out by Governance staff from time to time to ensure the gift declaration threshold has not been reached.

Options

Council is required to adopt a councillor gift policy.

Conclusion

The *Local Government Act 2020* requires Council to adopt a councillor gift policy by 24 April 2021. The policy must provide procedures for the maintenance of a gift register and any other matters prescribed by the regulations.

Council previously included gift provisions in its Councillor Code of Conduct and maintained a gift register for Councillors and staff. The attached Councillor Gift Policy replaces provisions in the Code of Conduct and is presented for Council's adoption to ensure compliance with the *Local Government Act 2020*.

RECOMMENDATION

That Council adopts the Councillor Gift Policy dated January 2021.

Attachments

1. Councillor Gift Policy January 2021 with Tracked Changes - Under Separate Cover
2. Councillor Gift Policy January 2021



**CORANGAMITE
SHIRE**

Councillor Gift Policy

Corangamite Shire
January 2021

Council Policy



Councillor Gift Policy

Introduction

Corangamite Shire is committed to the principles of public transparency, maintaining good governance, and ensuring the ethical behaviour of Councillors.

Purpose

This policy has been developed to ensure transparency and the principles of good governance and accountability are practised by Councillors when being offered gifts, benefits and hospitality in the course of their duties. The policy also ensures compliance with section 138 of the *Local Government Act 2020*.

Scope

This policy applies to all Corangamite Shire Councillors.

Definitions

In this policy:

Council means Corangamite Shire Council

Councillor means an elected official of the Council

Act means the *Local Government Act 2020*

Benefit means something which is believed to be of value to the receiver. For example, access to a sporting event, preferential treatment, access to confidential information, accommodation, personal services or vacation trips

Disclosable Gift has the same meaning as in the *Local Government Act 2020*, that is one or more gifts with a total value of \$500 or more received within the preceding five (5) years

Gift has the same meaning as in the *Local Government Act 2020*, that is "any disposition of property otherwise than by will made by a person to another person without consideration in money or money's worth or with inadequate consideration, including:

- the provision of a service (other than volunteer labour), and
- the payment of an amount in respect of a guarantee, and
- the making of a payment or contribution at a fundraising function."

A gift may include (but is not limited to) an item, goods, services, travel, hospitality, entertainment or other token of appreciation

Gift Disclosure Threshold has the same meaning as in the *Local Government Act 2020*, that is \$500 (or threshold amount fixed by the Secretary under the regulations) or a higher amount or value prescribed by the regulations

Hospitality means a meal or service which is offered and is not viewed as being connected to an event or function attended in an official capacity as a Councillor, part of Council business or part of the accepted meal at a conference or seminar

Monetary Gifts means cash, cheques, money orders, traveller's cheques, direct deposits, vouchers, gift certificates or items which can easily be converted to cash

Adopted by Council on: [Date]
Agenda Item No.:
Responsibility: Governance Coordinator
Document Number: 2920853

Department: Governance
To be reviewed by: January 2025
Policy Number: GOV XX-1
Page Number: 2

Corangamite Shire Council – Councillor Gift Policy

Regulations means the *Local Government (Governance and Integrity) Regulations 2020*

Token Gift means a gift that is nearly insignificant in value. These gifts include (but is not limited to) homegrown flowers or food such as homemade cakes or homegrown produce

Value means face value or estimated retail value.

References

Local Government Act 2020

Local Government (Governance and Integrity) Regulations 2020

Charter of Human Rights and Responsibilities Act 2006 (Vic).

Policy Detail

Responsibilities of Councillors

To ensure good governance and transparency relating to gifts, Councillors are required to:

- Abide by the Councillor Code of Conduct and the legislated Standards of Conduct.
- Be ethical, fair and honest in the conduct of their official duties.
- Be fully accountable and responsible for their actions and ensure that the methods and processes they use to arrive at decisions relating to gifts are beyond reproach and can withstand audit and risk processes and proper scrutiny.
- Be aware that anonymous gifts are not to be accepted, as per section 137 of the *Local Government Act 2020*.
- Not seek, solicit, or use their position with Council to obtain gifts or benefits from external organisations or individuals.
- Ensure that a person, company or organisation is not placed in a position in which they feel obliged to offer gifts or hospitality in order to secure or retain Council business.
- Avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to gain favourable treatment from an individual Councillor or from the Council.
- Take all reasonable steps to ensure that immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to gain favourable treatment.
- Report any incidences where a bribe and/or monetary gift is offered.
- Complete a gift declaration form for any gifts offered, whether or not they have been accepted.

Conflicts of Interest and Disclosable Gifts

Under the Act, a Councillor is considered to have a material conflict of interest in a matter when a person that has gifted the Councillor a disclosable gift, gains a benefit or suffers a loss depending on the outcome of the matter.

For the purposes of completing an initial or biannual personal interest return, where disclosable gifts are declared as an item of 'other interest', excluded gifts include any reasonable hospitality received by the Councillor at an event or function that the Councillor attend in an official capacity as a Councillor. In relation to gifts declared on campaign donation returns following a Council election, these gifts are also excluding from personal interest returns, however a material conflict of interest would still exist.

Gifts During Council Election Campaigns

The Act governs gifts received by candidates standing for election as part of their election campaign. Councillors standing for re-election must be aware of their obligations, including certain gifts not to be accepted in accordance with section 309 of the Act.

Adopted by Council on: [Date]
Agenda Item no.:
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Document Number: 2920553

Department: Governance
To be reviewed by: January 2025
Policy Number: GOV XX-1
Page Number: 3

Corangamite Shire Council – Councillor Gift Policy

Gifts and Declaration Procedures

Councillors must never accept gifts from anonymous sources or monetary gifts. Any offer of a monetary gift must be declined and reported to the CEO. A gift declaration form must also be completed, noting the gift had been offered and declined.

Councillors must not accept gifts in their roles as Councillors or where it could be perceived to influence their role as a Councillor except:

- Where the gift would generally be regarded as a token gift of nearly insignificant value that could not be perceived to influence actions. A gift declaration form is completed for token gifts only when the value exceeds \$10.
- Where refusal may cause offence or embarrassment. In which case the gift can be accepted and a gift declaration form completed.

The CEO will determine if the gift may be kept by the Councillor or if it should become the property of the Council.

When completing gift declaration forms for token gifts in excess of \$10 in value, and all other gifts offered (both accepted and declined), Councillors must disclose:

- The name of the person or who offered the gift.
- If the gift was offered on behalf of another person or organisation and the name of that person or organisation.
- Address or suburb of the individual or organisation offering the gift.
- A description of the gift.
- The monetary value of the gift, or an estimate if the value is unknown.
- If the gift was declined or accepted.
- The reason given for offering the gift.
- Any legitimate business reason for accepting the gift.
- Whether the gift is ceremonial in nature.
- Any actual, potential or perceived conflicts of interest or reputational risks (to the individual or Council) that the offer raises.
- Any other details required by the CEO.

Gift declaration forms must be signed and submitted to the Governance office. The CEO will review and sign all gift declaration forms by Councillors prior to the details being added to the Gift Register.

Gift Register Procedures

All gift declarations, including declarations of declined gifts, will be recorded on Council's Gift Register.

The register records sufficient information to identify trends and key risks and forms the basis of risk-based monitoring. Council will maintain the Gift Register for Councillors and staff and it will include the following information:

- Name of person who accepted / declined the gift.
- Date the gift was accepted / declined.
- Name of the person or organisation offering the gift.
- Address or suburb of the individual or organisation offering the gift.
- Description of the gift.
- The estimated value of the gift.
- If the gift was accepted or declined.
- Whether the gift entered the property of Council.
- The record number of the completed gift declaration form.

Adopted by Council on: [Date]
Agenda Item no.:
Responsibility: Governance Coordinator
Document Number: 2920553

Department: Governance
To be reviewed by: January 2025
Policy Number: GOV XX-1
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Corangamite Shire Council – Councillor Gift Policy

- Any relevant notes.

Privacy

Council will consider its requirements under relevant privacy legislation, including the Information Privacy Principles under the *Privacy and Data Protection Act 2014*, when recording items in the Gift Register and when publishing the summaries of personal interest returns containing disclosable gifts on Council's website. Reasonable steps will be taken to protect the personal information collected and held by Council.

Access to completed gift declaration forms will be restricted to relevant persons within Council. Access to the Gift Register will be available to members of the public following a request to the Chief Executive Officer.

References to Related Council Policies, Procedures or Guidelines

Councillor Code of Conduct

Governance Rules, incorporating the Election Period Policy.

Review Date

This policy must be reviewed a minimum of every four years or in-line with legislative changes.

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

Adopted by Council on: [Date]
Agenda Item no.:
Responsibility: Governance Coordinator
Document Number: 2920553

Department: Governance
To be reviewed by: January 2025
Policy Number: GOV XX-1
Page Number: 5

9.3 Small Business Assistance Program Policy

Author: Rory Neeson, Manager Growth and Engagement

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 - Rory Neeson

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

Summary

This report recommends that Council adopts the Small Business Assistance Program Policy as attached to this report.

Introduction

This program has been adapted from the Innovation and Entrepreneur Grants Program run by Council in 2019-2020. In May/June 2020 a review of the program was undertaken as a result of feedback and learnings from both this program and other stimulus grants programs offered by Council.

The new program has been developed in response to feedback from small businesses, in search of funding opportunities to complete improvements or to encourage innovation, diversification or introduce a new product/service to the Shire.

The purpose of the policy is to encourage businesses (both new and existing) located in the Corangamite Shire to innovate, adapt or diversify in order to encourage new projects, services and business ideas that will have a positive impact on both the business and more broadly economic activity in the Shire.

Issues

The policy provides for the effective delivery of a grants program aimed to assist small business growth and diversification within the Shire.

Priority will be given to new businesses and those who explore creative ways to do business, adapt and diversify. However, all small businesses wishing to complete an upgrade or seeking ways to improve how they do business are encouraged to apply.

Businesses can apply on a \$1:\$1 basis to complete improvements up to a maximum amount capped at \$5,000 (exc. GST) per business.

Businesses will be able to contribute over the \$5,000 amount if they want to complete more significant works but would still only be eligible for \$5,000 (exc. GST) from Council.

Some examples of projects that could be considered include:

- new website/point of sale software
- new equipment to allow the business to expand
- upgrades to the inside of a building
- investment in new technology
- creation of new spaces to allow a business to expand
- investment in new infrastructure for the business.

The following restrictions will apply to businesses wanting to participate in the program:

- Council will not grant funds for the program retrospectively.
- Council will not provide funds for ongoing or administrative costs including the funding of staff.
- Applicants must be able to fund the cost of the works upfront and then Council will pay its contribution following the completion of works through an acquittal process.
- Council will not grant funds for works where a planning/building permit has been refused or not obtained.
- Council will not grant funds for external façade improvements.

To be eligible for the program applicants must:

- Have read and understand the program guidelines.
- Complete a SBAP application form including all associated documentation and application forms (including relevant planning and building applications when applicable).
- Have the building owners consent.
- Have an Australian Business Number (ABN).
- Be located within the Corangamite Shire or planning to re-locate to the municipality within three months of applying for the grant.
- Have 20 or fewer full-time equivalent employees.
- Have no overdue debts with the Corangamite Shire.

The program is open to both new and existing businesses.

Businesses will be required to complete the Business Permits Self-Assessment Checklist and strongly encouraged to speak with Council officers prior to applying.

The funding will only be provided to a business following the conclusion of the works once the acquittal process has been completed, and all necessary permits have been approved and provided.

Criteria for the program includes:

- the project proposal (20%)
- benefit to business (20%)
- local economic benefits in the Shire (20%)
- timeframe/project readiness (10%)
- correct documentation (20%)
- ability to access additional funding (10%).

Once a decision has been made by Council, the business would then have until December 2021, to complete all proposed works and would need to forward to Council all associated

documentation including invoices, photos and proof of works, so that Council can reimburse agreed expenses.

Policy and Legislative Context

This program is consistent with the following Council Plan 2017-2021 objectives as part of the Vibrant Economy, Agriculture and Tourism theme:

We value the importance of local business to our economy and the overall prosperity of Corangamite Shire.

Maintain our competitive advantage as an “investment friendly” Council and a leader in local economic development.

The program also aligns with Council’s Economic Development Strategy and would be completed in accordance with Council’s Grants Policy.

Internal / External Consultation

Councillors and members of the Senior Officer Group have reviewed the program at a briefing in December 2020 with feedback incorporated into this updated policy.

Financial and Resource Implications

The SBAP has a \$50,000 budget allocation in the 2020-2021 Budget.

Businesses can apply on a \$1:\$1 basis to complete improvements to their façades with the amount capped at \$5,000 (exc. GST) per business.

Planning fees (where relevant) are proposed to be waived by Council as part of the program to encourage participation, however, any relevant building permit fees would still apply.

Options

Council may resolve to adopt the Small Business Assistance Program Policy with or without amendment.

Conclusion

The Small Business Assistance Grant Program will provide businesses or potential new business owners from across the Shire with an incentive to start a new business, or reinvest into an existing business, driving economic and employment benefits.

RECOMMENDATION

That Council adopts the Small Business Assistance Grant Program Policy.

Attachments

1. Policy Council Growth and Engagement Small Business Assistance Program 2021



**CORANGAMITE
SHIRE**

Small Business Assistance Program Policy

Corangamite Shire
January 2021



Council Policy

Small Business Assistance Program

Introduction

This policy details how Council will implement a Small Business Assistance Program (SBAP).

Purpose

The purpose of the SBAP is to encourage businesses (both new and existing) located in the Corangamite Shire to innovate, adapt or diversify that will in turn have a positive impact on the local economy.

Scope

All small businesses located in the Corangamite Shire will be eligible to be part of this program subject to meeting the requirements of the program.

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

Definitions

Council – Corangamite Shire Council

Program – Small Business Innovation Program

References

Corangamite Shire Economic Development Strategy

Corangamite Shire Grants Policy

Corangamite Shire Economic Stimulus and Support Policy

Policy Detail

This program has been developed to encourage new projects and business ideas to be completed by small businesses that will have a positive impact on both the business and broadly economic activity in the Shire.

Priority will be given to projects that look at new ways to do business, adapt and diversify. However, all small businesses wanting to complete an upgrade or looking at ways to improve how they do business will be encouraged to apply.

Some examples of projects that could be considered include:

- new website/point of sale software
- new equipment to allow the business to expand
- upgrades to the inside of a building
- investment in new technology

Adopted at Council on: Insert date
Agenda Item:
Responsibility: Manager Growth and Engagement
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To be reviewed by: January 2023

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Corangamite Shire Council – Small Business Innovation Grant Program

- creation of new spaces to allow a business to expand
- investment in new infrastructure for the business

Any idea that a business has that would lead to an improvement in how they do business could be considered as part of the program.

The following restrictions will apply to businesses wanting to participate in the program:

- Council will not grant funds for the program retrospectively.
- Council will not provide funds for ongoing or administrative costs including the funding of staff.
- Applicants must be able to fund the cost of the works upfront and then Council will pay its contribution following the completion of works through an acquittal process.
- Council will not grant funds for works where a planning/building permit has been refused or not obtained.
- Council will not grant funds for external façade improvements.

To be eligible for the program applicants must:

- Have read and understand the program guidelines.
- Complete a SBAP application form including all associated documentation and application forms (including relevant planning and building applications when applicable).
- Have the building owners consent.
- Have an Australian Business Number (ABN).
- Be located within the Corangamite Shire or planning to re-locate to the municipality within three months of applying for the grant.
- Have 20 or fewer full-time equivalent employees.
- Have no outstanding debts with the Corangamite Shire.

The program is open to both new and existing businesses.

Businesses can apply on a \$1:\$1 basis to complete improvements with the amount capped at \$5,000 (exc. GST) per business.

An example of a business applying to the program would be:

- Business - \$5,000 (exc. GST)
- Council - \$5,000 (exc. GST)
- Total cost - \$10,000 (exc. GST)

Businesses will be able to contribute over the \$5,000 amount if they want to complete more significant works but would still only be eligible for \$5,000 (exc. GST) from Council.

If a business only wanted to complete minor works they could apply to the fund for an amount under \$5,000. An example of this would be:

- Business - \$2,500 (exc. GST)

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Agenda Item:
Responsibility: Manager Growth and Engagement
Document Number:

Department: Growth and Engagement
To be reviewed by: January 2023

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Corangamite Shire Council – Small Business Innovation Grant Program

- Council - \$2,500 (exc. GST)
- Total cost - \$5,000 (exc. GST)

To apply for funding as part of the program, businesses will be required to complete an application form and provide all required documentation. An understanding of the program guidelines will also be essential to ensure they are aware of what is required to be completed as part of the program, including the requirement to obtain any necessary permits (e.g. planning, building, environmental health, local laws) prior to completing works.

Businesses will be required to complete the Business Permits Self-Assessment Checklist and strongly encouraged to speak with Council officers prior to applying.

Planning fees (where relevant) will be waived by Council as part of the program to encourage participation. Any relevant building permit fees would still apply and would not be able to be funded through the program.

The funding that will be made available as part of the program will only be provided to the businesses following the conclusion of the works once the acquittal process has been completed, and all necessary permits have been approved and provided.

As part of the financial reconciliation process, businesses will be required to provide proof of all purchases and works before being able to receive the funding which would be provided following the conclusion of works.

The program will commence with an application period running from February 2021 until March 2021. Following this period an internal committee will evaluate the applications and a report would be prepared for a Council Meeting in April 2021 to allow Councillors to decide on which businesses would be funded as part of the program.

Criteria for the program would include:

- the project proposal (20%)
- benefit to business (20%)
- local economic benefits in the Shire (20%)
- timeframe/project readiness (10%)
- correct documentation (20%)
- ability to access additional funding (10%)

Once a decision has been made by Council, the business would then have until December 2021 to complete all proposed works and will need to forward to Council all associated documentation including invoices, photos and proof of works, so that Council can reimburse agreed expenses.

Review Date
January 2023.

Adopted at Council on: Insert date
Agenda Item:
Responsibility: Manager Growth and Engagement
Document Number:

Department: Growth and Engagement
To be reviewed by: January 2023

Page Number: 4

9.4 Quick Response Grants Allocation January 2021

Author: Garry Moorfield, Community Development Officer

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 – Garry Moorfield

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

Summary

The purpose of this report is to approve the January 2021 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.

The application received for this allocation is attached under separate cover. Each application is 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 can also contact Council's Community Development Officer 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 any unexpended amounts.

Financial and Resource Implications

The 2020-2021 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	0.00	0.00	2,500.00
North*	2,500.00	805.00	0.00	1,695.00
South Central	2,500.00	0.00	499.00	2,001.00
South West	2,500.00	0.00	0.00	2,500.00
Central	7,500.00	2,968.00	0.00	4,532.00
	17,500.00	3,773.00	499.00	13,228.00

Options

Council can consider:

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

Conclusion

The Quick Response Grants Program provides financial assistance to community groups to undertake beneficial projects and activities. The application which is the subject of this report is in accordance with the Quick Response Grants Policy and will result in positive outcomes for the community, except that it is ineligible under the Quick Response Grants Policy in that the works for which funding is sought have already been completed.

Whereas it is not available to an Officer of Council to recommend that this application be approved for funding under the prevailing Policy, it is open to Council as the author of policy

to give consideration to making an exception or variation in the unique circumstances of this case. The applicant was contacted and has offered additional advice about the timing of the application, including the need to wait upon favourable ground conditions and uncertainty about the estimated cost of the works prior to completion. Further information is provided for Councillors in the Assessment at Attachment 2.

RECOMMENDATION

That Council not approve funding from the Quick Response Grant Program of the following application as it does not meet the eligible funding criteria:

Applicant	Purpose	Ward	Amount
Ecklin Cricket Club Incorporated	Repairs to the surface of the Ecklin Cricket Ground oval	South Central	\$499.00

Attachments

1. Application Council Quick Response Grant_Ecklin Cricket Club_ Repairs to Cricket Ground oval surface - Under Separate Cover
2. Quick Response Grant Assessment_January 2021 - Under Separate Cover

9.5 Municipal Emergency Management Planning Arrangements

Author: Lyall Bond, Manager Environment and Emergency

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

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

Author - Lyall Bond

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

Summary

This report provides Council with a recommendation to disband the existing Municipal Emergency Management Planning Committee and to authorise the CEO or delegated Officer to commence the establishment of a new Municipal Emergency Management Committee in accordance with requirements of the *Emergency Management Legislation Amendment Act 2018*.

The following is a summary of the acronyms used in this report for ease of reference.

EMLA Act – *Emergency Management Legislation Amendment Act 2018*

EM Act – *Emergency Management Act 2013*

CFA Act – *Country Fire Authority Act 1956*

MEMP – Municipal Emergency Management Plan

MEMPC – Municipal Emergency Management Planning Committee

MLEMP – Municipal Level Emergency Management Planning

MERO – Municipal Emergency Resource Officer

MEMO – Municipal Emergency Management Officer

MRM – Municipal Recovery Manager

SES – State Emergency Service

Introduction

In 2018 the Emergency Management Legislation Amendment Act 2018 (EMLA Act) was passed through Parliament, which seeks to establish an integrated, comprehensive and coordinated framework for emergency management planning.

Prior to this reform the responsibility for developing and approving Municipal Emergency Management Plans and coordinating Municipal Fire and Municipal Emergency Management Planning Committees was the responsibility of councils.

The Municipal Level Emergency Management Planning reforms came into effect on 1 December 2020. This involved changes to the function and responsibilities of Municipal

Emergency Management Planning Committees (MEMPCs) as well as Council staffing responsibilities.

Council is now required to pass a resolution in regard to emergency planning to ensure it remains compliant with emergency planning legislation.

Issues

In accordance with the Emergency Management Legislation Amendment Act 2018 (EMLA Act) the responsibility for municipal emergency management planning is to be transferred from Council to a multi-agency MEMPC. The intention of this shift of responsibility was to highlight the intent of the reform, which supports emergency management planning as an integrated, multi-agency and collaborative effort.

A provision within the *CFA Act 1956*, requiring a municipal fire prevention committee within each municipality, has also been repealed. From 1 December 2020 if a MEMPC considers the risk profile of the municipal district warrants the formation of a fire prevention committee, it can be transitioned to a sub-committee of the MEMPC. At Corangamite this process has already been in place to ensure consistent planning across all emergencies. It is anticipated that this arrangement will continue with the new MEMPC.

The reform will change the way council engages in emergency management planning.

The core membership of the new MEMPC includes the following:

- Corangamite Shire Council
- CFA
- Ambulance Victoria
- SES
- Victoria Police
- Australian Red Cross
- Department of Health and Human services

These agencies, not just Council, will be required to participate in the MEMPC and contribute to the process of developing a Municipal Emergency Management Plan for the municipality. The new MEMPC must also in collaboration with other agencies enable community participation in emergency preparedness, including response and recovery activities.

The EMLA Act requires the MEMPC to invite at least one additional member for each of the following three categories:

- at least one community representative
- at least one recovery representative
- at least one other representative (such as an industry, business or additional agency).

These additional members provide flexibility for the MEMPC to invite members that may address specific needs and requirements of municipality.

Members of the current MEMPC that are not reflected in the core membership of the reformed MEMPC remain eligible to sit on the committee as an additional member after 1 December 2020, if invited to do so.

It is the new MEMPC who have sole discretion regarding the membership of the new committee in addition to those from the legislated agencies.

The Act also details that either the CEO or a member of the municipal council staff, nominated by the CEO, will be the chairperson of the MEMPC. Emergency Management Victoria have clarified that it is not the intent of the legislation that an elected Councillor chair the MEMPC, but rather the CEO or a municipal council staff member. Lyall Bond the Manager Environment and Emergency has been nominated to this position by the CEO.

From 1 December 2020, the municipal emergency resource officer (MERO) no longer has legislative backing and each council must have a Municipal Emergency Management Officer (MEMO). The CEO has actioned this requirement and appointed a MEMO and deputies as required.

The role of municipal recovery manager (MRM) has also been formalised in legislation for the first time and Council must appoint one or more MRMs. No action was required for this change as Corangamite already had positions within the organisation allocated to this role.

Policy and Legislative Context

If Council accept the recommendations of this report, they will become compliant with the requirements of the *Emergency Management Legislation Amendment Act 2018*.

The new structure of the emergency management planning and officer roles also aligns with the Council Plan 2017-2020 priorities of:

Foster a partnership approach to Emergency Management and understanding risks

Support our small towns and dispersed population

Improve the health and wellbeing of our community

Internal / External Consultation

The *Emergency Management Legislation Amendment Act 2018* and new planning arrangement have been considered by the current MEMPC and Fire Planning Committee and preliminary discussions held regarding the future composition of the committee and potential community representatives.

Council officers have considered the new arrangements and discussed the key changes with Council's Leadership Group.

Further community engagement will be undertaken as part of the new MEMPC, when they determine the community representation model for this committee.

Financial and Resource Implications

There are no additional financial implications for Council by adopting the recommendations in this report. Officer time is already allocated to the management and scheduling of the existing MEMPC and the development of the Municipal Emergency Management Plan.

Options

The preferred option is for Council to adopt the recommendations as presented to ensure compliance with the *Emergency Management Legislation Amendment Act 2018*.

Alternatively, Council may choose to become non-compliant with the *Emergency Management Legislation Amendment Act 2018* and write to the Minister requesting altered emergency planning arrangements for Corangamite Shire.

Conclusion

In 2018 the *Emergency Management Legislation Amendment Act* (EMLA Act 2018) was passed through Parliament, which seeks to establish an integrated, comprehensive and coordinated framework for emergency management planning.

Council is now required to consider and where appropriate implement the changes initiated by the EMLA Act 2018. It is recommended by officers that Council adopt the new emergency planning process proposed by the EMLA Act 2018.

RECOMMENDATION

That Council:

- 1. Authorises the disbandment of the existing Municipal Emergency Management Planning Committee (MEMPC) established under s21(3)-(5) of the *Emergency Management Act 1986*, in recognition that on 1 December 2020 these provisions were repealed by s82(2) of the *Emergency Management Legislation Amendment Act 2018* and replaced by the provisions of s68 of the *Emergency Management Legislation Amendment Act 2018*.**
- 2. Authorises the CEO or his delegate to facilitate the establishment of the MEMPC in accordance with the provisions of s68 of the *Emergency Management Legislation Amendment Act 2018* (which inserts a new 'Part 6-Municipal Emergency Management Planning Committees' into the *Emergency Management Act 2013* from 1 December 2020).**
- 3. Notes that, under the MEMPC Terms of Reference provided and the *Emergency Management Legislation Amendment Act 2018* (which inserts s59 and 59F into the *Emergency Management Act 2013* on 1 December 2020), Council's role is to establish the committee and that once established, the committee exists separately to Council and is not a committee of Council.**

9.6 Corangamite Shire Future Library Management Model

Author: Brooke Love, Director Works and Services

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 - Brooke Love

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

Summary

This report seeks Council resolution to pursue a new, shared service library management model, with direct service delivery to be provided by each Council, commencing July 2022 and to confirm a twelve-month transition period from the Corangamite Regional Library Corporation commencing 1 July 2021.

Introduction

Corangamite Shire provides library services located in the five townships of Camperdown, Cobden, Derrinallum, Terang and Timboon. An outreach library service visits Skipton and Lismore on a fortnightly basis and a home delivery service is offered in Camperdown.

Moyne Shire have three main library branches in Port Fairy, Koroit and Mortlake and provide service points at the Hawkesdale P12 College and Macarthur Primary School. The Library outreach van services Nullawarre and Peterborough.

The Corangamite Regional Library Corporation (CRLC) was established in 1996 with member councils, Colac-Otway Shire, Corangamite Shire, Moyne Shire and Warrnambool City, signatories to a Regional Library Agreement in accordance with Section 196 of the *Local Government Act 1989*.

The member councils contribute funds to CRLC to provide public library services across their municipalities. CRLC provides services from buildings provided by the member councils.

Warrnambool City Council and Colac Otway Shire have indicated their intention to withdraw from the Corporation as at 30 June 2021.

An independent and comprehensive review of Council's library services has been undertaken, in partnership with Moyne Shire, in order to consider a new library service model to provide library services into the future from 1 July 2021. The *Library Services Review: Review and Analysis Report* is attached under separate cover.

Issues

An independent review of the governance and service provision for public library services in Corangamite and Moyne Shire has been conducted by SED Consulting to plan for future library services and ensure that residents continue to receive a high level of public library service provision. The review has sought to provide recommendations on the most appropriate delivery model for each Council including service improvements, cost efficiencies, risk management and governance and operational arrangements.

Specifically, the review has assessed the following models:

- Continued partnership under the revised CRLC structure, effective from July 2021.
- Provision of a stand-alone service model by Moyne Shire Council and a stand-alone-service model by Corangamite Shire Council.
- New service partnership arrangement with Moyne and Corangamite Shire Councils.
- New service partnership arrangement, which includes Moyne and Corangamite Shire Councils and other Councils / corporations in the region such as Glenelg Shire or Southern Grampians Shire or Warrnambool City Council.
- Assessment of governance structure and service provision options including delegated Committee of Council, partnership arrangements such as joint ventures, Library Corporation, company limited by guarantee, buy-in services or other.

Whilst the July 2021 changes to the membership of the CRLC has been the primary reason for undertaking this service review, the purpose, function and use of public library services has also changed significantly over the years. Many potential library users are not aware of the diverse range of services offered in a modern library. The provision of quality library services has the capacity to positively influence, educate and support our residents through free access to information, internet and literacy programs. It is opportune with the changed management model, to review what library services are provided across the Shire.

The viability of some branches and the outreach service has been identified as an issue for each of the Council's, particularly as the departure of Warrnambool City Council and Colac Otway Shire is likely to have an impact on membership and visits to libraries and will impact the Outreach Service. Most branches are serviced by only one staff member with support from volunteers hence there is little ability to manage costs without impacting public opening hours. The continuation of CRLC in its current form with regional head office staff is unsustainable.

Three models for the management of Council's library services have been considered:

- Standalone
- Shared Service
- Business Enterprise (separate entity).

The standalone and shared service model are viable management options. The consultant's recommendation is for Corangamite and Moyne Councils to pursue a shared service model based on the following:

Strategically sound:

- supported by Local Government Act 2020
- alignment with Libraries Victoria vision
- maintains direct control of service levels by Local Government Authority

- effective for strategic risk mitigation
- presents opportunity to negotiate further with additional partners
- implementation can be staged e.g. expansion.

Operationally superior:

- provides for back office efficiencies and minimises capital investment
- attractive model for securing skilled and capable personnel
- Library Victoria management of system administration and collection
- increased access to resources for residents
- potential to address low performing indicator measures
- lower cost to participating Councils.

Under a Shared Service model each Council would maintain direct responsibility for operational costs and staff costs however collection management would be coordinated by one Council. State Government funding for recurrent operations of library services would remain. It is recommended that the shared service also subscribe to the state-wide Library Management System (LMS) which provides free access to collection items (3 million) across all the library branches (150) that participate in Victoria. Whilst the efficiency of the service is not dependent on additional partners, it has also been recommended that Moyne and Corangamite Shires initiate discussions with other partners (e.g. Glenelg Shire Council and Southern Grampians Shire Council) to subscribe to the model.

The assessment of library services as a standalone or shared model includes cost analysis and cost saving opportunities. Community consultation will ensure service delivery is considerate of community needs, providing Council with the necessary information to make informed decisions.

Transition and Implementation

The shared services model is fully dependent on one of the parties agreeing to take on a host role for the coordination and planning of the shared service. At this point this is yet to be resolved.

Further discussion is also required around recruitment of staff, courier services and service provision in both municipalities. Any changes to service provision should be informed by community input and therefore a period of community consultation is proposed to be accommodated to assist with implementation of the model.

A review of the impact on Moyne and Corangamite Shires from the changes in membership with the departure of Colac Otway Shire and Warrnambool City Council, considering the impact on the book stock, outreach services and staff resources, will also inform the transition to any new governance model. This work is being undertaken by CRLC and will inform both the transition to, and implementation of, the shared service model.

In order to take into consideration, the planning work currently underway, and consider community consultation on the level of library service provided as a part of the shared service model, the proposed timeframe for implementation of the shared services model is as follows:

What	Date 2021
<i>Council decision</i> - Library management model, timing of implementation and Transition Arrangements	February
<i>Council briefing</i> - CRLC 2021-2022 budget (transition period)	March

<i>Community consultation</i> - library service provision based on Council's endorsed management model	March - April
<i>Council briefing</i> - community consultation outcomes	May
<i>Consultation with key partners</i> - new library management model	March - October
<i>Council briefing</i> – Library 2022-2023 draft budget including community response to service provision and any amendment to service delivery	November
<i>Council decision</i> – implementation of library services for 2022-2023	December

Policy and Legislative Context

Section 330 of the *Local Government Act 2020* provides for specific provisions applying to existing regional libraries.

- no new regional library can be formed; and
- no additional Council may become a member of an existing regional library; and
- a Council that is a member of an existing regional library may cease to be a member of that existing regional library before it is wound up.
- An existing regional library must be wound up in accordance with section 197G of the Local Government Act 1989 before the expiry of the period of 10 years after the commencement of section 110.

Section 110 of the *Local Government Act 2020* deals with Beneficial enterprises and permits Council's to

- become a member of a corporation
- participate in the formation of a corporation, trust or other body
- acquire shares in a corporation, trust or other body
- enter into a partnership or joint venture with any other person or body.

It is the intention of the Act to provide a more flexible framework for councils to work in collaboration with other councils to provide joint services, including the provision of library services. There is no prescription regarding how an entity must operate once formed.

The review into library services is consistent with a key action in Council's Annual Action Plan 2020-2021 to *Partner with Moyne Shire to review governance structure of library service*. It is consistent with the key themes of Council's Plan 2017-2021, as follows:

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.

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.

Internal / External Consultation

The review of the governance model for library services has been undertaken in partnership and consultation with Moyne Shire Council, and has engaged with various key stakeholders including CRLC, Warrnambool City Council, Glenelg Shire and Southern Grampians Shire, Library Victoria, Central Highlands and Geelong library services.

Extensive literature reviews have been conducted along with a review into the High Country shared service model.

Community consultation is proposed to be undertaken in March and April 2021, coordinated with Moyne Shire, on matters including but not limited to library branch use and opening hours, to assist in informing library service provision under the shared service model.

Financial and Resource Implications

Under the *Agreement to Form the CRLC* members that withdraw must meet the full costs directly incurred by the Corporation by reason of the withdrawal, including (but not limited to) any redundancy costs. Members that exit are also liable for a portion of the liabilities and shall be entitled to a portion of the net assets of the Regional Library as at the date of its withdrawal from the Agreement.

After the exit of the Warrnambool City Council and Colac Otway Shire, the remaining members may dissolve the Regional Library upon the conditions agreed between Moyne and Corangamite Shire Councils. There will be future costs for Council associated with the dissolution of the Corporation. A financial assessment is being completed for the CRLC.

Council's current library service costs (net) \$519,662 per annum. The modelling completed for the alternate library management models present potential savings of approximately \$65,000 for a standalone model and \$102,000 for a shared service model (accounting for additional corporate overheads). These savings are likely to be required to assist with service initiatives such as improvement to book collection and costs associated with establishment of the model and onboarding to the state-wide library management system.

A budget will be developed by CRLC for the transition arrangements from 1 July 2021 to 30 June 2022. These will be presented to Council in March and will provide for all costs associated with operating CRLC with Corangamite / Moyne only.

Options

The options available to Council, recommended as viable options, include:

1. Council operate a standalone library service.
2. Council operate a shared service library service with Moyne Shire.
3. Council operate a shared service library service with Moyne Shire and seek to attract additional partners.

Conclusion

Council must consider a new library service model to provide library services into the future from 1 July 2021. An independent review of Council's library services has been undertaken in partnership with Moyne Shire following the notification of withdrawal by Warrnambool City Council and Colac Otway Shire from the Corangamite Regional Library Corporation. Three models have been considered with two models, stand alone and shared service, providing future viable library services for Council. The shared service model is the most cost-efficient model and provides strong strategic sense. It also affords the opportunity for expansion with new partners in the future.

RECOMMENDATION

That Council:

1. **Pursues a new, shared service, library management model, with direct service delivery to be provided by each Council commencing July 2022.**
2. **Confirms a twelve month transition period from the Corangamite Regional Library Corporation commencing 1 July 2021.**

Attachments

1. **Library Services Review: Review and Analysis Report - Under Separate Cover - Confidential**

9.7 Contract No.2021019 - Cobden Streetscape Construction

Author: John Kelly, Manager Assets Planning

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

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

Author - John Kelly

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

Summary

This report seeks to award the contract for construction of the Cobden Streetscape.

Introduction

Council in accordance with the relevant strategy in the Council Plan is improving the appearance of our towns and public spaces by progressively upgrading the streetscape infrastructure of the towns. In 2020-2021 the township of Cobden is programmed to have streetscape improvement works and tenders have been sought for these works.

Issues

Works in the contract for the Cobden Streetscape are based on the priority items for improvement identified by the community during the design development phase of the project. These works include:

- Replacement of the existing asphalt footpath with concrete footpath on both sides of Curdie Street from Adams Street to Walker Street. The footpath has contrasting coloured features at various locations along the street.
- Increasing seating in Curdie Street including replacement of existing deteriorated seats.
- Repositioning the locations of all access car park spaces in Curdie Street.
- Improvements to the layouts of the pram crossings at existing pedestrian crossing points.
- Upgrading of landscape plantings in Curdie Street.
- Replacement of trees on Victoria Street south of Curdie Street which are currently damaging existing kerb and channel and footpath.

Council has undertaken a competitive tender process to recruit a suitably qualified and experienced contractor to undertake the Cobden Streetscape works.

Three tenders have been submitted for the streetscape works which were all deemed compliant.

A panel comprising Council staff undertook an independent evaluation of the tender submissions in accordance with Council's Procurement Policy and with the specified criteria. A panel meeting was held to validate the evaluations, aggregate the scores and provide a recommendation of award for Council's resolution. An aggregate of the scores out of 30 for each of the conforming tender submissions, against the criteria with applied weighting for the evaluation, is provided in Table 1 below.

	Tender Price (exc GST)	Financial Benefit	Experience, Past Performance	Time Management	Quality Assurance	Local Content	WEIGHTED SCORE
Weighting		40%	20%	10%	10%	20%	
Contractor	Scores						
Blue Civil & Construction	\$885,573	11.2	4.2	1.3	2.3	1.2	20.2
Tenderer 2	\$1,292,594	6.4	3.8	1.3	1.4	3	15.9
Tenderer 3	\$1,364,586	5.8	4.4	1.5	2.2	6	19.9

Table 1: Aggregated Tender Submission Assessment

There is a variance of 54% between lowest and highest tender prices. The lowest price submission from Blue Civil & Construction was significantly above the allocated budget for the project. Therefore, the scope of the project was reduced with those items identified with higher priority by the public remaining in the contract. Based on these reductions an alternative tender price was sought from Blue Civil & Construction who subsequently submitted a revised tender price of \$567,990.35 (plus GST).

Local content, defined as within the Corangamite municipality, was evident in all tender submissions with the contractors advising of their intentions of utilising local suppliers to varying degrees.

Tenderers had similar assessment ratings in relation to the other criteria of construction experience, past performance, time management and quality assurance.

A Technical Evaluation Report which provides further detail on the assessment of tenderers is attached under separate cover.

It is considered that the best overall value for Council is provided from the alternative tender submitted by Blue Civil & Construction at a price of \$567,990.35 (plus GST).

Policy and Legislative Context

The contract for the Cobden Streetscape was advertised for public tender, as required under the *Local Government Act* and Council policy, as it is a purchase greater than \$200,000.

The Cobden Streetscape Project aligns with the Council Plan 2017-2021 and the following key strategy from Theme 4 Built and Natural Environment of the plan:

Improve the appearance of our towns and public spaces.

Township infrastructure will contribute to safe and accessible public areas.

Internal / External Consultation

In early May 2020 Council invited the community via social media and local newspapers to submit suggestions for improving the streetscape of the CBD in Cobden. Over the next 2 weeks 31 ideas for town improvements were provided.

From mid-May to early June 2020 the community was given the opportunity to undertake a survey either online, by phone or by hardcopy to provide support or otherwise to the 31 ideas as well as provide any other comments in relation to town improvements. 60 survey responses were submitted which formed the basis of a priority listing for the streetscape works.

In the months following, concept plans were developed based on the priority items for the streetscape works. These plans were made available to the community for further comment in October 2020 via Council's website prior to being finalised for the tendering process for construction.

Tenders were invited for the streetscape works by way of newspaper in late November 2020. A set of tender documents was sent to a number of contractors with three conforming tenders submitted.

Included in the contract specification for the streetscape works is a *Local Community Engagement Specification*, which has specific requirements that the successful contractor will be contractually obliged to liaise with local community and traders in Cobden and ensure the impacts are kept to a minimum.

A media strategy is being devised to keep the community informed of progress of the streetscape works during construction.

Financial and Resource Implications

The budget for works on the Cobden Streetscape this financial year is \$600,000. Of this amount \$300,000 was allocated in Council's 2020-2021 and a further \$300,000 has been funded from the Federal Government's Local Roads and Community Infrastructure Program.

The lowest tender price originally obtained for the works was \$885,553 (ex GST) from Blue Civil & Construction which was over the available budget. The scope for the streetscape works was subsequently modified and an alternative tender price sought from the lowest priced tenderer. Blue Civil & Construction's alternative tender price of \$567,990.35 based on this modified scope can be accommodated within the available budget.

Blue Civil & Construction from Birregurra is an experienced contractor who has undertaken numerous major civil construction projects including kerb and channel and car park works for Colac Otway Shire.

The contractor has advised it would program construction of the Cobden Streetscape Project to commence in February 2021 with completion by May 2021.

The contract would be awarded on the basis of a two-year defect's liability period.

Options

Council has the option to award the tender to Blue Civil & Construction as recommended, select an alternate tenderer or to not proceed with the tender at this time or at all.

Conclusion

The Cobden Streetscape contract has been tendered and evaluated in accordance with Council policy and the evaluation criteria. It is considered that the best overall value for Council is provided from the alternative tender submitted by Blue Civil & Construction.

RECOMMENDATION

That Council:

- 1. Awards Contract No. 2021019 – Cobden Streetscape Project to Blue Civil & Construction for the value of \$567,990.35 (plus GST).**
- 2. Affixes the Common Seal of Council to the contract.**
- 3. Authorises that any variations above the contract amount may be approved by a relevant Council officer within their financial delegation limit, up to and including the CEO level.**

Attachments

1. Cobden Streetscape Contract Design - Under Separate Cover - Confidential
2. Tender Prices Summary and Evaluation Ratings - Under Separate Cover - Confidential
3. Tender Evaluation Report - Contract No 2021019 - Cobden Streetscape - Under Separate Cover - Confidential

9.8 Finance Report - December 2020

Author: Adam Taylor, Manager Finance

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

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

Author - Adam Taylor

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

Summary

This report is to note Council’s current financial position as at 31 December 2020 and to approve changes to the 2020-2021 reviewed budget, that have resulted from a mid-year review of operations.

Introduction

Council adopted the 2020-2021 Budget at a Special Council meeting in June 2020. At the August 2020 ordinary Council meeting a number of 2019-2020 projects and grants paid in advance were identified as being required to be carried forward to the 2020-2021 year.

During November and December 2020, 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 reduce the cash position by \$854,472. Notwithstanding the changes to the cash position, Council year to date financial performance for 2020-2021 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 2020 was \$21.87 million which was primarily due to incomplete projects, grant funding received in advance and a favourable result to the adjusted forecast. The higher than forecast cash position as at 30 June 2020 will fund the carry forward budget adjustments approved in September 2020 and improve the starting position for the 2020-2021 budget. A summary of forecast cash position after the inclusion of the December quarter review is detailed below

Cash position as at 30 June 2020	\$21,865,000
2020-2021 adopted surplus / (deficit)	(\$2,739,364)
2019-2020 carry forwards (net)	(\$9,525,334)
2020-2021 mid-year forecast budget adjustments	(\$854,472)
2020-2021 Forecast “cash” Surplus/(Deficit)	\$8,745,830

A summary of the mid-year forecast budget adjustments is as follows:

Capital projects	(\$884,383)
Recurrent operations	(\$379,116)
Operating projects	\$409,027
Total mid-year forecast budget adjustments	<u>(\$854,472)</u>

Financial Performance

Council's financial performance for 2020-2021 is on target with a year to date favourable cash variance of \$1,511,140 compared to budget. Main contributors to the better than forecast cash result at 31 December are:

- Rating income is \$409,342 favourable to budget due to supplementary rating income being received. The budget will be updated once all objections to valuation have been assessed by the Valuer General.
- Operating grants income is \$264,370 favourable to budget due to timing difference.
- Employee expenditure is \$453,660 favourable to budget due to positions (vacant or late filled) predominately associated with Working for Victoria funding. Amounts unspent will be returned to government.
- Other expenditure is \$135,657 favourable to budget due to reduced legal expenses incurred associated with debtor collection (a COVID-19 hardship support initiative) and lower travel expenses due to COVID-19 restrictions.
- \$202,757 capital expenditure favourable variance can be attributed to some projects being behind scheduled and some timing issues. Refer to the capital detail report within the attached report for a full listing of projects and their current status.

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. Council was briefed on proposed variations in December 2020.

Financial and Resource Implications

The report indicates that Council's forecast financial position at 30 June 2021 will differ from the reviewed budget due to the quarterly review of operations.

The purpose of the mid-year 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 2020-2021 forecast budget which will include the 2019-2020 mid-year adjustments, or
2. Not accept the adjustments to the 2020-2021 forecast budget.

Conclusion

Council's financial performance for 2020-2021 remains on target. The year to date cash variance of \$1,511,140 is favourable compared to budget, this is primarily due to timing issues and some projects being behind schedule. After the proposed quarterly adjustments of \$854,472 Council's cash position will remain within the target of \$5 million or greater.

RECOMMENDATION

That Council:

1. **Receives the finance report for the period ending 31 December 2020**
2. **Approves the forecast budget for 2020-2021, which includes the mid-year budget adjustments.**

Attachments

1. Finance Report - December 2020

Quarterly Finance Report

31 December 2020



Finance Report

Attestation

As Chief Executive Officer I have determined a revised budget as described under section 95 of the Local Government Act 2020 is not required to be prepared and adopted by Council. This statement is made in accordance with section 97(3) of the Local Government Act 2020.

Andrew Mason CEO

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

Adam Taylor CPA

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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

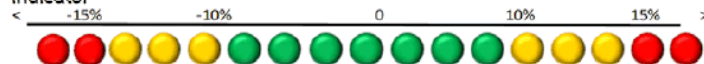
Adopted Budget represents the Budgeted adopted by the Council in June.

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



Performance Summary

The performance summary provides a high level overview of the year to date (YTD) cash result against budget. The report also projects the overall cash balance available to Council at the end of the financial year, this cash balance provides a starting point for future budgets.

	Adopted Budget	Reviewed Budget	Forecast Budget	YTD Budget	YTD Actuals	YTD Variance fav/(unfav)	%
						\$	
Recurrent Operations	(9,300,894)	(14,479,761)	(14,858,877)	(6,906,217)	(6,040,255)	865,962	13%
Rate Income	22,199,831	22,199,831	22,199,831	22,192,176	22,601,519	409,342	2%
Net Loans	0	0	0	0	0	0	0%
Projects	(4,941,500)	(6,264,194)	(5,876,166)	(124,536)	30,258	154,794	124%
Capital	(10,697,945)	(13,618,268)	(14,662,000)	(1,566,910)	(1,302,184)	264,726	17%
Proceeds from sale of property, infrastructure, plant & equi	390,000	504,000	504,000	129,748	125,708	(4,040)	(3%)
External Loan Funds	11,867	11,867	11,867	0	9,220	9,220	0%
Reserve Transfers	(350,723)	(350,723)	(170,374)	0	0	0	0%
Extraordinary Events	(50,000)	(267,450)	(267,450)	32,550	(156,313)	(188,863)	(580%)
Surplus/(Deficit)	(2,739,364)	(12,264,698)	(13,119,170)	13,756,812	15,267,952	1,511,140	11%
Surplus/(Deficit) B/forward	10,921,974	21,865,000	21,865,000				
Surplus/(Deficit) at end of year	8,182,610	9,600,302	8,745,830				

Note: Figures in brackets indicate cost to Council

Unfavourable variances shown in brackets

Key Financial Indicators

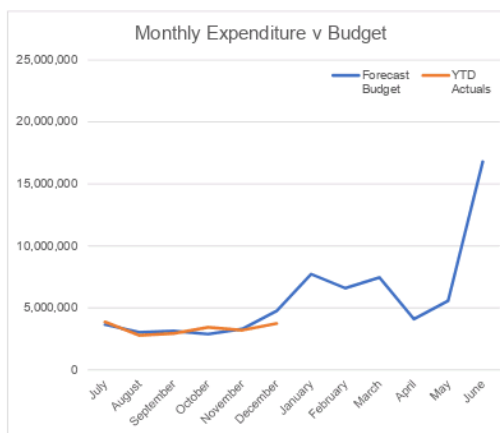
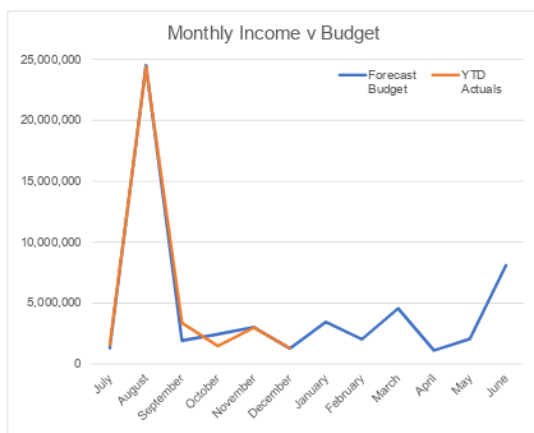
The financial and non-financial sustainability indicators are used to assess the financial sustainability risks of councils. These indicators should be considered collectively and are more useful when assessed over time as part of a trend analysis.

Key Performance Indicators	Adopted Budget	Reviewed Budget	Forecast Budget	YTD Actuals
Adjusted Underlying Result (Adjusted underlying surplus (or deficit) / Adjusted underlying revenue)	9.3%	-5.2%	0.1%	53.8%
Liquidity (ratio) (Current assets/Current liabilities)	3.89	2.62	2.55	5.62
Internal financing (%) (cash generated from operating activities/Revenue)	163.6%	81.9%	96.9%	317.0%
Indebtedness % (non-current liabilities/Own source revenue)	9.7%	33.6%	30.9%	38.6%
Renewal Gap (ratio) (renewal and upgrade expenditure / Depreciation)	1.03	1.27	1.51	Only assessed at year end after depreciation

Cash Budget

The cash budget compares Council's financial plan, expressed through its annual budget, with actual performance. This report notes the cash movement of all Council activities (ignoring any accounting adjustments). Council has adopted a materiality threshold of the lower of 10 percent and at least \$100,000 where further explanation is provided. Explanations have not been provided for variations below the materiality threshold unless the variance is considered to be material because of its nature.

	Adopted Budget	Reviewed Budget	Forecast Budget	YTD Budget	YTD Actuals	YTD Variance fav/(unfav)		Ref
						\$	%	
REVENUE								
Rates and charges	22,199,831	22,199,831	22,199,831	22,192,176	22,601,519	409,342	2%	1
Statutory fees and fines	523,500	523,500	523,500	454,547	438,071	(16,476)	(4%)	
User fees	6,094,542	6,094,356	6,094,356	2,793,081	2,798,336	5,255	0%	
Contributions - monetary	632,631	1,431,142	2,023,438	1,096,851	1,096,238	(613)	(0%)	
Grants - Operating	11,621,816	6,908,376	10,133,058	5,325,003	5,589,374	264,370	5%	2
Grants - Capital	9,119,110	9,119,110	11,898,173	2,227,777	2,218,488	(9,290)	(0%)	
Other Revenue	594,887	594,887	554,887	304,230	333,981	29,751	9%	
Proceeds from sale of property, infrastructure, plant & equi	390,000	504,000	504,000	129,748	125,708	(4,040)	(3%)	
External Loan Funds Received	11,867	11,867	11,867	0	9,220	9,220	0%	
Transfer From Reserves	1,771,427	1,771,427	1,951,776	0	0	0	0%	
Total Revenue	52,959,610	49,158,496	55,894,886	34,523,415	35,210,934	687,519	2%	
EXPENDITURE								
Employee benefits	15,743,744	15,806,513	18,813,370	9,336,941	8,883,282	453,660	5%	3
Materials and services	14,572,725	16,995,611	16,848,399	4,759,439	4,727,892	31,547	1%	
Bad and doubtful debts	2,000	2,000	2,000	0	0	0	0%	
Other expenses	2,961,300	2,909,726	3,558,043	2,336,614	2,200,956	135,657	6%	4
Capital Expenditure	20,297,055	23,587,193	27,670,094	4,333,609	4,130,852	202,757	5%	5
Transfer to Reserves	2,122,150	2,122,150	2,122,150	0	0	0	0%	
Total Expenditure	55,698,974	61,423,194	69,014,056	20,766,603	19,942,982	823,621	4%	
Surplus/(Deficit)	(2,739,364)	(12,264,698)	(13,119,170)	13,756,812	15,267,952	1,511,140	11%	



Comments

1. Additional rates received for supplementary rates, forecast budget will not be updated until all objections are finalised.
2. Grants received earlier than budgeted from State Government for Kindergarten & Maternal & Child health.
3. A number of vacant positions in relation to the Working For Victoria Program have created a favourable variance. As this program is government funded any unspent funds will be repaid.
4. Reduction in legal costs recovered in relation to rates collection which is offset by reduced legal expenses. Legal action has been reduced due to COVID-19. Reduced Councilor travel expenses due to COVID-19.
5. The favourable variance can be attributed to some projects being behind scheduled and some incorrect phasing of projects. Given the high level of capital projects for the year this is an area of focus for Council. Please see the capital detail report for a full listing of projects and their current status.

Summary of Capital Works

The summarised statement of capital works presents Council's performance against the forecast capital budget by category.

Capital Type	Adopted Budget	Reviewed Budget	Forecast Budget	YTD Budget	YTD Actuals	Variance
Property						
Buildings	658,000	1,876,471	4,187,295	1,388,489	1,061,696	326,792
Land	450,000	450,000	450,000	0	4,093	(4,093)
Total Property	1,108,000	2,326,471	4,637,295	1,388,489	1,065,789	322,700
Plant and Equipment						
Information Technology	155,000	163,119	163,119	30,000	31,491	(1,491)
Plant, Machinery & Equipment	1,541,000	1,576,000	1,576,000	271,112	281,502	(10,391)
Total Plant and Equipment	1,696,000	1,739,119	1,739,119	301,112	312,993	(11,882)
Infrastructure						
Bridges	420,000	924,939	984,252	287,000	219,762	67,238
Drainage	100,000	283,403	283,403	0	0	0
Footpaths & Cycleways	35,000	69,000	503,000	17,000	70,242	(53,242)
Kerb & Channel	136,000	136,000	136,000	30,000	10,022	19,978
Waste Management	1,051,000	1,208,898	1,208,898	0	106,773	(106,773)
Parks, Open Space & Streetscapes	750,000	1,120,831	1,620,831	206,387	255,685	(49,298)
Roads	8,681,055	9,458,532	9,048,841	1,851,306	1,906,583	(55,278)
Other Infrastructure	50,000	50,000	50,000	0	0	0
Recreational, Leisure & Community Facilities	6,270,000	6,270,000	7,458,455	252,316	183,002	69,314
Total Infrastructure	17,493,055	19,521,603	21,293,680	2,644,009	2,752,070	(108,061)
Total capital works expenditure	20,297,055	23,587,193	27,670,094	4,333,609	4,130,852	202,757
Represented by:						
New asset expenditure	7,776,000	8,127,489	9,314,648	505,637	625,929	(120,292)
Asset renewal expenditure	10,032,055	11,670,338	11,931,102	2,810,030	2,862,553	(52,523)
Asset upgrade expenditure	2,489,000	3,789,366	6,424,344	1,017,942	642,370	375,572
Total capital works expenditure	20,297,055	23,587,193	27,670,094	4,333,609	4,130,852	202,757

Capital Project Detail Report

Project Name	Project Status	Adopted Budget	Reviewed Budget	Forecast Budget	YTD Budget	YTD Actuals	Variance
PROPERTY							
Buildings							
Berrybank Windfarm Community Project - Audio Visual	In Progress	70,000	70,000	70,000	0	0	0
Botanic Gardens - New Toilet Facility - Construction Lakes and Craters Holiday Park	In Progress	0	200,000	200,000	200,000	180,956	19,044
Camperdown Courthouse Ramp	In Progress	0	0	125,000	0	429	(429)
Camperdown Killara Centre - Internal Paint	In Progress	25,000	25,000	15,000	15,000	14,310	690
Camperdown Theatre - Lighting and Sound Upgrade	In Progress	0	0	0	0	359	(359)
Camperdown Theatre Royal - Safety Works	In Progress	25,000	25,000	25,000	0	0	0
Civic Centre - McNicol Street Building Heating and Cooling	Not Started	75,000	75,000	75,000	0	0	0
Civic Centre Alarm & PA System	Completed	0	20,000	20,000	0	15,432	(15,432)
Civic Centre Back Storage Shed - Replace Rotten Timber, Windows and Repaint	In Progress	0	35,000	35,000	35,000	1,557	33,443
Cobden kinder upgrades	Not Started	0	0	948,818	0	6,022	(6,022)
Cobden Senior Citizens Centre - Kitchen replacement	In Progress	35,000	35,000	35,000	0	2,366	(2,366)
Darlington Hall roof replacement - Berrybank Windfarm community project	In Progress	0	35,200	35,200	35,200	0	35,200
David Newman Centre - Replace Weather Boards	Completed	0	10,500	2,193	0	2,193	(2,193)
Derrinallum Public Toilets - Replace Energy and Water Savings	In Progress	0	0	175,000	0	69	(69)
Lismore Community Centre - Replace Kitchen Ceiling and Veranda Posts	In Progress	50,000	95,000	95,000	0	0	0
Lismore Pool wet deck - Berrybank Windfarm community project	Completed	0	5,000	5,000	5,000	0	5,000
Lismore Public Toilets Septic Upgrade	In Progress	125,000	374,225	374,225	374,225	229,801	144,424
Mobile Child Care Sustainability Funding	In Progress	100,000	100,000	153,636	153,636	108,777	44,859
Public Toilet Renewal	Not Started	48,000	48,000	48,000	0	0	0
Public Toilet Renewal - South Beach and Princetown	In Progress	0	59,000	59,000	0	28,920	(28,920)
Saleyards Roof Replacement/Removal	In Progress	20,000	20,000	20,000	0	4,453	(4,453)
Simpson Bowling Clubroom Upgrade	Not Started	0	33,420	33,420	0	0	0
Skipton kinder upgrade	In Progress	0	0	400,000	0	4,473	(4,473)
Skipton Kindergarten - Redevelopment Planning and Construction	In Progress	0	0	400,000	0	13,163	(13,163)
Swimming Pool Upgrades	In Progress	0	0	0	0	23,344	(23,344)
Terang Civic Hall - Main Entrance & Toilet Renewal	Completed	60,000	60,000	60,000	60,000	24,154	35,846
Terang Estcourt Street Toilets - Replacement	In Progress	0	134,751	134,751	67,376	76,469	(9,094)
Timboon Depot - Replace Damaged Sections of Perimeter Fence	In Progress	0	0	175,000	0	3,624	(3,624)
Waste Treatment Review, Design and Implementation	Completed	25,000	25,000	25,000	0	8,012	(8,012)
Total Buildings		658,000	1,876,471	4,187,295	1,388,489	1,061,696	326,792
Land							
Lake Bullen Merri Management Plan Implementation North Beach	In Progress	50,000	50,000	50,000	0	0	0
Purchase - 36 Timboon-Curdievale Road Timboon	In Progress	400,000	400,000	400,000	0	0	0
Purchase - Timboon Port Campbell road		0	0	0	0	4,093	(4,093)
Total Land		450,000	450,000	450,000	0	4,093	(4,093)
TOTAL PROPERTY		1,108,000	2,326,471	4,637,295	1,388,489	1,065,789	322,700
PLANT AND EQUIPMENT							
Information Technology							
Accounts Payable Automation	In Progress	0	8,119	8,119	0	0	0
Air conditioner upgrade - server room	In Progress	20,000	20,000	20,000	0	0	0
Architecture for improvement of connectivity and internet speeds to the Civic Centre and Killara complex	Not Started	15,000	15,000	15,000	0	0	0
Install a Disability parking Permit Self-help station	In Progress	15,000	15,000	15,000	0	0	0
iPhones and iPads for new Council	Completed	30,000	30,000	30,000	30,000	29,947	53
Mobile computing initiative and development	Not Started	25,000	25,000	25,000	0	1,544	(1,544)
Renew/Upgrade Wireless links	In Progress	50,000	50,000	50,000	0	0	0
Total Information Technology		155,000	163,119	163,119	30,000	31,491	(1,491)
Plant, Machinery & Equipment							
GPS Purchase and Install		0	0	0	0	4,101	(4,101)
Heavy Plant Replacement Program	In Progress	1,047,000	1,047,000	1,047,000	0	7,825	(7,825)
Light Fleet Replacement Program	In Progress	464,000	499,000	499,000	271,112	253,959	17,153
Minor Plant Purchases	In Progress	30,000	30,000	30,000	0	15,617	(15,617)
Total Plant, Machinery & Equipment		1,541,000	1,576,000	1,576,000	271,112	281,502	(10,391)
TOTAL PLANT AND EQUIPMENT		1,696,000	1,739,119	1,739,119	301,112	312,993	(11,882)
INFRASTRUCTURE							

Project Name	Project Status	Adopted Budget	Reviewed Budget	Forecast Budget	YTD Budget	YTD Actuals	Variance
Bridges							
Bornong Road Bridge Timber deck replacement	In Progress	0	131,785	131,785	0	0	0
Castle Carey Bridge (B025) Realignment	Completed	0	227,687	287,000	287,000	219,762	67,238
Four Tree Road Bridge Timber deck replacement	In Progress	120,000	120,000	120,000	0	0	0
Kennedys Creek Road Culvert Replacements	In Progress	150,000	150,000	180,000	0	0	0
McMinns Access Road Bridge replacement	In Progress	0	145,467	115,467	0	0	0
Williams Road Culvert Replacement at Ch 6.44km	In Progress	150,000	150,000	150,000	0	0	0
Total Bridges		420,000	924,939	984,252	287,000	219,762	67,238
Drainage							
Barrett Street Timboon Drainage Replacement	In Progress	50,000	50,000	50,000	0	0	0
Cobden Lake Downstream Improvements	In Progress	0	183,403	183,403	0	0	0
Dawson Street Camperdown Drainage Alterations	Not Started	50,000	50,000	50,000	0	0	0
Total Drainage		100,000	283,403	283,403	0	0	0
Footpaths & Cycleways							
Baynes Street, Austin Avenue, Cameron Street Terang footpath	Not Started	0	0	60,000	0	49,871	(49,871)
Camperdown-Cobden Road Camperdown footpath	Not Started	0	0	160,000	0	0	0
Camperdown-Cobden Road Pathway Cobden - Bond St to Cemetery Road	In Progress	18,000	18,000	27,000	0	0	0
Footpath - High St, Terang, The Promenade to Civic Hall	In Progress	0	34,000	34,000	0	0	0
Hennessey Street Boardwalk Replacement	In Progress	0	0	95,000	0	69	(69)
Hennessey Street Port Campbell footpath	Not Started	0	0	110,000	0	3,163	(3,163)
Robinson Street Footpath Replacement Outside Hospital Camperdown	Completed	17,000	17,000	17,000	17,000	17,138	(138)
Total Footpaths & Cycleways		35,000	69,000	503,000	17,000	70,242	(53,242)
Kerb & Channel							
Kerb and Channel - West Side Brooke St, Camperdown Renewal		0	0	0	0	185	(185)
Parrott St, Cobden Lord St to Vagg St	In Progress	59,000	59,000	59,000	0	415	(415)
Scott St Camperdown, Adeney St to Morris St & Leura St to Curdie St	In Progress	30,500	30,500	30,500	0	0	0
Scott St Skipton Smythe St to Osborne St	In Progress	30,000	30,000	30,000	30,000	9,423	20,577
Timboon-Curdievale Rd, Timboon Bailey St to Haywards Rd	In Progress	16,500	16,500	16,500	0	0	0
Total Kerb & Channel		136,000	136,000	136,000	30,000	10,022	19,978
Waste Management							
Cell 14B Side Liner	Not Started	233,000	233,000	233,000	0	0	0
Corangamite Landfill - Office Facility Design and Construction	Completed	0	125,898	125,898	0	52,926	(52,926)
Corangamite Landfill - Security Fencing	Completed	35,000	35,000	35,000	0	0	0
E-waste infrastructure upgrades (non funded sites)	Completed	0	32,000	32,000	0	15,107	(15,107)
Landfill - Cell 15a Lining	In Progress	434,000	434,000	434,000	0	37,761	(37,761)
Landfill - Cell 13 Cap Construction	In Progress	349,000	349,000	349,000	0	979	(979)
Total Waste Management		1,051,000	1,208,898	1,208,898	0	106,773	(106,773)
Parks, Open Space & Streetscapes							
Camperdown Streetscape Stage 3 - War Memorial	In Progress	0	0	200,000	0	469	(469)
Cobden Streetscape - Construction	In Progress	300,000	300,000	300,000	0	13,420	(13,420)
Cobden Streetscape - Design	Completed	0	50,000	50,000	50,000	27,151	22,849
Cobden Town Centre Beautification	In Progress	0	0	300,000	0	69	(69)
Derinallum Streetscape - Construction	In Progress	0	169,572	169,572	80,000	27,376	52,624
Port Campbell streetscape - Construction	Not Started	0	0	0	0	110,379	(110,379)
Port Campbell streetscape - Design	In Progress	0	99,489	99,489	74,617	72,216	2,401
Street Furniture Asset Renewal	Completed	0	1,770	1,770	1,770	1,437	333
Timboon Streetscape Town Centre Activation	In Progress	450,000	500,000	500,000	0	3,168	(3,168)
Total Parks, Open Space & Streetscapes		750,000	1,120,831	1,620,831	206,387	255,685	(49,298)
Roads							
Blake Street, Skipton-Beaufort Rd to Bridge St, Skipton Rehab Kerb & Channel Renewal	In Progress	140,000	140,000	175,000	87,500	72,496	15,004
Centre Rd, Simpson (5.1km to 5.86km) Rehab	In Progress	21,000	21,000	21,000	0	0	0
Church Street (railway to Gellie St) Camperdown Widening	Completed	4,500	34,321	60,000	40,000	49,052	(9,052)
Dalvui Lane Crest widening rehab	In Progress	70,000	70,000	70,000	0	0	0
Depot Road Upgrade inc Old Geelong Road Intersection	In Progress	10,000	325,085	386,085	0	12,057	(12,057)
Digneys Bridge Road (0km to 0.95km) Rehab	In Progress	23,500	23,500	23,500	0	0	0
East Hill Road (0.4km to 1.74km) Rehab	In Progress	427,000	427,000	580,000	290,000	220,442	69,558
Eastern Creek Road (7.98km to 9.03km) Rehab	In Progress	29,500	29,500	29,500	0	0	0
Foxhow Berrybank Road Widening, Berrybank	In Progress	178,000	471,815	840,000	0	4,215	(4,215)
Implement selected 4D road upgrades Hawkins Road, Lower Darlington Road and Pipeline Track Upgrades	In Progress	300,000	300,000	300,000	300,000	211,202	88,798
Jancourt Road (4.35km to 5.05km) Rehab	In Progress	19,000	19,000	19,000	0	9	(9)
Koallah Road (Heytesbury) (1.84km to 2.68km) Rehab and seal	In Progress	15,000	93,998	93,998	0	0	0
Linton Road (5.3km to 7.2km) Rehab	In Progress	399,000	399,000	617,000	309,273	282,685	26,588
Lismore-Pittong Road (15.91km to 17.80km) Rehab	In Progress	36,000	36,000	36,000	0	0	0

Project Name	Project Status	Adopted Budget	Reviewed Budget	Forecast Budget	YTD Budget	YTD Actuals	Variance
Local Roads and Community Infrastructure Funding (Projects to be confirmed)	Not Started	2,285,555	2,285,555	885,000	0	0	0
N Robilliards Road (Ch 0.4km to 1.3km) Rehab	In Progress	238,000	238,000	238,000	0	0	0
N Robilliards Road/ Timboon-Nullawarre Road Road Intersection	In Progress	0	43,065	43,065	0	0	0
New Cooriemungle Road (Ch.1.3km to 2.45km) Rehab	In Progress	34,000	34,000	34,000	0	0	0
Preparation Prior to Reseal	In Progress	200,000	200,000	200,000	128,398	172,527	(44,129)
Resealing Program	In Progress	1,657,000	1,657,000	1,657,000	14,018	181,649	(167,631)
Resheeting Program	In Progress	881,000	881,000	881,000	459,696	693,170	(233,161)
Road Upgrade to support local business and tourism	In Progress	59,500	59,500	59,500	0	8	(8)
Skipton Truck Parking Area Upgrade	In Progress	0	0	80,000	0	69	(69)
Slurry Seal Program Trial	In Progress	300,000	300,000	300,000	0	805	(805)
Talindert Road (1.08km to 2.15km) Widen & Rehab	In Progress	318,000	318,000	318,000	0	0	0
Terang Framlingham Road (Ch. 1.23km to 2.46km) Rehab	In Progress	325,000	325,000	325,000	0	549	(549)
Timboon Curdievale Road Bridge Approach Rectification	In Progress	50,000	50,000	50,000	0	0	0
Tomahawk Creek Road and Williams Road upgrade	In Progress	0	16,693	16,693	0	0	0
Undertake shoulder improvements on select roads Kurweeton Road, Newminister Road, Boundary Road Cobden	In Progress	200,000	200,000	200,000	0	0	0
Windham Street Skipton Seal	In Progress	0	0	50,000	0	4,853	(4,750)
Wiridgil Road (Ch. 1.67km to 3.17km) Widen & Rehab	Not Started	445,000	445,000	0	0	88	(88)
Wright Street (Sunnyside to Princes Hwy) Camperdown Widening	In Progress	15,500	15,500	15,500	0	709	(709)
Total Roads		8,681,055	9,458,532	8,603,841	1,628,885	1,906,583	(277,283)
Other Infrastructure							
Berrybank Windfarm - Public Art 2 Skipton	Not Started	50,000	50,000	50,000	0	0	0
Total Other Infrastructure		50,000	50,000	50,000	0	0	0
Recreational, Leisure & Community Facilities							
Cobden Skatepark Upgrade	In Progress	20,000	20,000	21,296	21,296	0	21,296
Lake Bullen Merri Ramp	In Progress	0	0	57,810	57,810	45,617	12,193
Playground Renewal - Jubilee Park Skipton	Not Started	30,000	30,000	30,000	0	0	0
Skipton Skate Park - Construction	In Progress	0	0	190,000	0	4,254	(4,254)
Skipton Skate Park - Design	Completed	20,000	20,000	0	0	500	(500)
Twelve Apostles Trail - Stage 1 Timboon to Port Campbell Year 1 - Construction	In Progress	6,200,000	6,200,000	7,159,349	173,210	132,631	40,579
Total Recreational, Leisure & Community Facilities		6,270,000	6,270,000	7,458,455	252,316	183,002	69,314
TOTAL INFRASTRUCTURE		17,493,055	19,521,603	20,848,680	2,421,588	2,752,070	(330,066)
TOTAL CAPITAL WORKS		20,297,055	23,587,193	27,225,094	4,111,188	4,130,852	(19,248)

Budget Variations - December Quarter

This report details the budget variations seeking approval from Council. The reviewed budget column is showing the current approved budget and the forecast column the proposed new budget. The favourable/unfavourable column is a the sum of the change required.

Items shaded green indicate budget neutral change

Project Name	Adopted Budget	Reviewed Budget	Forecast Budget	Favourable/ (Unfavourable)	Comment
Recurrent Operations					
Delivered Meals Federally Funded	(35,277)	(35,277)	(20,277)	(15,000)	Increased demand for meals during COVID-19
Salary oncosts	(175,000)	(175,000)	(125,000)	(50,000)	Increased cost of workover insurance
Community Planning Department	226,924	226,924	228,024	(1,100)	Staff membership costs
HR & Risk Management Department	273,113	273,113	292,513	(19,400)	Additional legals expenditure required
Planning Department	404,094	404,094	417,094	(13,000)	Additional costs for staff professional development
Building department	(84,683)	(84,683)	(80,683)	(4,000)	Minor increase in fee waivers for community groups
Rating and Charges Income	(22,239,831)	(22,239,831)	(22,199,831)	(40,000)	Removal of interest on outstanding rates. Not being collected due to COVID-19
Grants Commission (unrestricted)	(4,943,606)	(2,907,340)	(2,241,301)	(156,039)	Reduction in level of funding provided from federal government
Local Roads Grants	(3,691,017)	(1,826,667)	(1,737,375)	(89,492)	Reduction in level of funding provided from federal government
Risk department	728,592	728,592	713,939	14,653	Savings on insurance renewals
Internal Auditing	30,288	30,288	45,288	(15,000)	Additional desktop audit completed due to COVID-19
Implementation of the Rural Roadside Management Plan	20,000	30,000	20,000	10,000	
Project Co-ordinator Grant	0	0	739	(739)	Unused grant funding from prior year missed in carry forward process
Total recurrent operations variations				(379,116)	
Operating Projects					
Building Inspections - Level 2 condition data	75,000	75,000	47,808	27,192	Savings on delivery of project
Rural Residential Living PSA	0	8,693	20,000	(11,307)	Increase to cost draft amendment changes and planning scheme amendment
Trangon Stadium - Roof Replacement	25,000	25,000	0	25,000	Projects to be funded under state grants program
Coddan Library - Replace Floor Coverings	7,500	7,500	5,500	2,000	Savings on delivery of project
Twelve Apostles Trail Management and Governance Strategy	20,000	20,000	22,730	(2,730)	Additional funds required to complete project
Friday Avenue, Campdown Opposite Post Office - Pram Curie Street and Adams Street Corner, Coddan - Pram Recreation Reserves Masterplans	6,000	6,000	3,068	2,932	Savings on delivery of project
COVID-19 Recovery Package	40,000	6,000	0	6,000	To be completed as part of streetscape upgrade
	2,550,000	3,112,335	50,000	(10,000)	Forecast reflects committed amount
			2,742,335	(370,000)	Distribution of COVID-19 recovery package amounts
Total operating project variations				409,027	
Capital Projects					
Castle Carey Bridge (B025) Realignment	0	227,687	287,000	(59,313)	Additional funds required to complete project
Waste Treatment Review, Design and Implementation	0	391,375	432,252	(40,877)	Additional funds required to complete project
Melboms Access Road Bridge replacement	0	145,467	115,467	30,000	Change of scope of project
David Newman Centre - Replace Weather Boards	0	10,500	2,193	8,307	Finalisation of carry forward project under budget
Foxlow Berrybank Road Widening, Berrybank	178,000	471,815	840,000	(368,185)	Additional funds required to complete project
Church Street (railway to Cellole St) Campdown Widening	4,500	34,321	60,000	(25,679)	Additional funds required to complete project
Kennedy's Creek Road Culvert Replacements	150,000	150,000	180,000	(30,000)	Additional funds required to complete project
Williams Road Culvert Replacement at Ch. 6.44km	150,000	150,000	75,000	75,000	Federal funding received to help delivery project
Campdown-Coddan Road Pathway Coddan - Bond St to East Hill Road (0.4km to 1.74km) Rehab	18,000	18,000	27,000	(9,000)	Additional funds required to complete project
Terang Farmingham Road (1.23km to 2.46km) Rehab	427,000	427,000	580,000	(153,000)	Additional funds required to complete project
Linton Road (5.3km to 7.2km) Rehab	399,000	399,000	0	399,000	Funding successfully received from Agriflora Upgrade Program
Blake Street, Skipton-Beaufort Rd to Bridge St, Skipton	140,000	140,000	175,000	(35,000)	Additional funds required to complete project
Campdown Kilara Centre - Internal Paint	25,000	25,000	15,000	10,000	Project completed under budget
Liamore Public Toilets Septic Upgrade	100,000	100,000	153,636	(53,636)	Additional funds required to complete project
Skipton Skate Park	10,000	10,000	20,000	(10,000)	Forecast reflects committed amount
Campdown-Coddan Road Campdown footpath	0	0	160,000	(160,000)	Distribution of COVID-19 recovery package amounts
Hennessy Street Port Campbell footpath	0	0	110,000	(110,000)	Distribution of COVID-19 recovery package amounts
Baynes Street, Austin Avenue, Cameron Street Terang footpath	0	0	60,000	(60,000)	Distribution of COVID-19 recovery package amounts
Total capital project variations				(884,383)	
Total Budget Variations				(854,472)	

Summary of Investments

This report shows the current level and type of investments currently in place for the Council

Investments

Cash - Investments

Investment - Victorian Funds Management Corporation

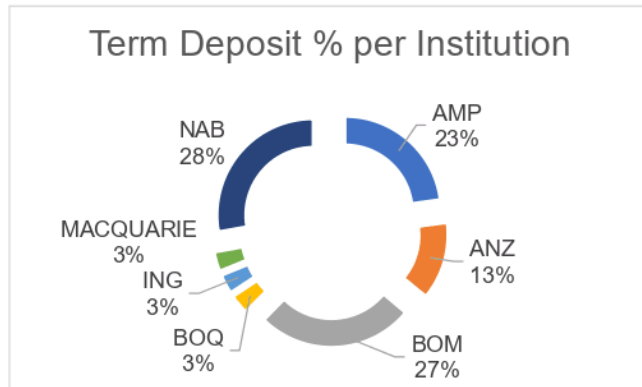
Total Investments

**Current Year
Actuals**

30,564,287

5,015,436

35,579,723



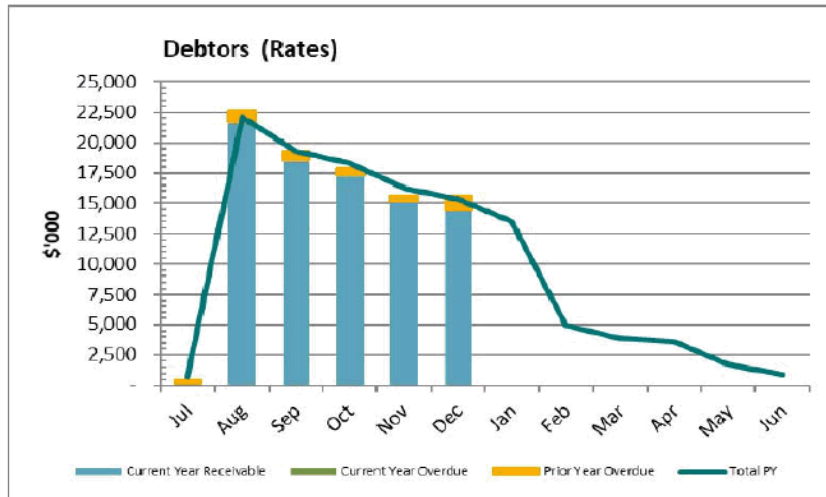
**Weighted Average Yield
0.8%**

**Weighted Average Term
154 Days**

Outstanding Debtors

Rate Debtors

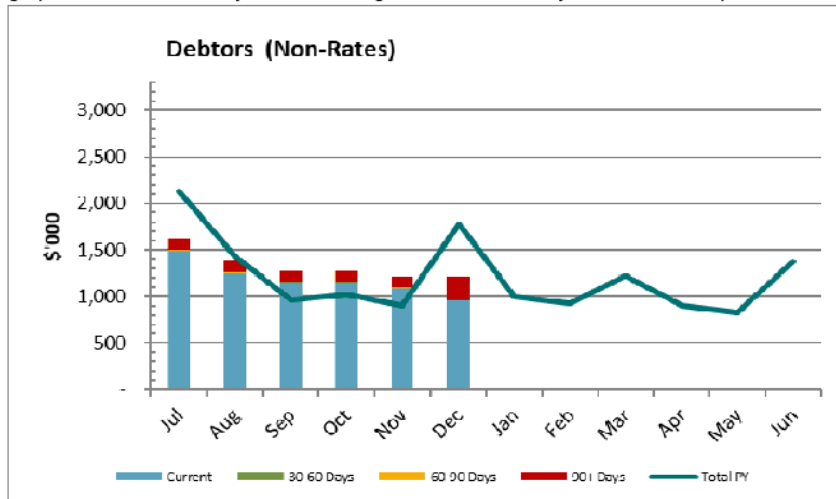
The below graph shows the current year outstanding rate debtors by month as a comparison to the previous year.



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.

Non Rate Debtors

The below graph shows the current year outstanding non rate debtors by month as a comparison to the previous year.



Sundry debtors are lower than the previous financial year, due to grant amounts invoiced more consistently each month than prior year. Council still hold low levels of outstanding debt.

Income Statement for the period ended 31 December 2020

	Adopted Budget	Reviewed Budget	Forecast Budget	YTD Budget	YTD Actuals	Variance
REVENUE						
Rates and charges	22,199,831	22,199,831	22,199,831	22,192,176	22,601,519	409,342
Statutory fees and fines	523,500	523,500	523,500	454,547	438,071	(16,476)
User fees	6,094,542	6,094,356	6,094,356	2,793,081	2,798,336	5,255
Contributions - monetary	632,631	1,431,142	2,023,438	1,096,851	1,096,238	(613)
Grants - Operating	11,621,816	6,908,376	10,133,058	5,325,003	5,589,374	264,370
Grants - Capital	9,119,110	9,119,110	11,898,173	2,227,777	2,218,488	(9,290)
Other Revenue	594,887	594,887	554,887	304,230	333,981	29,751
Total Revenue	50,786,317	46,871,202	53,427,243	34,393,666	35,076,006	682,340
EXPENDITURE						
Employee benefits	15,743,744	15,806,513	18,813,370	9,336,941	8,883,282	453,660
Materials and services	14,572,725	16,995,611	16,848,399	4,759,439	4,727,892	31,547
Bad and doubtful debts	2,000	2,000	2,000	0	0	0
Depreciation	12,130,500	12,130,500	12,130,500	0	0	0
Finance costs	0	0	0	0	0	0
Other expenses	2,961,300	2,909,726	3,558,043	2,336,614	2,200,956	135,657
Total Expenditure	(45,410,269)	(47,844,351)	(51,352,312)	(16,432,994)	(15,812,130)	620,864
Surplus/(Deficit) from Operations	5,376,047	(973,149)	2,074,932	17,960,672	19,263,876	61,476
Proceeds from sale of property, infrastructure, plant & equi	390,000	504,000	504,000	129,748	125,708	4,040
Written down value property, infrastructure, plant and equip	484,500	484,500	484,500	0	0	0
Net (gain)/loss on disposal of property, infrastructure, plant and equipment	(94,500)	19,500	19,500	129,748	125,708	4,040
Surplus/(Deficit) for Period	5,281,547	(953,649)	2,094,432	18,090,421	19,389,584	65,516

Balance Sheet for the period ended 31 December 2020

	Prior Year Balance	Adopted Budget	Reviewed Budget	Forecast Budget	YTD Actuals
CURRENT ASSETS					
Cash and cash equivalents	34,126,243	20,277,290	20,642,418	19,427,248	34,024,464
Financial Assets	5,108,568	0	5,250,000	5,250,000	5,116,671
Rate Receivables	915,981	2,400,000	2,500,000	2,500,000	14,829,590
Other Trade Receivables	1,611,248	0	0	0	1,187,273
Inventories	47,104	140,000	50,000	50,000	72,358
Other assets	1,981,054	1,000,000	2,000,000	2,000,000	248,738
Total Current Assets	43,790,197	23,817,290	30,442,418	29,227,248	55,479,093
NON CURRENT ASSETS					
Investments in associates	327,980	293,180	350,000	350,000	327,980
Trade and other receivables	13,773	25,000	0	0	9,637
WIP - Capital	1,836,670	20,297,055	23,587,193	27,670,094	5,967,522
Fixed assets	478,654,827	457,516,803	477,876,497	477,876,497	478,654,827
Right-of-use assets	6,231,906	0	5,947,528	5,947,528	6,231,906
Intangible assets	0	0	1,200,000	1,200,000	1,334,295
Total Non Current Assets	487,065,156	478,132,039	508,961,218	513,044,119	492,526,166
Total Assets	530,855,353	501,949,329	539,403,636	542,271,368	548,005,260
CURRENT LIABILITIES					
Trade and other payables	3,155,830	2,100,000	3,000,000	3,000,000	747,007
Trust funds and deposits	244,791	226,018	250,000	250,000	252,830
Provisions - current	3,701,830	3,800,000	3,800,000	3,800,000	4,257,356
Unearned Revenue	4,633,896	0	4,410,000	4,410,000	4,410,000
Lease liabilities	179,917	0	182,031	182,031	179,917
Total Current Liabilities	11,916,265	6,126,018	11,642,031	11,642,031	9,847,110
NON CURRENT LIABILITIES					
Provisions - non-current	6,264,711	3,972,265	6,222,908	6,222,908	6,094,188
Lease liabilities	6,160,602	0	5,978,571	5,978,571	6,160,602
Total Non Current Liabilities	12,425,313	3,972,265	12,201,479	12,201,479	12,254,791
Total Liabilities	24,341,578	10,098,283	23,843,510	23,843,510	22,101,900
Net Assets	506,513,775	491,851,046	515,560,127	518,427,858	525,903,360
EQUITY					
Operating Surplus/Deficit	377,422	5,281,547	(953,649)	2,094,432	19,389,584
Accumulated surplus	175,894,303	177,576,678	175,921,002	175,921,002	176,271,725
Asset revaluation reserve	317,233,715	300,264,105	327,233,715	327,233,715	317,233,715
Reserves	13,008,335	8,728,715	13,359,058	13,178,709	13,008,335
Total Equity	506,513,775	491,851,046	515,560,127	518,427,858	525,903,360

9.9 Application of Common Seal of Council 2020

Author: Penny MacDonald, Executive Services and Governance Coordinator

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

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

Author - Penny MacDonald

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

Summary

This report informs Council of all applications of the Common Seal made by the Chief Executive Officer under delegation during 2020 and updates the Common Seal usage delegation to the Chief Executive Officer.

Introduction

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

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

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

Issues

The Common Seal was applied by the Chief Executive Officer (CEO) during 2020 to the documents listed in the attached table.

To ensure compliance with Local Law No.3, the Chief Executive Officer's main Instrument of Delegation, and Council's Leasing Policy (revised last year), the delegation to the CEO to

apply the common seal to general classes of documents, requires updating and it is recommended two additional classes of documents be included as:

- contracts awarded by the CEO within the CEO's financial delegation
- the following types of leases from the Leasing Policy:
 - Airstrip Hangar lease renewals, transfers, assignments or subletting
 - All Licence agreements, including renewals, assignments or subletting
 - Crown Land Licence agreements.

Policy and Legislative Context

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

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

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

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

Internal / External Consultation

Officers requiring documents to be sealed consult the Governance team regarding the necessary requirements.

Financial and Resource Implications

Relevant contracts or agreements sealed under CEO delegation are within the CEO's financial delegation limits.

Options

Council is required to receive the list of documents sealed under CEO delegation in accordance with the *Meeting Procedures Local Law No.3 2016*.

Council may choose to update its delegation to the CEO relating to usage of the Common Seal of Council for certain types documents.

Conclusion

Various documents require the use of the Common Seal of Council. The *Meeting Procedures Local Law No.3 2016* details the use of the Common Seal and provides for the application of the Common Seal by the Chief Executive Officer under delegation for general classes of activities or transactions.

It is recommended that Council receives the attached list of documents to which the Common Seal was applied under delegation by the Chief Executive Officer during 2020 and update the delegation.

RECOMMENDATION

That Council:

1. **Receives the attached list of documents sealed by the Chief Executive Officer under delegation during 2020.**
2. **Authorises the Chief Executive Officer to use the Common Seal for general classes of activities or transactions in accordance with *Meeting Procedures Local Law No.3 2016*, including:**
 - **Planning and Environment Act section 173 agreements**
 - **funding/grant agreements**
 - **contracts endorsed by a resolution of Council**
 - **lease agreements endorsed by a resolution of Council**
 - **licence agreements endorsed by a resolution of Council**
 - **transfer of land documents for transactions endorsed by a resolution of Council**
 - **contracts awarded by the CEO with the CEO's financial delegation**
 - **the following types of leases from the Leasing Policy:**
 - **Airstrip Hangar lease renewals, transfers, assignments or subletting**
 - **All licence agreements, including renewals, assignments or subletting**
 - **Crown Land licence agreements.**

Attachments

1. Common seal usage under CEO delegation 2020

Common Seal usage under CEO delegation 2020

Matter	Date sealed
Contract of sale of real estate property: 32 Silvester Street, Cobden	16/5/2020
License agreement for Skipton Transfer Station	31/7/2020
Transfer of lease Cobden Airstrip hangar Robilliard to Caddy	4/8/2020
Renewal of lease Cobden Airstrip hangar utilising option to extend lease	4/8/2020
Section 173 agreement for PP1600131A for Timboon West Windfarm, lot 2 464 Boundary Rd, Timboon West	25/8/2020
Section 173 agreement amendment for Park Ave, Camperdown, to delete building and effluent envelope that applies to Lot 2 PS624734X	2/9/2020
Deed of further variation and extension of waste contract with Wheelie Waste (contract extended by Council decision 24 March 2020)	2/9/2020
Section 173 agreement for Planning Permit PP2012/137 boundary realignments at Eastern Creek Rd, Port Campbell	18/9/20
Formal instrument of agreement with Gaut Contracting, construction of 12 Apostles Trail Stage 1 Package 1 – Power Creek Reserve Lambert Street to Glerums Rd, Timboon (contract within CEO financial delegation)	1/10/20
License agreement renewal with Amy Fortescue for Family Day Care at McNichol Street, Camperdown	13/11/20
License agreement renewal with Daphne Pearson for Family Day Care at McNichol Street, Camperdown	13/11/20
Variation to lease (grazing) for Mt Noorat with Damien Lee	8/12/20
Lease agreement with Skipton Primary School for Simpson Kindergarten tenancy	18/12/20

9.10 Determination of Mayoral and Councillor Allowances

Author: Penny MacDonald, Executive Services and Governance Coordinator

Previous Council Reference: 15 December 2020, Item 9.6

Declaration

Chief Executive Officer – Andrew Mason

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

Author - Penny MacDonald

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

Summary

The purpose of this report is to enable Council to determine the Mayoral and Councillor allowances to be paid until allowances are set by the Victorian Independent Remuneration Tribunal.

Introduction

Under the *Local Government Act 2020* (the 2020 Act), Mayoral and Councillor allowances will be set by Victorian Independent Remuneration Tribunal (the Tribunal). However, until the Tribunal makes its first determination of allowances, councils are required to review and set Mayoral and Councillor allowances in accordance with the *Local Government Act 1989* (the 1989 Act). The 1989 Act requires the review of Mayoral and Councillor allowances within six months after a general election or by 30 June, whichever is later.

Issues

Council, at its meeting on 15 December 2020, reviewed the Mayoral and Councillors allowances and proposed that the Councillor allowance remain at \$21,049 per annum and the Mayoral allowance remain at \$62,884 per annum, plus the equivalent superannuation contribution (currently 9.5%). Council also resolved to give public notice of the proposed allowances, enabling community consultation by way of submissions, as required by the 1989 Act.

Councillors are entitled to receive an allowance while performing their duty as an elected official. Allowances are provided in recognition of the time and commitment required of councillors, often resulting in a loss of earnings. Payment of allowances also encourages diversity amongst people nominating for council elections.

Although councillors are not considered to be employees of a council, and do not receive employment benefits, they are entitled to an allowance and an additional payment equivalent to the superannuation guarantee contribution (9.5%).

In accordance with the 1989 Act, the Victorian Government sets the limits and ranges for Councillor and Mayoral allowances. The limits and ranges are based on a council's category

and are reviewed each year by the Minister for Local Government. The category status is based on a council's population and income/revenue figures. The current ranges (excluding the superannuation equivalent payment) are outlined in Table 1 below.

	Councillors	Mayors
Category 1	\$8,833-\$21,049 per annum	Up to \$62,884 per annum
Category 2	\$10,914-26,245 per annum	Up to \$81,204 per annum
Category 3	\$13,123-\$31,444 per annum	Up to \$100,434 per annum

Table 1: Mayoral and Councillor Allowances Limits and Ranges

Corangamite is classed as a Category 1 council with a current permitted range of \$8,833-\$21,049 per annum for Councillors and up to \$62,884 per annum for Mayors (as at November 2020). These amounts exclude the 9.5% equivalent superannuation contribution payment.

The current allowance for Corangamite Shire Councillors is \$21,049 per annum, and the Mayoral allowance is \$62,884, excluding the superannuation equivalent payment. An annual adjustment to allowances is announced by the Minister for Local Government following his review, with a zero percent increase recently announced for this year. The total cost to Council for the proposed councillor allowances with the superannuation equivalent is outlined in Table 2 below.

	Allowance including equivalent superannuation	Total
Councillor	\$23,048.66	\$138,291.96
Mayor	\$68,857.98	\$68,857.98
Total		\$207,149.94

Table 2: Total Cost to Council for Mayoral and Councillor Allowances (including equivalent superannuation contribution)

The allowances will be payable from the date of Council's resolution and will remain in place until the Tribunal makes its first determination of allowances, within six months of the Minister for Local Government requesting a determination.

Under the 2020 Act, an individual Councillor can choose to receive the entire allowance adopted by Council or set by the Tribunal, or a specified part of the allowance, or no allowance.

In accordance with section 223 of the 1989 Act, public notices were placed in the Warrnambool Standard and WD Newspapers, as well as on Council's website and Facebook page, inviting members of the public to make written submissions by 5.00 pm on 19 January 2021.

Policy and Legislative Context

Under section 39(6) of the 2020 Act, provisions relating to Councillor allowances under the 1989 Act continue to apply until the first allowance determination by the Tribunal. As such, this review of the Mayoral and Councillor allowances is in accordance with sections 74 and 223 of the 1989 Act.

Councillors are entitled to receive an allowance under section 39 of the 2020 Act, and may choose to receive all of the allowance, or a specified part, or no allowance at all in accordance with section 39(5).

Under section 129(g) of the 2020 Act and regulation 7(g) of the *Local Government (Governance and Integrity) Regulations 2020*, a Councillor is taken to not have a conflict of interest if the matter pertains to a decision relating to the payment of allowances to the Mayor or Councillors.

Review of the allowances ensures Council's compliance with local government legislation and is consistent with the following commitment and objective 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

Public notices advertising the proposed allowances and notifying the public of the opportunity to make submissions were placed in the Warrnambool Standard on 19 December 2020 and 9 January 2021, with a closing date for submissions of 19 January 2021. Notice was also provided in the WD Newspapers and on Council's website and Facebook page. At the time of writing this report no submissions have been received. Any submissions received prior to the Council meeting will be tabled.

Financial and Resource Implications

Council's 2020-2021 Budget provides for the proposed allowances. Future budgets will be revised to meet any annual adjustments made by the Minister for Local Government or new allowances set by the Tribunal.

Options

Council may determine to set the proposed allowances as advertised or set the allowances at a lesser amount.

Conclusion

Council has undertaken a review of Mayoral and Councillor allowances and proposed that the Councillor allowance be set at \$21,049 per annum and the Mayoral allowance be set at \$62,884 per annum, plus the equivalent superannuation contribution (currently 9.5%). Public notices were placed in the Warrnambool Standard and WD Newspapers inviting members of the public to make written submissions by 5.00 pm on 19 January 2021. As no submissions have been received, it is recommended that Council adopt the Councillor and Mayoral allowances as proposed.

RECOMMENDATION

That Council:

- 1. Determines that the Councillor allowance be set at \$21,049 per annum, plus the superannuation equivalent.**
- 2. Determines that the Mayoral allowance be set at \$62,884 per annum, plus the superannuation equivalent.**

10. OTHER BUSINESS

11. OPEN FORUM

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

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

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

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

12. CONFIDENTIAL ITEMS

Nil.