

minutes



CORANGAMITE
SHIRE

CORANGAMITE SHIRE

MEETING OF COUNCIL TUESDAY 23 MARCH 2021

Held at Simpson Recreation Reserve
Lavers Hill-Cobden Rd, Simpson
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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**MINUTES OF THE MEETING OF THE CORANGAMITE SHIRE
COUNCIL HELD AT THE SIMPSON RECREATION RESERVE,
LAVERS HILL-COBDEN RD , SIMPSON 7.00 PM ON
23 MARCH 2021**

PRESENT

Councillors R. Gstrein (Chairperson), J. Beard, N. Cole, G. Conheady,
L. Hickey, K Makin, J Vogels

Officers Andrew Mason, Chief Executive Officer
Justine Linley, Director Sustainable Development
Brooke Love, Director Works and Services
David Rae, Director Corporate and Community Services
Aaron Moyne, Manager Planning and Building Services
Melanie Osborne, Planning Officer

1. PRAYER

The prayer was read by the Mayor, Cr R. Gstrein.

“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

An Acknowledgement of Country was made by the Mayor, Cr R. Gstrein.

“We acknowledge the Traditional Owners of the land around Corangamite Shire, the Eastern Maar and Wadawurrung people.

We pay our respects to all Aboriginal Elders and peoples past and present.”

3. APOLOGIES

Nil.

DISCLAIMER

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

Council meetings are livestreamed on the Internet to provide members of the community greater access to Council decisions and debate. A recording of the meeting will be available on Council’s website after the meeting (usually within 48 hours). Visitors in the public gallery may be filmed and/or recorded during the meeting. By attending the meeting, it is assumed consent is given in the event that this occurs.

4. DECLARATIONS OF CONFLICT OF INTEREST

Nil.

5. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the Corangamite Shire Council meeting held on Tuesday 23 February 2021 be confirmed.

COUNCIL RESOLUTION

MOVED: Cr Hickey

SECONDED: Cr Makin

That the recommendation be adopted.

CARRIED

6. DEPUTATIONS & PRESENTATIONS

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

The following items were submitted:

- Agenda Item 8.1 Planning Permit Application PP2020/013 Use and development of land for group accommodation 1518 Timboon-Peterborough Rd, Peterborough:
 - Dr Penelope Lane
 - Richard Collopy (Read by David Wilkinson)
 - Brett Clarke (Read by David Wilkinson)
 - Frank Carlus (Sustainable Peterborough Alliance)
 - Kerry Vickers (Sustainable Peterborough Alliance)
 - David Clemenger (Sustainable Peterborough Alliance)
 - Barb Mullen (Sustainable Peterborough Alliance)
 - Christine Norton (Sustainable Peterborough Alliance)
 - Phillip O'Connor (Sustainable Peterborough Alliance)
 - Oliver Moles (Sustainable Peterborough Alliance)

COUNCIL RESOLUTION

MOVED: *Cr Beard*

SECONDED: *Cr Makin*

That standing orders be suspended.

CARRIED

Standing orders were suspended at 7.56 pm.

COUNCIL RESOLUTION

MOVED: *Cr Beard*

SECONDED: *Cr Makin*

That standing orders be resumed.

CARRIED

The meeting resumed at 8.00 pm.

- Agenda Item 8.1 Planning Permit Application PP2020/013 Use and development of land for group accommodation 1518 Timboon-Peterborough Rd, Peterborough (continued):
 - Frances Coffey (Sustainable Peterborough Alliance)
 - Zoe Wilkinson (Sustainable Peterborough Alliance)
 - Edward Strengers
 - Dan Pech.

- Agenda Item 8.2 Planning Permit Application PP2021/004 Three Lot Subdivision, 27 Leahy's Lane, Timboon:
 - Alistair Davies.

7. COMMITTEE REPORTS

7.1 Audit and Risk Committee Biannual Report to Council - March 2021

Author: Colin Hayman, Chairperson, Audit and Risk Committee

File No: D19/18

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 - Colin Hayman

In providing this advice to Council as the Chairperson, Audit and Risk Committee, I have no interests to disclose in this report.

Summary

The purpose of this report is to provide Council with a summary of activities undertaken by the Audit and Risk Committee (the Committee) since September 2020. The report is also provided in accordance with the Committee's Charter and *Local Government Act 2020* which requires the Chairperson to report to Council every 6 months. The previous report to Council was in October 2020.

Introduction

Audit and Risk Committees play a critical role in the financial reporting framework of councils by overseeing and monitoring the participation of management and external auditors in the financial reporting process. They also address issues such as the approach being adopted by a council and management to address business risks, corporate and financial governance responsibilities and legal compliance. A council may also refer issues of a strategic or risk nature to their Audit and Risk Committee for review. The principle functions and extent of authority for the Audit and Risk Committee are set out in the Committee's Charter and *Local Government Act 2020*.

Issues

This is the second biannual report to Council and the Committee met twice during the review period (October 2020 – March 2021). Committee membership varied during the period with Mr Matt Makin retiring after one term and Ms Lisa Young appointed by Council (February 2021) as a new independent member for a three year term. Council also appointed Cr Conheady and Cr Hickey as their representative to the Committee following the October 2020 Council election. Ms Phillipa Dee and I are the other independent members.

The Committee continues to meet its objectives and discharge its responsibilities under the Charter. The Committee's engagement with Council management remains positive, which ensures a continuing and strong commitment to corporate governance and improving internal controls.

Attendee	Meeting	
	10/12/2020	11/03/2021
Mr Colin Hayman	✓	✓
Ms Phillippa Dee	✓	✓
Mr Matt Makin	✓	
Ms Lisa Young		✓
Cr Geraldine Conheady	✓	✓
Cr Laurie Hickey	✓	✓

Legend	
✓	In Attendance
x	Apology
-	Attendance Not Required

In Attendance

The following individuals attended Committee meetings during the review period:

- Council officers:
 - Mr Andrew Mason, Chief Executive Officer
 - Mr David Rae, Director Corporate and Community Services
 - Mr Adam Taylor, Finance Manager.
- McLaren Hunt Financial Group, agent of the Victorian Auditor General's Office (External Auditor):
 - Mrs Narelle McLean, Partner.
- Crowe (Internal Auditor):
 - Mr Andrew Zavitsanos, Principal
 - Ms Thivya Mahendran, Manager.

Meetings were held in the 'Old Chambers' at the Civic Centre. Representatives of McLaren Hunt and Crowe, when in attendance, did so virtually via Microsoft Teams.

Meetings

Issues considered by the Committee during the period included:

- Committee Meeting 10 December 2020:
 - Audit and Risk Committee meeting dates for 2021
 - Annual Work Plan for 2021
 - CEO and Mayor Credit Card Use - 1 September 2020 - 30 November 2020
 - Councillor Reimbursements - 1 May 2020 - 30 November 2020
 - Audit Outstanding Recommendations Update December 2020
 - Internal Audit Review Fuel Cards and Bowser Key Management November 2020
 - ICT External Vulnerability Test Results
 - Finance Report as at 30 September 2020
 - ICT Disaster Recovery Plan Biennial Review
 - Landfill Operations
 - Council Response to COVID-19 - Internal Debrief
 - Relevant Council meeting and briefing activity.

- Committee meeting 11 March 2021:
 - Councillor Reimbursements - 1 December 2020 - 28 February 2021
 - CEO and Mayor Credit Card Use - 1 December 2020 - 28 February 2021
 - Memorandum of Audit Planning - Management of Food and Health Services Review
 - Internal Audit Review COVID-19 Internal Controls Review December 2020
 - External Audit Strategy 2020-2021
 - 2019-2020 External Audit Management Letter - Outstanding Recommendations
 - Finance Report as at 31 December 2020
 - Strategic Risk Report March 2021
 - Risk Management Framework Review
 - Workcover Premium Review 2021
 - Governance and Management Attestation as at 31 December 2020
 - Office 365 Security Review
 - Fraud Prevention and Control Policy Review
 - Investment Policy Review
 - VAGO Performance Audit - Sexual Harassment in Local Government
 - Local Government Rating Review
 - Internal Audit Services
 - Relevant Council meeting and briefing activity.

Discharging Responsibilities

As Chairperson, I am satisfied the Committee has discharged its responsibilities as set out in its Charter. These responsibilities, as described by section 54(2) of the Act, are to:

- Monitor the compliance of Council policies and procedures with:
 - the overarching governance principles, and
 - the Act and the regulations and any Ministerial directions,
- Monitor Council financial and performance reporting,
- Monitor and provide advice on risk management and fraud prevention systems and controls, and
- Oversee internal and external audit functions.

The matters considered at each meeting were in accordance with the Committee's Charter and Annual Work Plan and demonstrates the Committee's commitment during the period to discharge its responsibilities.

Future

Over the next six months the Committee will work with management to appoint, via Council resolution, an internal audit service provider as the contract with the incumbent (Crowe) expires 30 September 2021.

The Committee will also continue to monitor Council's implementation of the *Local Government Act 2020*.

Policy and Legislative Context

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

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

Council will demonstrate high levels of ethical behaviour and governance standards

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

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

Internal / External Consultation

The Chairperson of the Audit and Risk Committee has authored this report in consultation with Director Corporate and Community Services. The next biannual report will be provided in September 2021.

Financial and Resource Implications

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

Conclusion

During the review period Council's Audit and Risk Committee considered a broad range of issues as detailed in this report. Members of the Committee worked productively and harmoniously and have discharged their responsibilities set out in the Charter. The Committee continues to recognise the ongoing need for continuous improvement in enhancing the effectiveness of the Committee and internal audit. The Committee also continues to work professionally and effectively with management.

RECOMMENDATION

That Council receives the biannual Audit and Risk Committee report for March 2021.

COUNCIL RESOLUTION

MOVED: *Cr Conheady*

SECONDED: *Cr Hickey*

That the recommendation be adopted.

CARRIED

8. PLANNING REPORTS

8.1 Planning Permit Application PP2020/013 - Use and development of land for group accommodation (30 units), associated buildings and works and the removal of native vegetation for sewer main extension - 1518 Timboon-Peterborough Road, Peterborough

Author: Aaron Moyne, Manager Planning and Building Services

File No:

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

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

Author - Aaron Moyne

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

Summary

Council must consider planning permit application PP2020/013 for the use and development of land for group accommodation, associated buildings and works and the removal of native vegetation.

Public notice of the application was given, and 87 submissions have been received for the application at the time of writing this report. This is comprised of 84 objecting to the proposal and three (3) submissions in support of the application.

The application is a unique accommodation proposal situated within the Great Ocean Road environs and requiring a detailed assessment, balancing environmental risks against the need to support tourism and economic development.

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

Introduction

Planning Permit Application PP2020/013 was received by Council on the 14 February 2020. The application seeks approval for the use and development of land for a group accommodation facility consisting of 30 accommodation units, associated buildings and works and the removal of native vegetation associated with the extension of the sewer main.

Eighty four objections have been received in relation to the application. Key issues raised in the objections can be separated into the following themes:

- Strategic support and response to Planning Policy Framework
- Appropriateness of the proposed land use
- Amenity impacts
- Environmental risk and impact
- Bushfire risk
- Traffic impact and management
- Economic and net community benefit
- Potential future expansion and precedent.

The submissions in support of the proposal state the proposed development will benefit the district and that environmental impacts will be minimal.

This report provides an assessment of the planning application.

History

There is no planning permit history for the subject site.

Subject Land

The subject site has a total area of 6.03 ha and contains:

- single dwelling
- several small sheds
- dam
- electrical substation

All existing buildings and infrastructure are located within the eastern portion of the property.

Surrounding Area

The main land use characteristics within the site and surrounding area include:

- The subject site has been used as a rural-residential property and for low-scale animal grazing. Most of the site has been cleared with open pasture and paddock fencing has been installed.
- Several patches of native vegetation are located at the entrance to the property and along the eastern boundary.
- The land gradually decreases in gradient from east to west towards the Curdies Inlet.
- The western side of the inlet is the Peterborough Township which is located within the Moyne Shire.
- Surrounding land to the north, south and east of the site along the Timboon-Peterborough Road consist of similar rural-residential properties.
- Further north-east of the site is a larger agricultural property used for grazing animal production (beef and sheep).
- Timboon-Peterborough Road is a connector road managed of Council which intersects with the Great Ocean Road approximately 350m south the site.
- The Peterborough Airfield is located at the intersection and is an identified Tourism Opportunity Site within the Special Use Zone and is currently subject to upgrade works.

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



Figure 1: Locality and Planning Zone Map



Figure 2: Aerial showing subject site and surrounding area (Shaded area shows extent of ESO1)

Proposal

Planning Permit Application PP2020/013 seeks approval for the use and development of land for a group accommodation facility and associated buildings and works. The proposed facility includes:

- 30 accommodation units
- Reception building
- Shared activity building and playground
- Internal road and car parking
- Internal board walks and star gazing deck

- Drainage infrastructure

In order to service the proposed development, an extension of the sewer main from the Peterborough township to the development site will be required. Under the Corangamite Planning Scheme, the installation of the sewer main does not require planning approval. However, as a result of the sewer main extension, native vegetation will need to be removed and this requires a permit.

Site Layout

Entrance to the site will be from the eastern end of the property, from the Timboon-Peterborough Road. An internal road will extend north and then run west before looping back on itself. The proposed accommodation units will be spaced around this road.

The accommodation units will be approximately 40m from the southern boundary and a minimum 10m from the northern boundary.

A reception building will be located east of the entrance road, approximately 80m north of the site entry.

The shared activity centre and playground will be located centrally within the internal access road.

Two drainage basins and berms will be located at the western end of the access road, including a northern catchment and a southern catchment. A star gazing deck is proposed to be located on the west of the southern drainage basin.

Board walks located throughout the site will link the cabins to the central activity area and provide pedestrian access to the star gazing deck.

The proposed development area is setback a minimum 100m from the western property boundary, adjacent to the Curdies Inlet/Peterborough Coastal Reserve. This section of the property between the western boundary and the development site will be clear of any built form.

Design

The 30 accommodation units will be small moveable dwellings and can be described as 'tiny homes'. These buildings are to comprise two designs:

- **Bintan Unit**
The Bintan Unit is a flat-roofed structure mounted on a 0.6 metre two-wheeled chassis. The unit is 3.35 metres (high) x 6.6 metres (long) x 2.2 metres (wide).
- **Minimalist Unit**
The Minimalist Unit is a gable-roofed structure mounted on 0.6 metre two wheeled chassis. The unit is 3.35 metres (high) x 5.5 metres (long) x 2.2 metres (wide).

External finishes will include a mixture of composite vertically grooved shiplap cladding (timber product) and Barestone FC cladding or similar products. The roof and eaves will be a light Colorbond finish. Hardwood timber decks are to be added to each of the units.

The shared activity area will consist of two buildings with a shared butterfly winged roof and decked area linking the buildings together. The overall roof height will be 4.88m.

The reception building will be two levels containing check-in facilities and laundry at the ground level. The second storey will provide for an office and a viewing area. This building will have an overall height of 6.24m.

Access and Car Parking

Vehicle access will be via an existing crossover from the Timboon-Peterborough Road. The single entry and exit point is on the southern boundary at the eastern end of the property and will need to be upgraded to provide for two-way traffic.

A total of 37 car parks are proposed. This includes one space for every unit and seven parking spaces adjacent to the reception building.

Native Vegetation Removal

It is proposed that 0.229 ha of native vegetation be removed as a result of the buildings and works associated with the development. This includes:

- Several patches within the property boundary and a strip along the Timboon-Peterborough Road reserve typical of the Ecological Vegetation Class (EVC) Damp Heath Scrub; and
- Several sections along the road reserve north of the Great Ocean Road associated with the EVC's Coastal Dune Scrub and Estuarine Wetland.

Section 57A Amendment

The application was amended in November 2020 as a result of the earlier referral and notice process in April 2020. The amendments included the realignment of the sewer rising main and the rearrangement of the internal layout of the facility to allow for the inclusion of drainage infrastructure.

Initially, it was proposed that a private pump station would be sited within the south western corner of the property and a sewer rising main would extend south, along the rear boundaries of neighbouring properties towards the Great Ocean Road. The position of the pump station and alignment of the sewer main has been amended to run along the Timboon-Peterborough Road and then west along the Great Ocean Road to the Peterborough township where it can connect to the Wannan Water pump station.

Through the preparation of a Stormwater Management Plan it was identified to retain stormwater discharge on-site, including the design of the drainage basins in the west of the site.

A copy of the current application is provided under separate cover.

Policy and Legislative Context

Zoning

The subject site is in Rural Conversation Zone – Schedule 1 (RCZ1).

A permit is required for the use and development of land for group accommodation under the zone. The purpose and decision guidelines of the zone will be considered in the assessment of the application.

Overlays

The Environmental Significance Overlay – Schedule 1 (ESO1) applies to the western boundary of the site, adjacent to the Curdies Inlet. The ESO1 boundary has been highlighted in Figure 2.

The overlay identifies areas where development of land may be affected by environmental constraints and seeks to ensure that development is compatible with identified values. Schedule 1 to the ESO provides environmental objectives which seek to protect significant water bodies and must be considered when assessing applications for development.

A permit is not required under the ESO1 as the proposed development is not located within ESO1 mapped area. The overlay will not be assessed as part of the application.

Municipal Planning Strategy and the 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 02.03-2 Strategic Directions – Environmental and landscape values

- Biodiversity; seeks to support land use and development that protects and enhances biological diversity.
- The Great Ocean Road; coastline is identified as having national significance and seeks to protect the scenic values of the coastal area, including significant estuarine areas such as Curdies Inlet.
- Wetlands; seeks to maintain the environmental integrity of wetlands and their foreshores by ensuring development is located and undertaken in a manner that minimises risks.

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)

Clause 02.03-4 Strategic Directions – Natural resource management (Catchments); seeks to protect catchment and waterway health.

Clause 02.03-7 Strategic Directions – Economic Development (Tourism); identifies tourism development is linked to the quality of natural and cultural attractions and that there are opportunities to expand eco-tourism activities in the Shire that protect iconic natural environments.

Clause 02.03-8 Strategic Directions – Transport (Aviation and airfield management); seeks to protect the ongoing operations and future expansion opportunities of the aviation industry.

Clause 11 Settlement

Clause 11.01-1S Victoria - Settlement

Clause 11.01-1R Victoria - Settlement – Great South Coast

Clause 11.03-4S Planning for Places – Coastal settlement

Clause 11.03-5S Planning for Places - Distinctive areas and landscapes

Clause 11.03-5R Planning for Places – The Great Ocean Road region; encourages sustainable tourism through developing a network of tourism opportunities throughout the region which can provide environmental, economic and social benefits.

Clause 11.03-5L Planning for Places – The Great Ocean Road

Clause 11.03-6S Regional and local places

Clause 12 Environmental and Landscape Values

Clause 12.01-1S Biodiversity – Protection of biodiversity

Clause 12.01-2S Biodiversity – Native vegetation management

Clause 12.02-2S Coastal Areas – Protection of coastal areas

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

Clause 12.05-2S Significant Environments and Landscapes - Landscapes

Clause 13 Environmental Risks and Amenity

Clause 13.01-2S Climate Change Impacts – Coastal inundation and erosion

Clause 13.03-1S Floodplains – Floodplain management

Clause 13.03-1L Floodplains – Floodplain management in Corangamite Shire; discourages development on land prone to flooding and inundation.

Clause 13.02-1S Bushfire - Bushfire planning

Clause 13.04-2S Soil Degradation – Erosion and landslip

Clause 13.05-1S Noise – Noise abatement

Clause 13.07-1S Amenity and Safety – Land use compatibility

Clause 14 Natural Resource Management

Clause 14.01-1S Agriculture – Protection of agricultural land

Clause 14.01-1L Agriculture – Protection of agricultural land

Clause 14.02-1S Water – Catchment planning and management

Clause 14.02-2S Water – Water quality

Clause 15 Built Environment and Heritage

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

Clause 15.02-1S Sustainable Development – Energy and resource efficiency

Clause 15.03-2S Heritage – Aboriginal cultural heritage

Clause 17 Economic Development

Clause 17.01-1S Employment – Diversified economy

Clause 17.01-1R Employment – Diversified economy – Great South Coast

Clause 17.04-1S Tourism – Facilitating tourism

Clause 17.04-1R Tourism – Tourism – Great South Coast; this strategy seeks to provide flexibility and opportunities for a diverse range of tourism including an increase in the supply of appropriate accommodation and tourism infrastructure.

Clause 17.04-1L Tourism – Facilitating tourism in Corangamite Shire; supports development that:

- can be appropriately serviced by infrastructure
- is of high-quality design
- is sensitively designed and located in the landscape to avoid adverse visual impacts
- does not compromise the identified tourism opportunity sites.

Clause 17.04-2L Tourism – Shipwreck Coast; supports the development of tourist accommodation as relevant in the *Shipwreck Coast Master Plan* (Parks Victoria, 2015).

The *Shipwreck Coast Master Plan* encompasses 28 kilometres of coastline between Princetown and the Bay of Islands. The plan sets a visionary program aimed at protecting the fragile coastline, improving opportunities for visitors and seeks to strengthen the local economy and employment opportunities through sustainable tourism. The Master Plan covers how public land is to be managed but also aims to provide direction for private business investment.

Particular Provisions

Clause 52.06 Car Parking

The purpose of this clause is to ensure that an appropriate number of car parking spaces are available having regard to the demand likely to be generated from the activities being carried out on the land and that the design and location of car parking is appropriate.

Group accommodation is not a use specified under this clause. However, it can be compared to a similar activity being a motel which is listed in the clause. For a motel one space is required for each unit and one for each manager dwelling.

The application proposes an appropriate number of car parking spaces and does not require a car parking reduction.

52.17 Native Vegetation

A permit is required for the removal of native vegetation associated with the development.

An application to remove native vegetation must comply with the requirements specified in the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017).

A section of the native vegetation proposed to be removed along the Great Ocean Road is in the Location 3 Category. These locations are identified as areas where the removal of vegetation could have a significant impact on the habitat for rare and threatened species and requires a detailed assessment.

The application includes a Biodiversity Assessment to address native vegetation requirements.

Clause 65 Decision Guidelines

Must be considered in the assessment of the application.

Aboriginal Heritage Act 2006

The subject site is within an area of Aboriginal Cultural Heritage Sensitivity and pursuant to the Aboriginal Heritage Act 2006, a Cultural Heritage Management Plan (CHMP) is required for the development as it constitutes a high impact activity on an area that has not previously been subject to significant ground disturbance.

A Cultural Heritage Management Plan has been prepared. A complex assessment was required in order to determine whether cultural heritage was present. Cultural material was located in two locations and included two coastal flint flakes and one silcrete geometric microlith. All three artefacts were located in a disturbed context as a result of agricultural activity and previous episodes of flooding.

The place has been registered and the locations identified in the amended site plan for the proposed development. A 50m exclusion zone between the recorded Aboriginal cultural heritage place and the proposed development has been provided.

The Cultural Heritage Management Plan has been approved by the Director Heritage Services Aboriginal Victoria in accordance with the Act on the 27 January 2021.

Flora and Fauna Guarantee Act 1998 (FFG Act)

The FFG Act is Victorian legislation which deals with the conservation of threatened species and communities and the management of potentially threatening actions. The obligations of the FFG Act do not apply to private land.

In the biodiversity assessment prepared for this application, two species listed as protected under the FFG Act were recorded:

- Coast Wattle (*Acacia longifolia* subsp. *sophorae*)
- Coast Beard- heath (*Leucopogon parviflorus*).

The species were found along the alignment of the proposed sewer main and may be potentially impacted by the development. A separate permit will be required under the FFG Act. It is the developer’s responsibility to apply for and obtain the required permit through the Department of Environment, Land, Water and Planning.

This is a separate process and does not impede Council’s process for making a decision on the current planning permit application.

Environment Protection and Biodiversity Act 1999 (EPBC Act)

The EPBC Act is the Australian Government’s key piece of environmental legislation. It provides the legal framework to protect and manage national and internationally important flora, fauna, ecological communities and heritage places of national environmental significance.

The EPBC Act makes it an offence for any person to take an action that is likely to have a significant impact on matters protected by the Act, unless they have the approval of the Australian Environment Minister.

The responsibility for referring an action lies with the developer. Local governments are not responsible for making a referral to the Environment Minister on behalf of applicants, and the Council’s own approval of a project does not need to be referred under the EPBC Act.

Internal / External Consultation

Referrals

The following external and internal referrals were carried out for this application.

Section 55 Referrals	Response
Department of Environment, Land, Water and Planning (DELWP) – Recommending authority for native vegetation removal	Does not object to the granting of the planning permit subject to conditions. DELWP also provided comments in the interests of the Minister for Energy, Environment and Climate Change (act as landowner for Crown Land) and Parks Victoria as the land manager for the Crown Land being the Peterborough Curdies Inlet/Coastal Reserve. These related to Marine and Coastal Policy and Coastal Acid Sulphate Soils.

Section 52 Notice	Response
Corangamite Catchment Management Authority	<p>Does not object to the proposal.</p> <p>Provided comment on 1% AEP flood extent and possible future sea level rise. All proposed buildings and pathways are located outside the mapped 1% AEP flood extent.</p> <p>Found Stormwater Management Plan satisfactory.</p>
Department of Transport	<p>Does not object to the granting of the permit subject to conditions regarding the works within the road reserve (Great Ocean Road).</p>
Wannon Water	<p>Does not object to the granting of the permit subject to conditions regarding the connection to the reticulated sewerage network and water supply network.</p>
Country Fire Authority	<p>Does not object to the grant of a permit.</p> <p>Should a permit be issued, the site will need to be fully compliant with all aspects of the CFA Caravan Park Fire Safety Guidelines 2012.</p>
Powercor	<p>Does not object to the grant of a permit subject to conditions.</p>

Internal Department	Comments
Assets Planning	<p>Stormwater management plan satisfactory.</p> <p>Widening of the Timboon-Peterborough Road required at the entrance of the site to allow vehicles to safely pass vehicles turning right into the property.</p>
Environment	<p>Environmental Management and Construction Management Plans to be submitted for approval addressing potential environmental risks, impacts and mitigation measures.</p>
Building	<p>Tiny houses are not covered by the Building Act.</p>
Environmental Health	<p>The size of proposed tiny cabins are not compliant with Prescribed Accommodation requirements. Therefore, the site will be required to be registered as a 'Caravan Park' under the Residential Tenancies Act 1997.</p> <p>If water supply is sourced from non-potable source and stored in tanks for any period of time, a Water Management Plan may be required.</p>

A copy of responses received from external authorities is provided under separate cover.

Advertising

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

- Letters to landowners and occupiers of property within 500 metres of the subject site.
- Public notice in the Cobden-Timboon Coast Times
- Public notice in the Warrnambool Standard
- A sign erected at the entrance to the site
- Notification sent to Moyne Shire Council
- Notice on Council's website.

The formal notice period concluded at the end of April 2020. A total of 18 objections were received during this process.

The application was amended in November 2020 as a result of the referral and notice process. These changes did not result in a transformation of the proposal and only the relevant authorities and those who had lodged an objection were notified of the changes.

Public interest in the application grew following the amendment of the application and Council received additional objections to the proposal. To date 73 submissions have been received. 84 objections and three (3) submissions in support of the application.

Key planning issues raised in the objections can be broken down into the following themes:

- Strategic support and response to PPF
- Appropriateness of the proposed land use
- Amenity impacts
- Environmental risk and impact
- Bushfire risk
- Traffic impact and management
- Economic and net community benefit
- Potential future expansion and precedent

Other matters raised in objections which are beyond the scope of the planning assessment include:

- Foreign investment
- Impact on Port Campbell National Park
- Link with Peterborough Airfield

A copy of all submissions is provided under separate cover.

Consultation

Consultation for the application was undertaken and included:

- Planning officers requested further information from the applicant on 26 February 2020, including an updated flora assessment, stormwater management assessment report and an approved Cultural Heritage Management Plan.
- The applicant provided an incomplete response to the request for further information. However, planning officers agreed to commence notice and referrals of the application on 1 April 2020 so any other matters raised could be addressed before having further reports commissioned. This is a usual practice for an application of this nature.
- The requirements of the further information request were satisfied on the 22 February 2021 when an approved Cultural Heritage Management Plan was provided to Council.
- The application was amended on the 9 November 2020 under section 57A of the Planning Environment Act as a result of the notice and referral process. The relevant

referral authorities and all persons who lodged an objection to the application were notified of the changes.

- Planning Manager received advice from the DELWP on the 17 June 2020, that the Great Ocean Road Region Standing Advisory Committee (GORRSAC) had not started work on the Great Ocean Strategic Framework Plan and that referral of the application to GORRSAC would not add value to the decision making process for this application.
- A planning site inspection was held on Tuesday 2 March 2021, attended by Councillors, council officers, the applicant and objectors. Details of the application, key issues and matters raised in the objections were discussed.

Assessment

The assessment of the permit application will consider how the proposal responds to the purpose and decision guidelines of the Rural Conservation Zone (Schedule 1), Clause 52.17 Native Vegetation and policy direction outlined within Municipal Planning Strategy and the Planning Policy Framework.

Municipal Planning Strategy and the Planning Policy Framework

A key objective of the Planning Policy Framework (PPF) and Municipal Planning Strategy (MPS) is the protection and enhancement of the natural environment and landscape. The protection of the environment must be balanced against the need to support the local economy and investment in the tourism industry for accommodation and infrastructure.

Council's strategic land use planning direction within the MPS specifically focuses on the need to protect and manage environmental and landscape values, including biodiversity, the Great Ocean Road environment and wetlands, along with support for development opportunities linked to the natural environment which expands eco-tourism activity.

The PPF includes planning policy relevant to this proposal providing specific emphasis on the protection of environmental and landscape values, and management of environmental risks and amenity, against strategy seeking to provide flexible and diverse tourism accommodation and infrastructure.

Council's local planning policy supports new tourism development which:

- Can be appropriately serviced by infrastructure
- Is of high-quality design
- Is sensitively designed and located in the landscape to avoid adverse visual impact
- Does not compromise identified tourism opportunity sites.

New development and land use change does not mean environmental values cannot be managed or enhanced. Careful consideration needs to be given to the merits of this proposal and opportunities to facilitate local tourism infrastructure whilst managing environmental impacts.

The applicant seeks approval for the use and development of land for a group accommodation facility consisting of 30 individual 'tiny' units and other shared facilities. The subject site abuts the Curdies River Inlet that provides important habitat for bird and fish species, offers picturesque views and recreational activities.

The site is within proximity to the Great Ocean, located approximately 350m south of the site entrance. The proposal would provide a unique tourism accommodation product in the Great Ocean Road region. While visitation to the area has been impacted by COVID-19 restrictions, the region is of national significance and will continue to attract large numbers of visitors into the future. Through the *Corangamite Shire Tourism Opportunities Study* (2010) and the *Shipwreck Coast Master Plan* (2015) it was identified that many visits to the region are day visits due to a lack of quality accommodation and tourism products.

Facilitating opportunities to improve visitor's length of stay is of benefit to the local and regional economy, in that people who stay longer will spend money on local products, services and small business.

The proposal provides self-contained accommodation and while it is separated from the Peterborough township, it does not necessarily limit spending in the town or the surrounding region. Touring routes along the Great Ocean Road which take in the natural scenery of the coastline, along with the coastal hinterland, are becoming more popular and accessible tourism options.

The 12 Apostles Food Artisans Trail, only a 10-15 minute drive from the site, is an example of a key tourism activity which showcases local products and is continuing to attract visitors to the region. While agricultural production is the primary source of economic output in the region, future employment opportunities associated with the tourism sector will be important to the diversification and strengthening of the local economy.

From a tourism and economic development perspective, there is clear strategic direction and policy at a State, regional and local level which supports new tourism accommodation proposals and infrastructure within the Great Ocean Road Region.

It is important to recognise that tourism is closely linked to and must protect the natural environment and landscape values, particularly in the south of the Shire which benefits from the spectacular views along the coastline and the associated waterways, including the Curdies River Inlet. When assessing planning applications, it is essential to ensure development is sensitively designed and sited to maintain and enhance environmental assets and associated scenic views and landscapes.

A review of environmental impact and risk forms a primary component of this assessment. The application has been supported by a Biodiversity Assessment covering impact and risk to native flora and fauna, Stormwater Management Plan and Coastal Acid Sulphate Soil Detailed Assessment, each prepared by qualified professionals. These plans have been reviewed in response to strategic direction and planning policy and are considered to provide a satisfactory level of information to address these issues.

The application has been referred to both DELWP and CCMA, as the relevant government agencies/authorities with statutory responsibility above Council covering environmental protection and natural resource management. Both DELWP and CCMA have completed a detailed review of the proposal and supporting assessments and do not object to a permit being granted, on the basis that environmental values and impacts can be protected and managed.

In response to the strategic direction and policy for environmental protection and landscape management, the application demonstrates the proposed use and development can occur and operate in a way that recognises and manages potential risk.

The proposed development site, including associated drainage infrastructure, will be setback a minimum 100m from the western property boundary adjacent to the Curdies River Inlet. A stormwater management system has been designed to ensure water quality standards and subsequent over land flows will not be detrimental to the function of the Curdies River environment.

The proposed buildings are designed to be small-scale, the use of appropriate materials and landscaping and having the individual buildings spread across the site will minimise any adverse landscape or visual impact. The location is substantially obscured and only visible at a distance when viewed across the Curdies River from Peterborough. Permit conditions requiring a 30m wide vegetated buffer of indigenous plant species along the western boundary will reduce the visual impact of the development to a negligible level, whilst also enhancing the natural environment and ecosystem.

Should a permit be issued, the construction of the proposed development and ongoing operation of the facility will need to be managed carefully to ensure potential environmental risks are managed appropriately. Permit conditions requiring additional landscaping and environmental management plans will ensure this occurs.

On a strategic and policy basis, the proposal has demonstrated that environmental risk and impact can be appropriately managed and the development can sensitively occur within the site, whilst there is clear support for new tourism accommodation and infrastructure connected to the Great Ocean Road that incorporates high quality design.

Rural Conservation Zone - Schedule 1

The purpose of the Rural Conservation Zone (RCZ) is to protect and enhance the natural environment and ensure that use and development of land considers the conservation values and environmental sensitivity of the area.

Schedule 1 to the RCZ recognises the environmental importance of the Shire's coastal area, including the landscape values, vegetation, fauna habitat and the need to protect ecological systems.

The subject site is currently used for low-scale animal grazing and consists of a single dwelling which is not currently occupied. The site is located adjacent to the Curdies River Inlet and is surrounded by similar rural-residential properties containing single dwellings. While the zone seeks to provide for sustainable agricultural uses consistent with environmental and landscape values, it must be recognised that the land and surrounding properties are not productively farmed, with agriculture occurring as a secondary use.

The established land use character of the area is rural-residential properties adjoining Curdies River in a natural environment. Outside of this are the Peterborough Airfield, Great Ocean Road and larger farms further afield. Although the proposal does not directly match the established land use character, it does not mean that it is uncharacteristic or inappropriate within the area.

The proposal for group accommodation containing 30 units and associated buildings and infrastructure is a change from the established character of the area. The development will result in a higher intensity use and development for the site, however, its impact will be reduced through the low size, scale and form of the proposed tiny home accommodation units.

The general amenity of the area may change as a result of the proposal, although this is not unreasonable and impacts including noise, lighting and on-site operations, can be adequately controlled through permit conditions. This includes requirements for a Lighting Management Plan and Operational Management Plan to be prepared to manage these impacts.

A fundamental component in the assessment of this application relates to whether the use and development is suitable within the context of environment and landscape values, and if it can be ensured that the proposal won't cause an unreasonable environmental impact.

The Corangamite Regional Catchment Strategy 2013-2019 recognises the importance of local estuaries and floodplains which provide important habitat and supports biodiversity, recreation and as well as providing cultural, aesthetic and scenic values. Subsequently, the Curdies River Estuary Management Plan 2017 acknowledges the importance of the Curdies River Estuary and the natural aesthetic of the area which supports recreational fishing, tourism and agriculture.

The natural environment of the Curdies River Estuary is highly valued by locals and visitors to the region and the continued management and protection of this natural asset is paramount to supporting its long-term sustainable use and that future development needs to have minimal or no impact on the estuary environment.

The proposed development has been designed and sited on the property to mitigate any potential impacts on the estuary environment. The development area is setback a minimum 100m from the western property boundary adjacent to the Curdies Inlet and is located outside the mapped 1% AEP flood extent.

The CCMA is the statutory authority for waterway and natural resource management and has reviewed the application, including the Stormwater Management Plan (SMP). The CCMA do not object to the granting of the permit and is satisfied with the SMP which shows water quality can be suitably managed onsite in accordance with best practice measures for Water Sensitive Urban Design.

The proposed use and development will be contained to an area of the property previously cleared for grazing. Impacts on native vegetation will be limited at the eastern entrance to the site and along the Great Ocean Road and Timboon-Peterborough Road. The biodiversity assessment concludes the damp heath scrub to be impacted on the site has been modified but, where feasible, patches will be retained. Biodiversity impacts to native vegetation can be managed through securing offsets and protecting remaining native vegetation to ensure there is no net loss. Additionally, permit conditions can be applied requiring indigenous species endemic to the area be used in landscaping to improve existing habitat and enhance the environmental landscape.

To service the development, the facility will be connected to the reticulated sewerage system in the Peterborough township, via a private pump station and rising sewer main. Connection to the reticulated sewerage system will eliminate the need for wastewater generated by the facility to be treated on-site and minimise potential adverse impacts on the waterway caused by effluent disposal areas and increase nutrient loads. Connection to the reticulated sewerage system is subject Wannon Water requirements, who has confirmed that this can occur subject to meeting specific sewer conditions. Assessment of the properties' capacity to retain and treat wastewater on-site is beyond the scope of this assessment and any permit issued by Council will include a condition requiring the development connect to the reticulated system.

The Curdies River Inlet and its environs provides a natural scenic landscape. The area is low lying and development along the inlet is limited to the Peterborough township to the west and rural-residential properties along the eastern side. The proposed development will be sited over 1km from the Peterborough township. The scale and design of the buildings will ensure that impacts on landscape are limited. The use of timber and stone finishes will help buildings blend in with their surrounds and landscaping will help to soften the appearance of the development and reduce any impact on the landscape to an acceptable level.

The proposal provides an acceptable response to the purpose and decision guidelines of the Rural Conservation Zone.

Clause 52.17 Native Vegetation

The purpose of the clause is to ensure that there is no net loss to biodiversity through the removal of native vegetation.

An application to remove native vegetation must comply with the requirements specified in the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017) (the Guidelines). The guidelines seek to:

1. Avoid the removal, destruction or lopping of native vegetation.
2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.

The Biodiversity Assessment addresses the requirements of the Guidelines. The application and Biodiversity Assessment were reviewed by DELWP who accept the report and do not object to the proposed native vegetation removal, subject to conditions.

As a result of the proposed development and associated sewer main extension, native vegetation will be impacted across several locations along the Great Ocean Road, Timboon-Peterborough Road and within the site entrance. It is proposed that 0.229 ha of native vegetation will be removed.

The application demonstrates that suitable offsets can be obtained, and measures can be put in place to avoid and minimise further impacts on remaining native vegetation. The assessment also recommends that any landscape plantings include indigenous species as they will provide valuable habitat and environmental services, ensuring that there is no net loss to biodiversity through the native vegetation removal.

Response to Objections

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

Objection	Officer response
Strategic support and response to PPF	<p><u>Objection not supported</u></p> <p>This assessment outlines that there is strategic direction and planning policy support for new tourism accommodation and infrastructure projects, at a State, regional and local level, where it can be demonstrated that environmental and landscape risks and values can be managed and protected.</p> <p>On a strategic basis, the application is supported and can occur sensitively within the direct and surrounding</p>

Objection	Officer response
	<p>natural environment, whilst providing an eco-tourism facility that caters for future local and regional visitor opportunities.</p>
<p>Appropriateness of the proposed land use</p>	<p><u>Objection not supported</u> The proposed land use and development can occur within the Rural Conservation Zone. The assessment concludes that whilst the proposal will change the character of the area and establish a new land use associated with tourism, any potential environmental, amenity and operational impacts can be managed to an appropriate level, whilst broader local and regional economic benefits will be provided.</p> <p>A number of submissions question whether the use would be more accurately defined as a Camping and Caravan Park instead of Group Accommodation. This question was addressed before the application progressed to public notice and it has been satisfied that the proposal adequately falls within the definition of Group Accommodation as a Section 2 use within the Rural Conservation Zone.</p>
<p>Amenity impacts:</p>	
<p>Visual</p>	<p><u>Objection not supported</u> The site is largely obscured and will not be seen within the direct vicinity of the area. Long-range views to the site can be seen from approximately 1km away across the Curdies River from Peterborough.</p> <p>The subject site is not located within an identified significant landscape and visual impact will be minimal.</p> <p>The low-scale form of the development will minimise visual impact to a negligible level, whilst landscaping plans requiring vegetation plantations along the western boundary of the development will further obscure any direct views to the site over time and help preserve the natural landscape amenity.</p>
<p>Lighting</p>	<p><u>Objection supported in part</u> Development of the site and night-time use will require lighting for various purposes, which has the potential to be viewed from neighbouring properties and within the surrounding environment.</p> <p>Lighting impacts are not insurmountable and it is reasonable to require a professionally prepared Lighting Management Plan as a condition of a permit, to ensure that on-site light is planned and designed to a high standard and reduces any light spill, environmental or amenity impact.</p>

Objection	Officer response
Noise	<p><u>Objection not supported</u> Noise guidelines for rural areas are established by the Environment Protection Authority (EPA) and seek to protect and manage the surrounding environment and impacts on sensitive receptors.</p> <p>There is no evidence to suggest that the proposal would have adverse noise impacts on adjoining properties. A condition will be included on any permit to address construction and operational noise management with ongoing obligations on the permit holder and site manager.</p>
<u>Environmental risk and impact:</u>	
Waterway	<p><u>Objection not supported</u> The proposed development is not located within the waterway or mapped flood extent. The CCMA are the statutory authority for waterway management and do not object to a permit being granted on either ground of flood risk or natural resource management of the waterway.</p> <p>A separate Works on Waterway permit is required from the CCMA under the Water Act outside of any planning permit, to manage the waterway and drainage discharge design.</p>
Fauna	<p><u>Objection not supported</u> A detailed assessment of environmental impact has been undertaken based on strategic directions and planning policy, which find the proposal carries relevant policy support.</p> <p>DELWP and CCMA as the relevant authorities covering impacts on natural resources and fauna have also completed a detailed assessment, including issues around protected and FFG listed species, and do not object to a permit being granted.</p> <p>No information or specialist agency comments have been presented to conclude the proposal will adversely impact native fauna.</p>
Flora	<p><u>Objection not supported</u> The biodiversity assessment accompanied within the application covers impacts on native vegetation, which has been reviewed against the relevant guidelines and referral undertaken to DELWP through a detailed assessment pathway.</p>

Objection	Officer response
	<p>DELWP support the native vegetation assessment and the applicant has reasonably demonstrated that impacts will be minimised and appropriate offsets can be secured.</p>
<p>Coastal Acid Sulphate Soils (CASS)</p>	<p><u>Objection supported in part</u> A Coastal Acid Sulphate Detailed Assessment has been prepared by the applicant. The report indicates a high probability of CASS soils occurring at the site and along the sewer alignment.</p> <p>The installation of the stormwater drainage basin is defined as a high-risk activity, and the disturbance of the soil will result in a medium hazard level as determined in the Department of Sustainability and Environment's <i>Assessing and Managing Coastal Acid Sulphate Soils</i> (2010).</p> <p>The assessment includes management strategies to deal with potential risks through construction. DELWP have reviewed the assessment and support a Construction Environmental Management Plan being approved before any development or earthworks start to ensure risks are managed.</p>
<p>Bushfire risk</p>	<p><u>Objection supported in part</u> Risk to life and property from bushfire is key issue that needs to be managed appropriately. CFA have not objected to a permit for the use and development.</p> <p>However, considering relevant planning policy, it is appropriate to require an emergency management plan to be prepared addressing bushfire risk through both construction and operational stages. This will be prepared and approved in consultation with CFA.</p>
<p>Traffic impact and management</p>	<p><u>Objection supported in part</u> The proposal has been reviewed by Council's Assets Planning Department who are responsible for the management of the Timboon-Peterborough Road. Site access will need to be upgraded and the road shoulder widened to allow vehicles to safely pass right turning vehicles. Design plans will need to be prepared and submitted to Council for approval. Upgrades to the road must be completed before the development starts.</p> <p>Timboon-Peterborough Road is appropriate to cater for any increased traffic to the site. Department of Transport have also confirmed their support for the application, subject to management of the Great Ocean Road.</p>

Objection	Officer response
	No road or traffic management issues present grounds for the application not to be supported.
<p>Economic and net community benefit</p>	<p><u>Objection not supported</u> The application and assessment has demonstrated overall that a net community benefit will be achieved.</p> <p>The proposal represents a key investment in new tourism accommodation to support the visitor economy, integrating with existing local and regional tourism assets and infrastructure, supporting nearby townships and businesses, whilst environmental risks and impact can be appropriately managed.</p> <p>It is noted that the application has attracted a significant level of local opposition, however, the decision of Council ultimately needs to consider whether the proposed use and development is suitable for the site based on relevant strategic direction and planning controls.</p>
<p>Potential future expansion and precedent</p>	<p><u>Objection not supported</u> Any future proposal to increase the number of units on-site is beyond the scope of this assessment and would require further planning approval.</p> <p>Claims made that approval of this planning permit would set a precedent for future development within the area are also not applicable, as each application must be considered on its own merits having regard to planning policy and controls in place at the time. Precedent is not a relevant planning issue and we cannot speculate on future development proposals.</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 planning application for use and development of land for group accommodation (30 units), associated buildings and works and the removal of native vegetation associated with sewer main extension is supported.

The proposal will provide additional tourism accommodation promoting visitor length of stay in the region linked to natural and environmental assets and supporting continued economic development. The tourism economy within Corangamite Shire and the Great Ocean Road is closely linked to natural environmental and landscape assets, and it must be demonstrated

that any new proposal will not prejudice or adversely impact environmental and landscape values. New development must be appropriately designed and respect its surrounding physical environment.

In this case, the proposed use and development for group accommodation is appropriate for the site, with specific construction and operational requirements to protect amenity and the environment to be covered by permit conditions and management plans.

On balance the proposal provides an acceptable response to the Corangamite Planning Scheme, including the purpose and decision guidelines of the Rural Conservation Zone - Schedule 1, Clause 52.17 Native Vegetation and strategic direction and planning policy of the Municipal Planning Strategy and Planning Policy Framework.

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. PP2020/013 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 3 LP 220555Q, 1518 Timboon-Peterborough Road, Peterborough for a *Use and development of land for group accommodation (30 units), associated buildings and works and the removal of native vegetation for sewer main extension* subject to the following conditions:

BEFORE THE COMMENCEMENT OF DEVELOPMENT

Amended Plans Required

- 1. Before the development starts, amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted but modified to show:**
 - (a) A stock and patron exclusion zone along the western boundary of the site within the 30-metre native landscaping plantation, to protect the Curdies River waterway and environment.**
 - (b) Any changes required as a result of the permit conditions, including but not limited to:**
 - (i) Landscape Management Plan (3)**
 - (ii) Environmental Management Plan (10)**
 - (iii) Emergency Management Plan (11)**
 - (iv) Boundary fencing (33)**
 - (v) Emergency onsite storage for sewerage (42)**
 - (vi) Additional onsite water storage (43)**

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

Landscape Management Plan

3. Before the development starts, a Landscape Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plan must be prepared by a suitably qualified landscape architect, drawn to scale with dimensions and must show:
- (a) a vegetated landscaping plantation, comprising ground, mid and upper-storey vegetation, with a minimum width of 30 metres along the western boundary of the private land as required by DELWP in condition 27.
 - (b) a landscaping and planting schedule of all proposed trees, shrubs and ground cover, which will include the location, number and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface materials as specified.
 - (c) The use of only indigenous species to the relevant EVCs as they apply across the site.
 - (d) The method of preparing, draining, watering and maintaining the landscaped area.
 - (e) Details of any water supply connection points and any proposed irrigation system.
 - (f) All landscaped areas proposed to be used for stormwater retardation.
 - (g) Measures to protect vegetation from unwanted pests and fauna and weed invasion.
 - (h) Maintenance regimes to ensure the sustainability of proposed landscaping including any use of recycled water.

When approved, the Landscape Management Plan will be endorsed and will then form part of the permit.

4. Before the use starts, or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
5. The development must accord with the endorsed Landscape Management Plan except with the prior written consent of the Responsible Authority and must be to the satisfaction of the Responsible Authority.

Access Upgrade - Timboon-Peterborough Road

6. Before the development starts, engineering design plans for access to the site must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale and must:
- (a) address sight distances at the entry and exit to the site; and

- (b) provide for a widened sealed shoulder on the eastern side of the Timboon-Peterborough Road and show a basic right-turn treatment as per the Austroads Guide to Road Design Part 4A to allow through vehicles to pass vehicles turning into the property.
7. Before the development starts, the permit holder must complete the road and access construction works shown in the approved design plans to the satisfaction Responsible Authority.

Construction Management Plan

8. Before the development starts, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. This plan must address the following matters:
- (a) Nominated vehicular and pedestrian access during site establishment and construction, including details of proposed vehicle movements during construction.
 - (b) Extent of proposed site excavation and fill.
 - (c) Methods of managing site earth works and delineating areas on site to be impacted by site construction.
 - (d) Nominated locations for storage of any soils, materials, equipment, vehicles, machinery or waste products during construction.
 - (e) Management of stormwater and measures to treat any runoff from the site including measures to prevent sediment discharge to waterways.
 - (f) Waste water management during construction, including arrangements for disposal of any polluted waste water.
 - (g) Measures to control noise during construction to comply with Environment Protection Authority Noise Control Guidelines (EPA Publication 1834).
 - (h) Hours of construction operation.
 - (i) The location of temporary site fencing, site huts and any other temporary structures for construction purposes.
 - (j) Public safety during construction including traffic control measures.
 - (k) Redirection of any above or underground services, and the provision of power at full cost to the permit holder during construction including for road and pavement construction works.
 - (l) Proposed monitoring systems.
 - (m) Site rehabilitation.

When approved, the plan must be endorsed and will then form part of the permit. The development must be in accordance with the endorsed Construction Management Plan except with the prior written consent of the Responsible Authority and must be to the satisfaction of the Responsible Authority.

Construction Environmental Management Plan

9. Before development starts or any earthworks are undertaken, a Construction Environmental Management Plan to the satisfaction of the Responsible Authority must be submitted and approved by the Responsible Authority. This plan must address the following matters:

- (a) implement the recommendations contained in the report Acid Sulfate Soil Detailed Assessment for 1518 Timboon-Peterborough Road, Peterborough (AGR Geosciences, 26 June 2020).
- (b) Measures to prevent the spread of existing and/or introduction of new weeds, diseases or pests to the site including weed and pathogen control measures addressing vehicle, equipment, personnel and materials hygiene.
- (c) Measures to minimise transfer of site mud and materials to roads.
- (d) Measures to prevent contaminants (e.g. oils, chemicals) from entering habitat or waterway.
- (e) Waste management during construction.

When approved, the plan must be endorsed and will then form part of the permit. The development must be in accordance with the endorsed Construction Environmental Management Plan except with the prior written consent of the Responsible Authority and must be to the satisfaction of the Responsible Authority.

Environmental Management Plan

10. Before the development starts, an Environmental Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Environmental Management Plan must include:

- (a) overall environmental objectives for the use and development and techniques for their achievement
- (b) specific measures, objectives and strategies for the protection and management of the Curdies River inlet and environment, including native vegetation plantations, land revegetation, stock and patron exclusion zones and waterway values
- (c) procedures to ensure that no significant adverse environmental impacts occur as a result of the use and development
- (d) identification of possible risks of operational failure and response measures to be implemented, including, but not limited to, the following:
 - (i) Water Quality, Stormwater and Erosion Control
 - (ii) Site Waterway Management
 - (iii) Flora and Fauna Protection
 - (iv) Cultural Heritage
 - (v) Air Quality
 - (vi) Noise and Vibration

- (vii) Land and Groundwater Contamination Management
 - (viii) Waste Management and Minimisation
 - (ix) Storage and Handling of Fuels and Chemicals
 - (x) Neighbourhood Management and Communication
 - (xi) Traffic and Parking Control
- (e) day to day management requirements for the use.

When approved, the plan must be endorsed and will then form part of the permit. The use must at all times be conducted in accordance with the endorsed plan.

Emergency Management Plan

11. Before the development starts, an Emergency Management Plan to the satisfaction of the Responsible Authority and in consultation with the Country Fire Authority (CFA) must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the details in the application and address the following matters:
- (a) Compliance with the CFA Caravan Park Safety Guidelines 2012.
 - (b) The Fire Danger Rating including triggers for the closure of the facility.
 - (c) Monitoring and notifying staff and visitors of forecast Fire Danger Rating and any consequential actions.
 - (d) Details of the locations/s for emergency assembly, evacuation and shelter-in-place (in the event that evacuation from the site is not practical).
 - (e) Transport arrangements for staff and visitors.
 - (f) The need for any additional arrangements for persons with special needs.
 - (g) Training of staff, visitors and overnight guests on emergency procedures.
 - (h) The nature and frequency of emergency procedure exercises.
 - (i) Emergency procedures for the:
 - (i) Management and oversight of emergency procedures.
 - (ii) Training of employees in emergency procedures.
 - (iii) Reviewing the effectiveness of emergency procedure exercises and implementing procedure improvements.
 - (iv) Accounting for all persons during the emergency procedures.
 - (v) Monitoring and review of the EMP at least annually.
12. When approved, the plan must be endorsed and will then form part of the permit. The use must accord with the endorsed Emergency Management Plan except with the prior written consent of the Responsible Authority and must be to the satisfaction of the Responsible Authority.
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Waste Management

13. Before the development starts, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plan must address the following:
 - (a) Access arrangements to the site for vehicles associated with waste management;
 - (b) Measures to screen and control waste stored on the site;
 - (c) Provision on the land for the storage and collection of garbage and other waste associated with the premises; and
 - (d) Resource recovery.
14. When approved, the plan must be endorsed and will then form part of the permit. The use must accord with the endorsed Waste Management Plan except with the prior written consent of the Responsible Authority and must be to the satisfaction of the Responsible Authority.
15. Storage bins must be screened from view and adequately covered to minimise dispersal of material by wind or water and vermin and pest/insect access. All storage areas must be surfaced and capable of being washed down with waste water being directed to a collection point via an appropriate litter trap.
16. The operation of the Waste Management Plan and the storage areas must be maintained so that it does not cause any unreasonable amenity impact or attract pests, to the satisfaction of the Responsible Authority.

Stormwater Management

17. Before the development starts, the permit holder must construct, at no cost of the Responsible Authority, all works as approved in the Stormwater Management Plan prepared by SITEC Consulting Engineers (Job no. 19-231, as amended 20 January 2021), to the satisfaction of the Responsible Authority.

Section 173 Agreement Required

18. Before the development starts, 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 owner and all future owners and occupiers of the property acknowledge the existence of the airfield operations being conducted on Lot 2 TP834074 and the owner/occupier will not make complaint against lawful activities being carried out on the land.
 - (b) The commitment to maintain and protect the Curdies River inlet and its environs made in the endorsed Environmental Management Plan, must be carried out in accordance with the Plan to the satisfaction of the Responsible Authority.
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The landowner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

BEFORE THE USE STARTS

Lighting Management Plan

19. Before the use starts, a Lighting Management Plan for the site must be prepared to the satisfaction of the Responsible Authority and must be submitted to and approved by the Responsible Authority. Once approved, the plan must be endorsed and will then form part of the permit.
20. The Lighting Management Plan (including measures to manage light spill and prevent lighting impacts on the environment) must meet Australian Standard 4282 Control of the Obtrusive Effects of Outdoor Lighting and must address and ensure minimal disturbance to both adjoining land and the natural environment.

Operations Management Plan

21. Before the use starts, an Operations Management Plan must be prepared to the satisfaction of the Responsible Authority and must be submitted to and approved by the Responsible Authority. The submitted plan must address the following matters:
 - (a) Site access arrangements for vehicles and pedestrians, including arrangements to manage peak visitor periods.
 - (b) Deliveries to and from the site for all commercial vehicles, including waste collection.
 - (c) Access to and from the site for all commercial vehicles, including waste collection.
 - (d) Maintenance.
 - (e) Noise.
 - (f) Hours of operation.
 - (g) Hazardous waste and spill management.
 - (h) Evacuation and emergency protocols in accordance with endorsed management plans.
 - (i) The storage of goods and/or materials stored inside the buildings hereby permitted to the satisfaction of the Responsible Authority.
 - (j) The process for the review of the Operations Management Plan which is to occur at a minimum of 3 yearly intervals and the implementation of any recommendations from the review, to the satisfaction of the Responsible Authority.
 22. When approved, the plan must be endorsed and will then form part of the permit. The use must accord with the endorsed Operations Management Plan except with the prior written consent of the Responsible Authority and must be to the satisfaction of the Responsible Authority.
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Car Parking Construction

23. Before the use starts, the areas set aside for the parking of vehicles and internal access lanes as shown on the endorsed plans must be:
- (a) Fully constructed and maintained in a continuously useable condition to the satisfaction of the Responsible Authority.
 - (b) Surfaced with an all-weather surface to the satisfaction of the Responsible Authority.
 - (c) Drained and thereafter maintained to the satisfaction of the Responsible Authority.
 - (d) Line marked and/or delineated as appropriate to the satisfaction of the Responsible Authority.
24. Access lanes, parking areas, loading zones, pedestrian and cycle paths must be kept available for these purposes at all times.

Services

25. The development must be connected to a reticulated sewerage system.
26. The development must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purpose.
27. The development must be connected to a reticulated electricity supply or have an alternative energy source.

General Amenity

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

Materials, Finishes and Lighting

29. All external materials to be used must be of muted tones and non-reflective materials which blend in with the surrounding landscape to the satisfaction of the Responsible Authority. The use of zincalume or similar reflective material is not permitted.
30. Highly reflective glass must not be installed in any external windows to the satisfaction of the Responsible Authority.
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31. External and internal lighting associated with the use must be suitably designed and baffled to reduce the impact of lighting on nearby dwellings; prevent light spill beyond the curtilage of the site and to the natural environment to the satisfaction of the responsible authority.

REFERRAL AUTHORITY CONDITIONS

Department of Environment, Land, Water and Planning (DELWP)

32. Before works commence, development of a Landscape Plan to the satisfaction of the responsible authority and the Department of Environment, Land, Water and Planning showing a vegetated buffer with a minimum width of 30 meters along the western boundary of the private land.
- The Landscape Plan must include details of species, density and ongoing maintenance to ensure an effective visual screen is established. The Landscape Plan must be implemented to the satisfaction of the responsible authority and the Department of Environment, Land, Water and Planning.
33. Boundary fencing between the private property and the Peterborough Coastal Reserve must be maintained to the satisfaction of Parks Victoria.
34. No vehicle or pedestrian access, or associated infrastructure (e.g. gates), is permitted between the private property and the adjoining Peterborough Coastal Reserve, without Parks Victoria consent.
35. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
36. Before any native vegetation removal begins, a Construction Environmental Management Plan to the satisfaction of the Department of Environment, Land, Water and Planning must be submitted to and approved by the Responsible authority. When approved, the plans will be endorsed and will form part of this permit. The plans must include but need not be not limited to:
- (a) A detailed description of the measures to be implemented to protect the native vegetation to be retained during construction works, and the person/s responsible for implementation and compliance. These measures must include the erection of a native vegetation protection fence around all native vegetation to be retained on site, to the satisfaction of the responsible authority. The fence must remain in place until all works are completed.
 - (b) Plans to construct bollards at the eastern side of the subject site to restrict further impacts to the remnant Damp Heath Scrub on site shown in Figure 2e of Biodiversity Assessment: 1518 Timboon-Peterborough Road, Peterborough, Victoria (Ecology and Heritage Partners, January 2021). This remnant vegetation must be retained as far as practical and any further impacts mitigated.
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- (c) **An amended site plan, drawn to scale with dimensions and georeferences (such as VicGrid94 co-ordinates), that clearly shows:**
 - (i) **The location and identification of the land affected by this permit, including standard parcel identifiers for freehold land**
 - (ii) **The location and area of all native vegetation present, including scattered trees, that are permitted to be removed under this permit**
 - (iii) **All areas of native vegetation to be retained**
 - 37. **To offset the removal of 0.229 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017) as specified below:**
 - (a) **A general offset of 0.104 general habitat units:**
 - (i) **located within the Corangamite Catchment Management Authority boundary or Corangamite Shire Council municipal area.**
 - (ii) **with a minimum strategic biodiversity value of at least 0.590.**
 - 38. **Before any native vegetation is removed, evidence that the required offset has been secured must be provided to the satisfaction of the responsible authority. This evidence must be one or both of the following:**
 - (a) **an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site, and/or**
 - (b) **credit extract(s) allocated to the permit from the Native Vegetation Credit Register.**

A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Environment, Land, Water and Planning Barwon South West regional office via BSW.planning@delwp.vic.gov.au.
 - 39. **To prevent damage to remaining vegetation there must be no temporary or permanent storage of any materials, vehicles or equipment within areas of native vegetation identified to be retained in accordance with the endorsed plans. All storage sites must be restricted to existing cleared areas, and must not adversely impact upon native vegetation, including the root zones of existing trees.**
 - 40. **Standard best practice must be implemented to minimise the spread of weeds from machinery or through movement of soil on and offsite.**
 - 41. **Before any earthworks commence on site, a Construction Environment Management Plan (CEMP) must be developed to implement the recommendations contained in the report Acid Sulfate Soil Detailed Assessment for 1518 Timboon-Peterborough Road, Peterborough (AGR Geosciences, 26 June 2020). The CEMP must be submitted to and approved by the responsible authority. When approved, the CEMP will be endorsed and will form part of this permit.**
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Wannon Water

42. Should the developer require connection to the Wannon Water reticulated sewerage network the following conditions will apply:
- (a) The provision, at the developers cost, of the required sewerage works, including sewerage pumpstation, necessary to serve the proposed development.
 - (b) The works are to be constructed and acceptance tested under the supervision of a consulting engineer in accordance with the plans and specifications approved by Wannon Water.
 - (c) The management of sewerage odour control and the installation of a pH dosing system to Wannon water requirements.
 - (d) The provision of 5-6 hours of emergency onsite storage of sewerage to cater for unexpected events.
 - (e) The development of a spill management plan.
 - (f) The provision of an automated control system to allow remote shutdown of the of the sewerage pumpstation by Wannon Water during unexpected events.
 - (g) A duplicate line to be run across the bridge to allow for peak flows during high demand periods.
43. Should the developer require connection to the Wannon Water reticulated water supply network the following conditions will apply:
- (a) The provision, at the developers cost, of the required water supply works necessary to serve the proposed development.
 - (b) The works are to be constructed and acceptance tested under the supervision of a consulting engineer in accordance with the plans and specifications approved by Wannon Water.
 - (c) The provision, at the developers cost of additional onsite water storage with associated water quality improvement system to cater for peak demands.
 - (d) The provision of an approved restriction device to limit the maximum demand flow from the Wannon Water supply to 20 litres per minute.
 - (e) The landowner entering into a water supply by agreement due to the risk of the water not being suitable for potable use, due to detention time in onsite tanks.
44. The developer entering into an agreement with Wannon Water for payment of the new customer contributions applicable to the proposed development.
45. The developer obtaining the necessary consents and approvals for:
- (a) Alteration to or connection of on-site plumbing.
 - (b) The discharge of “trade waste” (other than domestic sewage) from the property.
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Department of Transport

46. Prior to the development commencing, consent for works within the road reserve and the specifications of those works must be approved, as required under the Road Management Act. For the purposes of this application the works will include provision of:

- (a) Excavation/directional boring within the road reserve of the Great Ocean Road for the installation of a sewer rising main
- (b) Attachment of the sewer rising main to the Great Ocean Road bridge over the Curdies River.

Contact: southwestworks@roads.vic.gov.au

47. A lease or licence arrangement with the Department of Transport must be entered into for the installation and operation of an asset (the rising main) within the arterial road reserve.

Contact: landandproperty@roads.vic.gov.au

Powercor

48. The applicant shall provide an electricity supply to the development in accordance with the Distributor's requirements and standards.

Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.

49. The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).

Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

50. Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.

51. Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.

52. Apply for a site visit and permit to work assessment. This can be done via the Powercor website.

53. Keep the easement land clear of any buildings or structures whatsoever.

54. The property owner/builder should contact Dial before you Dig, before any excavation works are undertaken on the property.

Expiry of Permit

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

- (a) The use and development is not started within two (2) years of the date of this permit.

- (b) The development is not completed within four (4) years of the date of this permit.

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.

NOTE: Flora and Fauna Guarantee Act 1988

Coast Wattle (*Acacia longifolia* subsp. *sophorae*), and Coast Beard-heath (*Leucopogon parviflorus*) are listed as Protected under the Flora and Fauna Guarantee Act 1988 (FFG) and are present within the subject land. Before any works on public land start, a permit to take protected flora under the FFG Act is required. To obtain an FFG permit or for further information please email BSW.planning@delwp.vic.gov.au. The FFG permit application may be submitted to DELWP via the above email address.

COUNCIL RESOLUTION

MOVED: Cr Vogels

SECONDED: Cr Makin

That Council having caused notice of Planning Permit Application No. PP2020/013 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 3 LP 220555Q, 1518 Timboon-Peterborough Road, Peterborough for a Use and development of land for group accommodation (30 units), associated buildings and works and the removal of native vegetation for sewer main extension subject to the following conditions:

BEFORE THE COMMENCEMENT OF DEVELOPMENT

Amended Plans Required

1. Before the development starts, amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted but modified to show:
 - (a) A stock and patron exclusion zone of 45 metres in width on the northern boundary and 70 metres width on the southern boundary, from the western boundary of the property where it meets the Curdies River Inlet.
 - (b) Deletion of the second storey of the reception building.
 - (c) Any changes required as a result of the permit conditions, including but not limited to:
 - (i) Landscape Management Plan (3)
 - (ii) Environmental Management Plan (10)

- (iii) Emergency Management Plan (11)
 - (iv) Boundary fencing (33)
 - (v) Emergency onsite storage for sewerage (42)
 - (vi) Additional onsite water storage (43)
 - (d) The provision, location and details of information signage on the star gazing deck and boardwalk which identifies the environmental values and cultural heritage significance of the site.
2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Landscape Management Plan

3. Before the development starts, a Landscape Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plan must be prepared by a suitably qualified landscape architect, drawn to scale with dimensions and must show:
- (a) a vegetated landscaping plantation, comprising ground, mid and upper-storey vegetation, with a minimum width of 45 metres on the northern boundary and 70 metres on the southern boundary, from the western boundary of the property where it meets the Curdies River Inlet.
 - (b) a landscaping and planting schedule of all proposed trees, shrubs and ground cover, which will include the location, number and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface materials as specified.
 - (c) The use of only indigenous species to the relevant EVCs as they apply across the site.
 - (d) The method of preparing, draining, watering and maintaining the landscaped area.
 - (e) Details of any water supply connection points and any proposed irrigation system.
 - (f) All landscaped areas proposed to be used for stormwater retardation.
 - (g) Measures to protect vegetation from unwanted pests and fauna and weed invasion.
 - (h) Maintenance regimes to ensure the sustainability of proposed landscaping including any use of recycled water.

When approved, the Landscape Management Plan will be endorsed and will then form part of the permit.

4. Before the use starts, or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
5. The development must accord with the endorsed Landscape Management Plan except with the prior written consent of the Responsible Authority and must be to the satisfaction of the Responsible Authority.

Access Upgrade - Timboon-Peterborough Road

6. Before the development starts, engineering design plans for access to the site must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale and must:
 - (a) address sight distances at the entry and exit to the site; and
 - (b) provide for a widened sealed shoulder on the eastern side of the Timboon-Peterborough Road and show a basic right-turn treatment as per the Austroads Guide to Road Design Part 4A to allow through vehicles to pass vehicles turning into the property.
7. Before the development starts, the permit holder must complete the road and access construction works shown in the approved design plans to the satisfaction Responsible Authority.

Construction Management Plan

8. Before the development starts, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. This plan must address the following matters:
 - (a) Nominated vehicular and pedestrian access during site establishment and construction, including details of proposed vehicle movements during construction.
 - (b) Extent of proposed site excavation and fill.
 - (c) Methods of managing site earth works and delineating areas on site to be impacted by site construction.
 - (d) Nominated locations for storage of any soils, materials, equipment, vehicles, machinery or waste products during construction.
 - (e) Management of stormwater and measures to treat any runoff from the site including measures to prevent sediment discharge to waterways.
 - (f) Waste water management during construction, including arrangements for disposal of any polluted waste water.
 - (g) Measures to control noise during construction to comply with Environment Protection Authority Noise Control Guidelines (EPA Publication 1834).

- (h) Hours of construction operation.
- (i) The location of temporary site fencing, site huts and any other temporary structures for construction purposes.
- (j) Public safety during construction including traffic control measures.
- (k) Redirection of any above or underground services, and the provision of power at full cost to the permit holder during construction including for road and pavement construction works.
- (l) Proposed monitoring systems.
- (m) Site rehabilitation.

When approved, the plan must be endorsed and will then form part of the permit. The development must be in accordance with the endorsed Construction Management Plan except with the prior written consent of the Responsible Authority and must be to the satisfaction of the Responsible Authority.

Construction Environmental Management Plan

9. Before development starts or any earthworks are undertaken, a Construction Environmental Management Plan to the satisfaction of the Responsible Authority must be submitted and approved by the Responsible Authority. This plan must address the following matters:
- (a) implement the recommendations contained in the report Acid Sulfate Soil Detailed Assessment for 1518 Timboon-Peterborough Road, Peterborough (AGR Geosciences, 26 June 2020).
 - (b) Measures to prevent the spread of existing and/or introduction of new weeds, diseases or pests to the site including weed and pathogen control measures addressing vehicle, equipment, personnel and materials hygiene.
 - (c) Measures to minimise transfer of site mud and materials to roads.
 - (d) Measures to prevent contaminants (e.g. oils, chemicals) from entering habitat or waterway.
 - (e) Waste management during construction.

When approved, the plan must be endorsed and will then form part of the permit. The development must be in accordance with the endorsed Construction Environmental Management Plan except with the prior written consent of the Responsible Authority and must be to the satisfaction of the Responsible Authority.

Environmental Management Plan

10. Before the development starts, an Environmental Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Environmental Management Plan must include:

- (a) overall environmental objectives for the use and development and techniques for their achievement
- (b) specific measures, objectives and strategies for the protection and management of the Curdies River inlet and environment, including native vegetation plantations, land revegetation, stock and patron exclusion zones and waterway values
- (c) procedures to ensure that no significant adverse environmental impacts occur as a result of the use and development
- (d) identification of possible risks of operational failure and response measures to be implemented, including, but not limited to, the following:
 - (i) Water Quality, Stormwater and Erosion Control
 - (ii) Site Waterway Management
 - (iii) Flora and Fauna Protection
 - (iv) Cultural Heritage
 - (v) Air Quality
 - (vi) Noise and Vibration
 - (vii) Land and Groundwater Contamination Management
 - (viii) Waste Management and Minimisation
 - (ix) Storage and Handling of Fuels and Chemicals
 - (x) Neighbourhood Management and Communication
 - (xi) Traffic and Parking Control
- (e) day to day management requirements for the use.

When approved, the plan must be endorsed and will then form part of the permit. The use must at all times be conducted in accordance with the endorsed plan.

Emergency Management Plan

11. Before the development starts, an Emergency Management Plan to the satisfaction of the Responsible Authority and in consultation with the Country Fire Authority (CFA) must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the details in the application and address the following matters:

- (a) Compliance with the CFA Caravan Park Safety Guidelines 2012.

- (b) **The Fire Danger Rating including triggers for the closure of the facility.**
 - (c) **Monitoring and notifying staff and visitors of forecast Fire Danger Rating and any consequential actions.**
 - (d) **Details of the locations/s for emergency assembly, evacuation and shelter-in-place (in the event that evacuation from the site is not practical).**
 - (e) **Transport arrangements for staff and visitors.**
 - (f) **The need for any additional arrangements for persons with special needs.**
 - (g) **Training of staff, visitors and overnight guests on emergency procedures.**
 - (h) **The nature and frequency of emergency procedure exercises.**
 - (i) **Emergency procedures for the:**
 - (i) **Management and oversight of emergency procedures.**
 - (ii) **Training of employees in emergency procedures.**
 - (iii) **Reviewing the effectiveness of emergency procedure exercises and implementing procedure improvements.**
 - (iv) **Accounting for all persons during the emergency procedures.**
 - (v) **Monitoring and review of the EMP at least annually.**
12. **When approved, the plan must be endorsed and will then form part of the permit. The use must accord with the endorsed Emergency Management Plan except with the prior written consent of the Responsible Authority and must be to the satisfaction of the Responsible Authority.**

Waste Management

13. **Before the development starts, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plan must address the following:**
- (a) **Access arrangements to the site for vehicles associated with waste management;**
 - (b) **Measures to screen and control waste stored on the site;**
 - (c) **Provision on the land for the storage and collection of garbage and other waste associated with the premises; and**
 - (d) **Resource recovery.**

14. When approved, the plan must be endorsed and will then form part of the permit. The use must accord with the endorsed Waste Management Plan except with the prior written consent of the Responsible Authority and must be to the satisfaction of the Responsible Authority.
15. Storage bins must be screened from view and adequately covered to minimise dispersal of material by wind or water and vermin and pest/insect access. All storage areas must be surfaced and capable of being washed down with waste water being directed to a collection point via an appropriate litter trap.
16. The operation of the Waste Management Plan and the storage areas must be maintained so that it does not cause any unreasonable amenity impact or attract pests, to the satisfaction of the Responsible Authority.

Stormwater Management

17. Before the development starts, the permit holder must construct, at no cost of the Responsible Authority, all works as approved in the Stormwater Management Plan prepared by SITEC Consulting Engineers (Job no. 19-231, as amended 20 January 2021), to the satisfaction of the Responsible Authority.

Section 173 Agreement Required

18. Before the development starts, 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 owner and all future owners and occupiers of the property acknowledge the existence of the airfield operations being conducted on Lot 2 TP834074 and the owner/occupier will not make complaint against lawful activities being carried out on the land.
 - (b) The commitment to maintain and protect the Curdies River inlet and its environs made in the endorsed Environmental Management Plan, must be carried out in accordance with the Plan to the satisfaction of the Responsible Authority.

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

BEFORE THE USE STARTS**Lighting Management Plan**

19. Before the use starts, a Lighting Management Plan for the site must be prepared to the satisfaction of the Responsible Authority and must be submitted to and approved by the Responsible Authority. Once approved, the plan must be endorsed and will then form part of the permit.
20. The Lighting Management Plan (including measures to manage light spill and prevent lighting impacts on the environment) must meet Australian Standard 4282 Control of the Obtrusive Effects of Outdoor Lighting and must address and ensure minimal disturbance to both adjoining land and the natural environment.

Operations Management Plan

21. Before the use starts, an Operations Management Plan must be prepared to the satisfaction of the Responsible Authority and must be submitted to and approved by the Responsible Authority. The submitted plan must address the following matters:
 - (a) Site access arrangements for vehicles and pedestrians, including arrangements to manage peak visitor periods.
 - (b) Deliveries to and from the site for all commercial vehicles, including waste collection.
 - (c) Access to and from the site for all commercial vehicles, including waste collection.
 - (d) Maintenance.
 - (e) Noise.
 - (f) Hours of operation.
 - (g) Hazardous waste and spill management.
 - (h) Evacuation and emergency protocols in accordance with endorsed management plans.
 - (i) The storage of goods and/or materials stored inside the buildings hereby permitted to the satisfaction of the Responsible Authority.
 - (j) The process for the review of the Operations Management Plan which is to occur at a minimum of 3 yearly intervals and the implementation of any recommendations from the review, to the satisfaction of the Responsible Authority.
22. When approved, the plan must be endorsed and will then form part of the permit. The use must accord with the endorsed Operations Management Plan except with the prior written consent of the Responsible Authority and must be to the satisfaction of the Responsible Authority.

Car Parking Construction

23. Before the use starts, the areas set aside for the parking of vehicles and internal access lanes as shown on the endorsed plans must be:
- (a) Fully constructed and maintained in a continuously useable condition to the satisfaction of the Responsible Authority.
 - (b) Surfaced with an all-weather surface to the satisfaction of the Responsible Authority.
 - (c) Drained and thereafter maintained to the satisfaction of the Responsible Authority.
 - (d) Line marked and/or delineated as appropriate to the satisfaction of the Responsible Authority.
24. Access lanes, parking areas, loading zones, pedestrian and cycle paths must be kept available for these purposes at all times.

Services

25. The development must be connected to a reticulated sewerage system.
26. The development must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purpose.
27. The development must be connected to a reticulated electricity supply or have an alternative energy source.

General Amenity

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

Materials, Finishes and Lighting

29. All external materials to be used must be of muted tones and non-reflective materials which blend in with the surrounding landscape to the satisfaction of the Responsible Authority. The use of zincalume or similar reflective material is not permitted.
30. Highly reflective glass must not be installed in any external windows to the satisfaction of the Responsible Authority.

31. External and internal lighting associated with the use must be suitably designed and baffled to reduce the impact of lighting on nearby dwellings; prevent light spill beyond the curtilage of the site and to the natural environment to the satisfaction of the responsible authority.

REFERRAL AUTHORITY CONDITIONS

Department of Environment, Land, Water and Planning (DELWP)

32. Before works commence, development of a Landscape Plan to the satisfaction of the responsible authority and the Department of Environment, Land, Water and Planning showing a vegetated buffer with a minimum width of 30 meters along the western boundary of the private land.

The Landscape Plan must include details of species, density and ongoing maintenance to ensure an effective visual screen is established. The Landscape Plan must be implemented to the satisfaction of the responsible authority and the Department of Environment, Land, Water and Planning.

33. Boundary fencing between the private property and the Peterborough Coastal Reserve must be maintained to the satisfaction of Parks Victoria.
34. No vehicle or pedestrian access, or associated infrastructure (e.g. gates), is permitted between the private property and the adjoining Peterborough Coastal Reserve, without Parks Victoria consent.
35. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
36. Before any native vegetation removal begins, a Construction Environmental Management Plan to the satisfaction of the Department of Environment, Land, Water and Planning must be submitted to and approved by the Responsible authority. When approved, the plans will be endorsed and will form part of this permit. The plans must include but need not be not limited to:
- (a) A detailed description of the measures to be implemented to protect the native vegetation to be retained during construction works, and the person/s responsible for implementation and compliance. These measures must include the erection of a native vegetation protection fence around all native vegetation to be retained on site, to the satisfaction of the responsible authority. The fence must remain in place until all works are completed.

- (b) Plans to construct bollards at the eastern side of the subject site to restrict further impacts to the remnant Damp Heath Scrub on site shown in Figure 2e of Biodiversity Assessment: 1518 Timboon-Peterborough Road, Peterborough, Victoria (Ecology and Heritage Partners, January 2021). This remnant vegetation must be retained as far as practical and any further impacts mitigated.**
 - (c) An amended site plan, drawn to scale with dimensions and georeferences (such as VicGrid94 co-ordinates), that clearly shows:**
 - (i) The location and identification of the land affected by this permit, including standard parcel identifiers for freehold land**
 - (ii) The location and area of all native vegetation present, including scattered trees, that are permitted to be removed under this permit**
 - (iii) All areas of native vegetation to be retained**
- 37. To offset the removal of 0.229 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017) as specified below:**
- (a) A general offset of 0.104 general habitat units:**
 - (i) located within the Corangamite Catchment Management Authority boundary or Corangamite Shire Council municipal area.**
 - (ii) with a minimum strategic biodiversity value of at least 0.590.**
- 38. Before any native vegetation is removed, evidence that the required offset has been secured must be provided to the satisfaction of the responsible authority. This evidence must be one or both of the following:**
- (a) an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site, and/or**
 - (b) credit extract(s) allocated to the permit from the Native Vegetation Credit Register.**

A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Environment, Land, Water and Planning Barwon South West regional office via BSW.planning@delwp.vic.gov.au.

39. To prevent damage to remaining vegetation there must be no temporary or permanent storage of any materials, vehicles or equipment within areas of native vegetation identified to be retained in accordance with the endorsed plans. All storage sites must be restricted to existing cleared areas, and must not adversely impact upon native vegetation, including the root zones of existing trees.
40. Standard best practice must be implemented to minimise the spread of weeds from machinery or through movement of soil on and offsite.
41. Before any earthworks commence on site, a Construction Environment Management Plan (CEMP) must be developed to implement the recommendations contained in the report Acid Sulfate Soil Detailed Assessment for 1518 Timboon-Peterborough Road, Peterborough (AGR Geosciences, 26 June 2020). The CEMP must be submitted to and approved by the responsible authority. When approved, the CEMP will be endorsed and will form part of this permit.

Wannon Water

42. Should the developer require connection to the Wannon Water reticulated sewerage network the following conditions will apply:
 - (a) The provision, at the developers cost, of the required sewerage works, including sewerage pumpstation, necessary to serve the proposed development.
 - (b) The works are to be constructed and acceptance tested under the supervision of a consulting engineer in accordance with the plans and specifications approved by Wannon Water.
 - (c) The management of sewerage odour control and the installation of a pH dosing system to Wannon water requirements.
 - (d) The provision of 5-6 hours of emergency onsite storage of sewerage to cater for unexpected events.
 - (e) The development of a spill management plan.
 - (f) The provision of an automated control system to allow remote shutdown of the of the sewerage pumpstation by Wannon Water during unexpected events.
 - (g) A duplicate line to be run across the bridge to allow for peak flows during high demand periods.
43. Should the developer require connection to the Wannon Water reticulated water supply network the following conditions will apply:
 - (a) The provision, at the developers cost, of the required water supply works necessary to serve the proposed development.

- (b) The works are to be constructed and acceptance tested under the supervision of a consulting engineer in accordance with the plans and specifications approved by Wannon Water.
 - (c) The provision, at the developers cost of additional onsite water storage with associated water quality improvement system to cater for peak demands.
 - (d) The provision of an approved restriction device to limit the maximum demand flow from the Wannon Water supply to 20 litres per minute.
 - (e) The landowner entering into a water supply by agreement due to the risk of the water not being suitable for potable use, due to detention time in onsite tanks.
44. The developer entering into an agreement with Wannon Water for payment of the new customer contributions applicable to the proposed development.
45. The developer obtaining the necessary consents and approvals for:
- (a) Alteration to or connection of on-site plumbing.
 - (b) The discharge of “trade waste” (other than domestic sewage) from the property.

Department of Transport

46. Prior to the development commencing, consent for works within the road reserve and the specifications of those works must be approved, as required under the Road Management Act. For the purposes of this application the works will include provision of:
- (a) Excavation/directional boring within the road reserve of the Great Ocean Road for the installation of a sewer rising main
 - (b) Attachment of the sewer rising main to the Great Ocean Road bridge over the Curdies River.

Contact: southwestworks@roads.vic.gov.au

47. A lease or licence arrangement with the Department of Transport must be entered into for the installation and operation of an asset (the rising main) within the arterial road reserve.

Contact: landandproperty@roads.vic.gov.au

Powercor

48. The applicant shall provide an electricity supply to the development in accordance with the Distributor's requirements and standards.

Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.

49. The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).

Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

50. Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
51. Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
52. Apply for a site visit and permit to work assessment. This can be done via the Powercor website.
53. Keep the easement land clear of any buildings or structures whatsoever.
54. The property owner/builder should contact Dial before you Dig, before any excavation works are undertaken on the property.

Expiry of Permit

55. This permit will expire if one of the following circumstances applies:
- (a) The use and development is not started within two (2) years of the date of this permit.
 - (b) The development is not completed within four (4) years of the date of this permit.

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.

NOTE: Flora and Fauna Guarantee Act 1988

Coast Wattle (*Acacia longifolia* subsp. *sophorae*), and Coast Beard-heath (*Leucopogon parviflorus*) are listed as Protected under the Flora and Fauna Guarantee Act 1988 (FFG) and are present within the subject land. Before any works on public land start, a permit to take protected flora under the FFG Act is required. To obtain an FFG permit or for further information please email BSW.planning@delwp.vic.gov.au. The FFG permit application may be submitted to DELWP via the above email address.

)CARRIED

Attachments

1. Application Forms and Title Documents - Under Separate Cover
2. Town Planning Report - Under Separate Cover
3. Architectural Drawings - Under Separate Cover
4. Amended Site Plan and 3D Impressions - Under Separate Cover
5. Bushfire Management Statement - Under Separate Cover
6. Traffic Impact Assessment - Under Separate Cover
7. Coastal Acid Sulfate Soils Assessment - Under Separate Cover
8. Engineering Services Report - Under Separate Cover
9. Feature and Level Survey - Under Separate Cover
10. Preliminary Sewer Design - Under Separate Cover
11. Approved Cultural Heritage Management Plan - Under Separate Cover
12. Updated Storm Water Management Plan - Under Separate Cover
13. Table of Submissions - Under Separate Cover
14. Letter of Response to Submissions - Under Separate Cover
15. External Referral Responses - Under Separate Cover

8.2 Planning Permit Application PP2021/004 - Three Lot Subdivision - 27 Leahys Lane, Timboon

Author: Melanie Osborne, Planning Officer

File No:

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

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

Author - Melanie Osborne

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

Summary

Council must consider planning permit application PP2021/004 for a three (3) lot subdivision at 27 Leahys Lane, Timboon.

Public notice of the application was given and one (1) objection was received for the application.

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

Introduction

Planning Permit Application PP2021/004 was received by Council on 7 January 2021. The application seeks approval for a three (3) lot subdivision.

Public notice of the application was given and one (1) objection was received. Key issues raised in the objection can be summarised as follows:

- Neighbourhood character
- Overlooking from future development

This report provides an assessment of the planning application.

History

There is no planning permit history for the subject site.

Subject Land

The subject site has a total area of 4047m² and contains:

- Single storey brick veneer dwelling.
- Landscaped garden consisting of mostly exotic species.
- Single driveway access from Leahys Lane.

Surrounding Area

The main land use characteristics within the surrounding area include:

- The subject site is a large rectangular residential lot with a dwelling located at the rear of the site on the elevated section of the land.
- The land falls from west to east towards Leahys Lane.
- The surrounding area consists of residential development with lots of varying sizes containing single dwellings and outbuildings.
- To the rear (south-west) of the site is the Lindquist Road subdivision, where Stage 1 development is underway consisting of Low Density Residential allotments and smaller General Residential allotments. A Stage 2 residential component is also approved for the subdivision.
- Timboon commercial centre is approximately 570m north of the site.

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

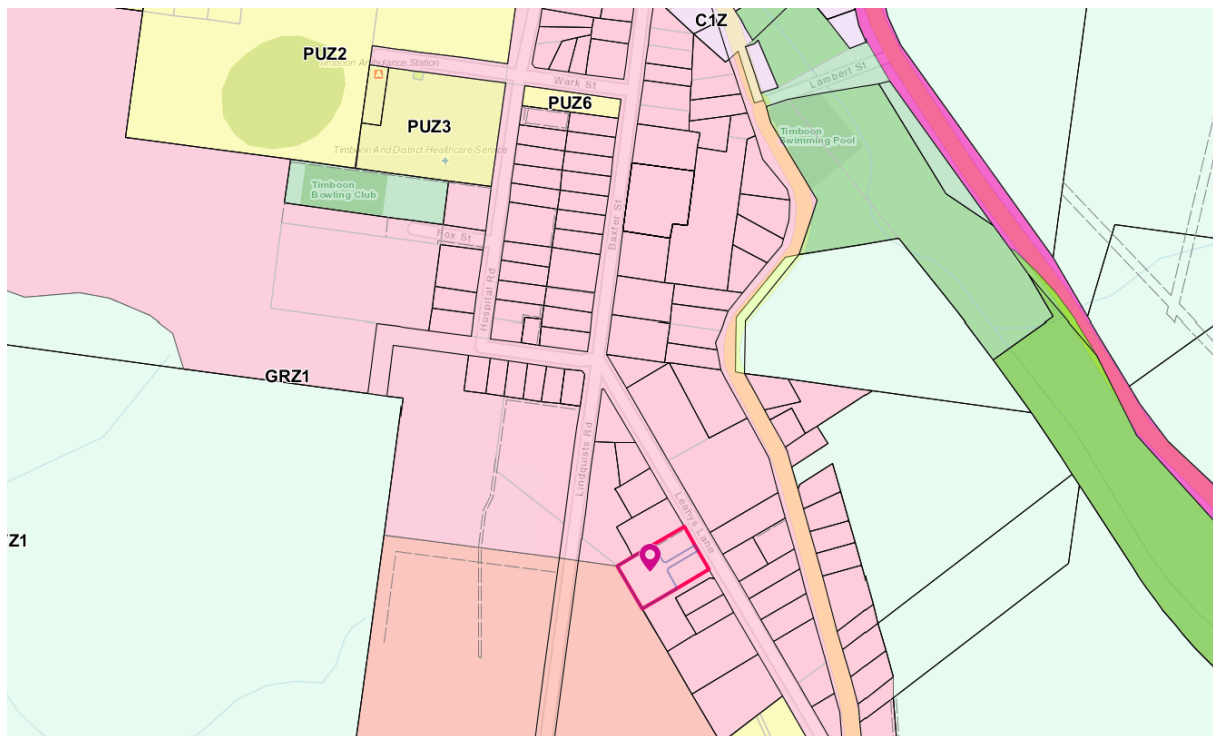


Figure 1: Planning Zone Map



Figure 2: Aerial of subject site and surrounding area

Proposal

The planning application seeks approval for a three (3) lot subdivision. The proposed lots will consist of:

- Lot 1 to be 834m² and a vacant residential lot with street frontage to Leahys Lane.
- Lot 2 to be 814m² and a vacant residential lot with street frontage to Leahys Lane.
- Lot 3 to be 2399m² and contain the existing dwelling with a central private driveway from Leahys Lane.

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

Policy and Legislative Context

Zoning

The subject site is in the General Residential Zone – Schedule 1 (GRZ1). A planning permit is required for the subdivision of land.

The purpose and decision guidelines of the zone must be considered when assessing an application to subdivide land. This includes an assessment against Clause 56 Residential Subdivision. An application to subdivide land must meet the requirements of Clause 56.

Overlays

There are no overlays on the subject site.

Municipal Planning Strategy and the 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 – For orderly development of urban areas, with the strategic growth of towns and new residential development directed to existing urban centres and towns.

Clause 02.03-1 Strategic Directions – Settlement (Timboon); seeks to ensure development responds to topographic and servicing constraints and protects Timboon’s landscape setting.

Clause 02.03-6 Strategic Directions – Housing; seeks to facilitate well located and accessible housing development in the region in order to accommodate demand and attract new residents.

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 11.03-6L Regional and local places – Timboon; supports infill residential development and seeks to contain residential development within the identified urban growth boundary.

Clause 15 Built Environment and Heritage

Clause 15.01-3S Built Environment – Subdivision design

Clause 16 Housing

Clause 16.01-1S Residential Development – Housing supply

Clause 19 Infrastructure

Clause 19.03-2S Development Infrastructure – Infrastructure design and provision

Clause 19.03-2L Development Infrastructure – Infrastructure design and provision

Clause 19.03-3S Development Infrastructure - Integrated water management

Clause 19.03-3L Development Infrastructure - Integrated water management

Particular Provisions

Clause 53.01 Public Open Space Contribution

A person who proposes to subdivide land must make a contribution to Council for public open space in accordance with the section 18 of the Subdivision Act 1988, if it is considered that as a result of the subdivision there will be a need for more open space.

Council needs to determine if a contribution is required for this proposal. This matter will be addressed in the assessment of the application.

Clause 56 Residential Subdivision

The purpose of this clause is to ensure residential subdivision satisfies objectives that provide standards for liveability, lot design, access, amenity and servicing requirements and ensure subdivision is designed appropriately in response to the context for the local area.

Clause 65 Decision Guidelines

Must be considered in the assessment of the application.

Internal / External Consultation

Referrals

The following referrals were carried out for this application.

Section 55 Referrals	Response
Wannon Water (Determining Referral Authority)	Does not object to Council granting a permit, subject to conditions.
Powercor (Determining Referral Authority)	Does not object to Council granting a permit, subject to conditions.

Internal Departments	Response
Assets Planning	Drainage easement in favour of lot 3 may be required.

Advertising

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

- Letters to landowners and occupiers of property adjacent to the subject site.
- Notice on Council's website.

One (1) objection was received. Key issues raised in the objection can be summarised as:

- Neighbourhood character
- Overlooking from future development

A copy of the objection is provided under separate cover.

Consultation

Consultation for the application was undertaken and included:

- A planning site inspection held on Tuesday 2 March 2021, attended by Councillors, council officers, the applicant and objector. Details of the application, key issues and matters raised in the objection were discussed.

Assessment

Assessment of the permit application will address how the proposal responds to the purpose and decision guidelines of the General Residential Zone, objectives of Clause 56 and policy direction outlined in the Municipal Planning Strategy and the Planning Policy Framework.

Municipal Planning Strategy and the Planning Policy Framework

The Planning Policy Framework supports residential infill development in urban areas and identifies the importance of providing a range of lot sizes to suit a variety of dwellings and household types in order to meet the needs of different groups of people.

Demand for new housing within the Shire's townships is strong, with residential lifestyle properties in Timboon playing a key role in attracting population growth to the region. The *Positioning Timboon & Simpson Strategy* (Echelon Planning, 2020) identifies that Timboon is a key lifestyle destination but also recognises the importance of encouraging standard residential development to ensure there is diversity in housing types for residents to support the local economy.

The proposed three lot subdivision seeks to create an additional two standard infill development lots in an existing residential area. The proposed lots have access to existing infrastructure and services including electricity, water supply, sewerage and stormwater drainage and are located within close proximity to education and medical facilities and Timboon's commercial centre.

The southern end of Leahys Lane consists of lots of varying sizes from 950m² to 7500m² in the General Residential Zone.

There is no formally established residential character. The properties in this area consist of single dwelling development with many of the lots containing well established gardens contributing to Timboon's natural and rural setting.

The proposed subdivision seeks to create three lots of varying sizes, with two lots fronting Leahys Lane to be 814m² and 834m² and a rear lot of 2399m². The future development of the

lots will result in the clearing of existing non-native vegetation, excluding an existing native eucalyptus tree. While the proposed vacant lots will be smaller than existing properties in the immediate area, they are of a suitable size in a residential context and support infill development for new dwellings.

Infill residential development is an important component in supporting future township growth in areas which have access to existing services and will assist to complement the needs of new greenfield residential subdivision.

On balance the proposed subdivision provides an acceptable response to the Municipal Planning Strategy and Planning Policy Framework.

General Residential Zone (Schedule 1)

The purpose of the zone is to encourage housing growth in locations with good access to services and ensure development including subdivision respects neighbourhood character.

When assessing an application for subdivision in the General Residential Zone consideration must be given to the pattern of subdivision and its effect on the spacing of buildings and the relevant objectives and standards of Clause 56.

The proposal is consistent with the purpose of the zone in that it provides additional lots for development and encourages housing growth in an established residential area with access to services.

The subdivision pattern along Leahys Lane is not consistent and contains a mix of different lots sizes. Infill development has occurred over an extended period and where the current proposal is similar to a historical subdivision located on the adjoining property to the south. The location of future buildings on the vacant allotments are likely to be consistent with the properties south of the site and will not impede the larger residential property to the north.

The future design and siting of any new dwelling on the vacant residential lots will be controlled by building regulations, which manage setback and ensure the amenity and open space of adjoining properties is protected.

Clause 56 Residential Subdivision

An assessment of the application against the relevant objectives of Clause 56 has been completed. The following comments are made in relation to this application:

- The proposed subdivision will integrate with the surrounding area.
- The application shows each of the vacant lots to be created by the subdivision can easily contain a 10mx15m building envelope.
- Due to the relatively large areas of the proposed lots, solar access for future dwellings will be acceptable.
- Safe vehicle access from Leahys Lane to each of the lots can be provided. Vehicle access to the proposed vacant lots will not be provided as part of the subdivision. This will allow siting of the vehicle crossovers and the future development on the lots to be coordinated. Construction of new vehicle crossovers will be subject to a separate approvals process in the future.
- Stormwater must be managed appropriately in order to minimise damage to properties and impacts on other residents. Any permit issued should include a condition requiring a stormwater management plan to ensure stormwater runoff from the existing development does not impact adjoining lots and is directed to a legal point of discharge to the satisfaction of Council.

- Each of the proposed lots can be connected to services including power, water and reticulated sewerage.

The proposal provides an acceptable response the General Residential Zone and satisfies the relevant objectives of Clause 56.

Clause 53.01 Public Open Space Contribution

A person who proposes to subdivide land must make a contribution to Council for public open space, if it is considered that as a result of the subdivision it is likely there will be a need for open space.

Any money received as a public open space contribution is held in reserve and is spent on future public works which benefit the community, offsetting the lack of open space provided onsite as part of a subdivision.

A maximum 5% contribution of the unimproved valued of the developable portion of the land can be requested. The applicant has requested that Council consider a reduced contribution of 2% given the size of the lots proposed by the subdivision.

The proposed subdivision is likely to result in the development of two additional dwellings in Timboon. Having regard to this and the requirements of the *Subdivision Act* 1988 it is appropriate to request a public open space contribution.

Council generally requires a payment of 5% for subdivisions creating additional development sites. It is therefore recommended a contribution of 5% be applied for payment before statement of compliance. Payment is based on the unimproved (land) value of the property.

Response to Objections

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

Objection	Officer response
Neighbourhood character	<u>Objection not supported</u> There is no established residential character and the proposal is consistent with the mix of lot sizes in Leahys Lane. The proposed lots are of sufficient size to cater for standard residential development that still maintains open space and a rural setting.
Overlooking from future development	<u>Objection not supported</u> Any future development will be subject to a separate building approval process, where the design and siting of a dwelling must comply with building regulations, unless approved by a building surveyor through variation. Overlooking cannot be directly considered as no development is proposed and the subdivision meets Clause 56 requirements. However, only secluded private open space and habitable rooms are protected from overlooking. The proposed subdivision layout will not result in an overlooking on the neighbouring properties.

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 planning application for the three (3) lot subdivision at 27 Leahys Lane, Timboon is supported. The proposal provides an acceptable response to the Corangamite Planning Scheme, including the purpose and decision guidelines of the General Residential Zone and the strategic direction and policy of the Municipal Planning Strategy and Planning Policy Framework.

The proposed subdivision will create two additional residential lots within the Timboon township. The lots are an acceptable size and will be capable of accommodating future residential development. The subdivision will facilitate infill development and the layout is generally consistent with the surrounding area which is made up of residential lots of varying sizes.

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. PP2021/004 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 LP 112854, 27 Leahys Lane Timboon for a *Three Lot Subdivision* subject to the following conditions:

Amended Plans Required

1. **Before the plan of subdivision is certified amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plan submitted but modified to show:**
 - a) **Deletion of Sewerage Easement E-1.**
 - b) **Drainage Easement in favour of Lot 3 in accordance with Condition 7.**

Subdivision Layout

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

Utilities

3. 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

4. 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

5. 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.

Stormwater Management

6. Before the Plan of Subdivision is certified under the Subdivision Act 1988, a Stormwater Management Plan must be prepared showing how stormwater runoff from Lot 3 is to be managed on-site and diverted to a legal point of discharge in accordance with the Infrastructure Design Manual to the satisfaction of the Responsible Authority.
7. Before the Plan of Subdivision is certified under the Subdivision Act 1988, any drainage easements required to convey stormwater through either Lot 1 or Lot 2 in favour of Lot 3 to the legal point of discharge must be included in the Plan of Subdivision to the satisfaction of the Responsible Authority.

Telecommunications

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

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

Public Open Space Contribution

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

Powercor conditions

11. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.

Note: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.

12. The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).

Note: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

Wannon Water conditions

13. The provision, at the developers cost, of the required water supply works necessary to serve each of the lots created by the Plan of Subdivision.

14. The provision, at the developers cost, of the required sewerage works necessary to serve each of the lots created by the Plan of Subdivision. The works are to be constructed and acceptance tested under the supervision of a consulting engineer in accordance with the plans and specifications approved by Wannon Water.

15. The developer is to enter into an agreement with Wannon Water for payment of the new customer contributions and subdivision fees applicable to the lots created.

Expiry of Permit

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

- a) The plan of subdivision has not been certified within two (2) years of the date of this permit.
- b) A Statement of Compliance is not issued within five (5) years of the date of Certification.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six (6) months afterwards.

NOTE: Deletion of Sewerage Easement

Under the Subdivision Act 1988, Wannon Water has requested Easement E-1 for sewerage be removed from the plan of subdivision and a new sewer drain constructed within the driveway entrance to Lot 3.

The sewer drain servicing the existing dwelling should be disconnected and the point used for Lot 2.

COUNCIL RESOLUTION

MOVED: Cr Makin

SECONDED: Cr Cole

That the recommendation be adopted.

CARRIED

Attachments

1. Submission Planning [H McKenzie] Objection - Under Separate Cover
2. Application Documentation - Under Separate Cover

9. OFFICERS' REPORTS

9.1 Simpson Community Plan Update

Author: Garry Moorfield, Community Development Officer

File No:

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

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

Author - 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 provide an update of the projects that have been completed or are underway from *A Plan for Simpson: Community Priorities for Township Development 2012 – 2022*.

Introduction

The Simpson Community Plan was last reviewed in 2017 where members of the community decided on a revised list of community priorities that acknowledged projects that had been completed as well as new projects for the town to complete.

This report provides an update on the status of these new and existing priorities for the town since the last review. Since the last report, a number of projects and actions have continued to progress however, it is acknowledged that COVID-19 restrictions placed on community gatherings, movement and activities over the past 12 months has paused the delivery of some priority actions.

Issues

Five of Simpson's 26 original (2012) priority projects have been completed, with another two programmed or commenced. Action has occurred relating to another three.

COMPLETED PROJECTS/ PROJECTS IN TRAIN

PRIORITY	PROJECT DESCRIPTION	AGENCY	VOTES
1	Better town entry/ welcome signage. (Design proposal completed.)	Planning underway	30
6	Move Recreation Reserve gate to Tomahawk Creek Road. (Includes sealing of Tomahawk Creek Road)	In process	18
9	Establish fully-licensed high-quality Function Centre at Recreation Reserve to cater for up to 150 people	Completed	16
11	Build footpath from Bowls Corner to Kinder	Completed	14
11	Construct footpath from take-away shop to dam	In Shire plan	14
10	Rodeo and B&S type events for Simpson	Completed	15
24	Improve access to internet services	Completed	6

A further 10 priority projects were removed from the original list of 26 as either no longer relevant or not amenable to practical action. Several of these priorities related to private business initiatives which were seen to be beyond the influence of the local community.

PROPOSED OBSOLETE PROJECTS / REMOVE FROM LIST*

PRIORITY	PROJECT DESCRIPTION	AGENCY	VOTES
5	Dirt bike track/ Motorbike Club		21
16	Organise media coverage on Heytesbury Settlement with website blog		9
17	Get young people involved in Simpson's future		9
18	Longer trading hours for food and fuel stops		8
19	Community Centre relocated to more central position and include tourist information/ access centre		8
20	Install zebra crossing from toilet block to ball and chain		8
21	Consolidate the housing of community organisations in combined premises/ Buy Uniting Church for community use/ More visible location		6
22	Establish Op Shop and recycling centre		6
23	Establish a sit down/ eat in Cafe/ Bakery		6
25	Better public toilets at Recreation Reserve		6

Proposals for nine new priority actions were advanced and voted upon by the participants (alongside the remaining priorities from 2012). Given that there were only half the number of participants compared to those who voted in 2013, it was not possible to disturb the top seven surviving priorities, even though four of them received little support this time round.

Current Priority Actions

The revised list of Simpson priorities now contains 16 items, with a further five rounding out the voting. There are four new priorities. Any group or individual is welcome to advance any of their interests or concerns regardless of these priority rankings.

CURRENT SIMPSON PROJECT PRIORITIES

PRIORITY RANKING	PROJECT DESCRIPTION	AGENCY	VOTES 2012	VOTES 2017
1	Better town entry signage/ Welcome at four entrances/exits of town highlighting services available/ Install large advertising sign to promote all functions and events/ Advertise local businesses on signboard into town / Better signage for tourist attractions/ Advertise 'Last food and fuel before 12 Apostles'	Partnership: Community/ Council/ VICROADS	30	9
2	Indoor sporting complex/ including gym, pool. (Note: Potential future Stage 2 of Community Hub)	Community	23	5
3	Make/ improve walking/ bike tracks around Simpson/ Build bush walking track through back of School	Community	17	1
4	Retain, takeover/ re-purpose Kraft Factory	Private enterprise	19	-
5	Promote gourmet food loop from Simpson end/ Promote and advertise local foods	Partnership	18	-
6	Build more/ improve footpaths/ Build footpath from Vogel's Motors to the road	Shire	14	2
7	Connect Fisher Street to Murrock Street as per town plans	Shire	14	3
8	Construct refuge island on the Cobden Lavers Hill Road and institute other speed restriction/ safety measures	VICROADS with Shire	-	12
9	Expand Park toilet facilities to accommodate increased tourist traffic	Shire	-	12
10	Connect to natural gas	Private enterprise	12	-
11	Advertise 'What's on at Simpson'	Community	10	5
12	More/ better street lighting (at the back of town/ central park, solar back-up)	Shire	10	3
13	Accommodation / Motel/ B& B/ Cabins/ Camping facilities/ Create caravan sites at the Football ground	Private enterprise	9	-
14	Seal Murrock Street to Polonia Road	Shire	6	1
15	Construct second entrance on Tomahawk Creek road for horse floats	Rec Reserve/ Partnership	-	6
16	Secure visiting medical services, or shuttle bus to access local medical services	State Government	-	6
	Support advocacy for 'safe driving' measures on the Great Ocean Road	Partnership	-	4
	Sand-blast and re-paint Dozer and Ball and Chain at Settlement History Reserve	Community	-	3
	Arrange for Timboon Bus to come to Simpson on a loop service	State Government	-	3
	Take steps to 'Put Simpson on the map'	Community	-	3
	Resurface netball courts at Recreation Reserve	Rec Reserve/ Partnership	-	2

Survey 2012 (N=51), Votes 2012 (N=25), Votes 2017 (N=16)

NOTE 1: Five of original 26 project priorities removed from list as completed.

NOTE 2: Ten of original 26 project priorities removed from list as no longer relevant.

NOTE 3: Four new project priorities added to form revised list of 16 current priorities.

NOTE 4: Any group or individual is welcome to take any steps they chose to advance their interests or concerns, regardless of priority rankings.

Progress report as at March 2021

The following is a status report on each of the current priority actions and projects.

Town entry and other signage (Priority 1) - Completed

This project was completed in 2018 with the installation of new town entry signs.

Indoor sporting complex including gym and pool (Priority 2) - Revisit

The planned gymnasium in the original design for the Simpson Community Hub had to be delayed when an extra \$31,000 had to be found within the budget for special footings to address the poor ground conditions.

Improved walking/ bike tracks (Priority 3) - Revisit

This priority is still relevant but requires the School or a community group to take ownership before it can progress.

Retain, take-over, re-purpose Kraft Factory (Priority 4) - Completed

The Kraft Factory site has been sold to a private developer with works around a new business opportunity progressing at the site.

Promote food loop (Priority 5) - Completed

The Twelve Apostles Artisans Group continues to be promoted across the region.

Build more footpaths and improve existing ones (Priority 6) – Nearing Completion

This priority is close to being completed although other footpaths and paths are expected to be a priority as part of the strategic planning work currently being completed for the town.

Connect Fisher Street to Murrock Street (Priority 7) - Revisit

This priority remains important to the town but will be revisited with other strategic planning work currently being completed for the town.

Traffic refuge island on Cobden Lavers Hill Road (Priority 8) - Revisit

This priority remains important to the town but will be revisited with other strategic planning work currently being completed for the town.

Expand Park toilet facilities (Priority 9) - Revisit

Increased use of Simpson toilet facilities was reported, as a direct product of the unsatisfactory situation applying at the Twelve Apostles site. This priority arose from increased levels of tourist visitation in 2017.

Natural gas connection (Priority 10) - Revisit

The priority will require advocacy for multiple community groups across the town for it to progress further but has been seen as a lower priority than others on this list.

'What's on in Simpson?' (Priority 11) - Revisit

Locals are sometimes frustrated that the town of Simpson gets left off maps – particularly tourist maps – and would like to see action taken to recognise what the town has to offer. Some see considerable capacity to secure economic advantage from the passing tourist trade. There is presently no agency based in Simpson that has a nominated responsibility to follow up this priority and that may be one reason why no action has been taken on it.

More/ better street lighting (Priority 12) - Revisit

This priority remains important to the town but will be revisited with other strategic planning work currently being completed for the town.

Accommodation (Priority 13) - Revisit

It was hoped that through the sale of the Simpson Hotel that accommodation can be revitalised in the town. Other options for accommodation have also been discussed by private operators but have yet to proceed potentially due to COVID and the impact it has had on tourism in the region.

Seal Murrock Street to Polonia Road (Priority 14) - Revisit

This priority remains important to the town but will be revisited with other strategic planning work currently being completed for the town.

Second entrance on Tomahawk Creek Road (Priority 15) - Revisit

This priority (for the Recreation Reserve Committee) involves a second entrance for horse floats a little further along Tomahawk Creek Road, to manage congestion and safety concerns with traffic piling back on that road to the Cobden Lavers Hill Road. It has yet to progress into a planning stage.

Visiting medical services (Priority 16) - Revisit

This priority relates to the lack of available transport services, especially for older people increasingly dependent on access to health and medical services. It has implications for population retention in the small township of Simpson.

Other items

Separate from the community plan and review, Council has been undertaking a major piece of strategic land-use planning work, namely the Simpson and Timboon Strategic Placement Report and the Simpson Structure Plan. While this work is still currently underway, significant consultation has been undertaken as part of this project as Simpson looks to examine its role in providing more housing for workers in the region.

Both these documents will consider Community Plan priorities and will provide Council with a further list of potential projects in the town.

Policy and Legislative Context

This review of actions completed in the *A Plan for Simpson: Community Priorities for Township Development 2012 – 2022* is consistent with the following Corangamite Shire Council Plan 2017-2021 strategies as part of Governance and Financial Sustainability Theme and the Safe and Healthy Communities Theme.

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

Engage with and listen to our communities

Support our small towns and dispersed population

Internal / External Consultation

The restrictions imposed by COVID-19 over the past 12 months has limited the ability to directly revisit the priorities in the plan prior to the preparation of this report. It is proposed to seek further community feedback on this status report particularly in relation to Priorities that have not yet been completed.

Financial and Resource Implications

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

Conclusion

The community of Simpson has made sound progress over the past nine years, with nine of original 26 priorities having been either completed or commenced, including seven of Simpson's top 12 project priorities.

Simpson has a range of very capable community organisations, characterised by self-reliance and effective leadership. While this has been a support to community planning in Simpson, it has also been a challenge in that each organisation has its own separate goals and objectives.

The community planning process has been rewarding for the township in terms of progress on some major projects, yet there is potential to strengthen relationships and support between groups, and to build further networks which can draw more external resources to support local initiatives.

Much essential work on planning and financing projects remains invisible to most apart from those involved, however it is hoped that due recognition is given to the commitment of not only local citizens, but to Corangamite Shire, the State Government, Federal Government and other partners who have come together to support community priorities.

The completion of significant projects for Simpson provides evidence of the value to communities of committing time and effort to Council's community planning initiative. This value not only relates to project outcomes for communities and for Council, but to the building of trust which is essential to foster productive partnerships that enhance the liveability and prosperity of Simpson.

In common with other community plans, a key factor in the achievement of priority outcomes for Simpson has been the role played by Council in supporting the identified community aspirations, either directly, through advocacy, or through the establishment of partnerships which have contributed financial resources and expertise in project planning, design and delivery.

RECOMMENDATION

That Council receives the 2021 Simpson Community Plan Update.

COUNCIL RESOLUTION

MOVED: *Cr Beard*

SECONDED: *Cr Makin*

That the recommendation be adopted.

CARRIED

9.2 Investment Policy March 2021

Author: David Rae, Director Corporate and Community Services

File No:

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

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

Author - David Rae

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

Summary

This report seeks Council adoption of the Investment Policy dated March 2021 as attached.

Introduction

The current Investment Policy dated May 2020 is due for review. The Policy has been reviewed by management and minor amendments are proposed.

Issues

The Investment Policy is an existing policy and was last reviewed by Council in May 2020.

The Investment Policy establishes the basis for the investment of Council's surplus funds and to optimise the balance between risk and return. The Investment Policy was extensively reviewed in 2018.

The Policy has been reviewed by management and the Audit and Risk Committee. The primary amendment is associated with placing a cap on investments with 'non-Term to Maturity Investments' or managed fund type investment.

The proposed cap is that at the time of placing an investment the aggregate of total funds invested of this nature (i.e. non term to maturity investment) must not exceed one-third (33.3%) of total investment funds available. Where the aggregate of the portfolio exceeds this limit, the officers will work towards balancing the portfolio as future investments mature.

Other amendments are administrative in nature.

Policy and Legislative Context

Consideration of this report is in accordance with the Audit and Risk Committee's Annual Work Plan and the following commitments in the 2017-2021 Council Plan:

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

Council will demonstrate high levels of ethical behaviour and governance standards

Section 102 of the *Local Government Act 2020* (the Act) requires Council to prepare and adopt financial policies that give effect to the financial management principles (section 101) of the Act. Section 101 also requires Council's financial risks be monitored and managed prudently having regard to economic circumstances. The Section 101 defines financial risks as, inter alia, any risk relating to the financial viability of the Council. Adopting the revised Investment Policy will ensure Council meets its obligations under the Act, particularly in relation to managing risks associated with investments.

Internal / External Consultation

The Senior Officer Group and Manager Finance has reviewed the proposed changes to the Policy. Council's Audit and Risk Committee considered the proposed amendments on 11 March 2021 and recommends Council adopt the Policy.

Financial and Resource Implications

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

Options

Council may adopt the Investment Policy March 2021 as presented with or without amendments.

Conclusion

The Investment Policy provides guidance for Council's authorised officers when investing Council's surplus funds. The Policy has been reviewed and attached to this report for adoption.

RECOMMENDATION

That Council:

1. Revokes the Investment Policy dated May 2020
2. Adopts the Investment Policy dated March 2021.

COUNCIL RESOLUTION

MOVED: Cr Conheady

SECONDED: Cr Cole

That the recommendation be adopted.

CARRIED

Attachments

1. Policy Council Investment March 2021 - Tracked Changes - Under Separate Cover
2. Policy Investment March 2021

Investment Policy

Corangamite Shire

March 2021



Council Policy

Investment Policy

Introduction

This policy provides guidance on the effective and responsible utilisation of Council's surplus cash funds within the government legislative framework and will conform to applicable Federal and State regulations.

Particular emphasis is directed towards investment decisions that limit unnecessary exposure to risk and optimise return on investment whilst ensuring sufficient liquidity for Council's on-going operating commitments.

Section 102 of the Local Government Act 2020 (the Act) requires Council to prepare and adopt financial policies that give effect to the financial management principles (section 101) of the Act. Section 101 also requires Council's financial risks be monitored and managed prudently having regard to economic circumstances. The Section 101 defines financial risks as, inter alia, any risk relating to the financial viability of the Council. This Policy will ensure Council meets its obligations under the Act.

Purpose

This policy establishes the basis for the investment of Council's surplus funds and to optimise the balance between risk and return. The purpose of Council's investment policy is to ensure that:

- All funds are invested in accordance with legislative and Council requirements.
- Effective internal controls are in place to minimise investment risk and unauthorised appropriation of Council funds.
- All investment transactions are appropriately authorised and documented.
- Investment decisions are based on the security of funds by limiting unnecessary exposure to risk.
- The financial yield is enhanced through prudent investment of funds whilst ensuring sufficient liquidity for Council's day to day operational commitments.
- Legally restricted funds are appropriately invested so as to earn a reasonable income towards their purposes (whilst limiting unnecessary exposure to risk).

Scope

This policy applies to all Council officers (Investment Officers) who are involved in the investment of Council funds. It is considered that this Policy does not impact negatively on any rights identified in the Charter of Human Rights Act (2006).

Definitions

- The Act – Local Government Act 2020
- APRA – Australia Prudential Regulation Authority
- ADI – Authorised Deposit-taking Institution. It covers banks, building societies and credit unions.
- AFS – Australian Financial Services
- VFMC - Victorian Funds Management Corporation
- S&P – Standard and Poor's rating agency

Adopted at Council on:
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Corangamite Shire Council – Investment Policy

- Moody's – Moody's rating agency
- Investment Officers – Director Corporate and Community Services, Manager Finance, Accountant(s).
- Senior Officer Group – Executive management team consisting of Chief Executive Officer, Director Corporate and Community Services, Director Sustainable Development, Director Works and Services.

References

- Local Government Act 2020 (specifically Section 103 – Investments)
- Australia Prudential Regulation Authority

Policy Detail

1. Prudent Person Standard

The standard of prudence is to be used by Investment Officers when managing the overall portfolio. Investments will be managed with the care, diligence and skills that a prudent person would exercise in managing the affairs of other persons. This includes having in place appropriate reporting requirements that ensure the investments are being reviewed and overseen regularly.

Investment Officers are to manage the investment portfolios not for speculation, but for investment in accordance with this Policy. Investment Officers are to avoid any transaction that might harm confidence in Council. Investment Officers must consider the safety of capital and income objectives when making an investment decision.

2. Ethics and Conflicts of Interest

Investment Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This includes activities that would impair the investment officer's ability to make impartial decisions.

The Policy requires that Investment Officers disclose to the Chief Executive Officer any conflict of interest on any investment positions that could be related to the investment portfolio.

3. Delegation of Authority

Authority for implementation of the Policy is delegated by the Council to the Chief Executive Officer in accordance with the Victorian Local Government Act 2020.

Authority for the day-to-day management of the Council's investment portfolio is delegated by the Chief Executive Officer to the Director Corporate and Community Services and Manager Finance. Investment Officers have the authority to review the reasonableness of an investment, initiate or redeem an investment in accordance with this policy.

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3.1.1. Term to Maturity of Investments

Investment Officers are only permitted to invest in term to maturity deposits or similar products with an ADI. Such investment products must have a readily available market and may include any of the following types of investments:

- At call accounts
- Fixed term deposits
- Negotiable Certificates of Deposit
- Bank bills
- Promissory notes
- Bonds
- Floating Rate Notes
- Floating Rate Certificates of Deposit

3.1.2. All other investments

All other investments, including investments in managed investment schemes (managed funds) or Australian equities, will need a specific Council resolution and must:

- Be in a manner approved by the Minister, either generally or specifically
- Be supported by a specified cash backed reserve in Council's balance sheet.

Investments in Managed Funds, Fixed Interest Securities of an Australian Authorised Deposit Taking Institution and Shares listed on the Australian Stock Exchange must be managed by the Victorian Funds Management Corporation. (Currently, investments with the VFMC must be for a minimum value of \$2million and for a minimum term of three years.)

At the time of placing an investment under this subclause the aggregate of totals funds invested of this nature (i.e. non term to maturity investment under 3.1.1 above) must not exceed one-third (33.3%) of total investment funds available. Where the aggregate of the portfolio exceeds this limit the Investment Officers will work towards balancing the portfolio as future investments mature.

4. Investment Objectives

Council's overall objective is to invest its funds at the most advantageous rate of interest/return available to it at the time, for that investment type, and in a way that it considers most appropriate given the circumstances. In priority, the order of investment priority shall be preservation of capital, liquidity, and return.

4.1. Preservation of Capital

Preservation of capital shall be the principal objective of the investment portfolio. Investments are to be performed in a manner that seeks to ensure security of principal of the overall portfolio. This includes managing credit and interest rate risk within given risk management parameters and avoiding any transactions that would prejudice confidence in Council. Diversification of investments assists in reducing the overall risk of the investment portfolio.

4.2. Maintenance of liquidity

In addition to the balances held in its bank account for routine operating requirements, the investment portfolio will maintain sufficient liquidity to meet all reasonably anticipated operating cash flow requirements of Council, as and when they fall due, without incurring significant transaction costs due to being required to sell or redeem an investment.

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4.3. Return on Investments

The portfolio is expected to achieve a market average rate of return and take into account Council's risk tolerance and current interest rates, budget considerations, and the economic cycle.

Investment Officers should aim to maximise where possible, favourable returns that do not jeopardise the security of funds invested. It would be anticipated that returns would exceed the Bank Bill Swap Rate (BBSW).

5. Portfolio Implementation

5.1. Authorised Personnel

The Investment Officers are authorised to invest Council's operating funds consistent with this Policy and legislation.

5.2. The Role of the Audit and Risk Committee

To ensure separation of duties, the Audit and Risk Committee will:

- Oversee the development and maintenance of the Policy and its guidelines.
- Recommend to the Council modification to the Policy.
- Monitor compliance with the Act.

The Audit and Risk Committee is not to direct investment decisions or become involved in the management of the investment portfolio. Its role is to review the policy, processes and refer investment decisions to the Council if required.

5.3. Internal Controls

The Manager Finance will establish internal controls and processes that will ensure investment objectives are met and that the investment portfolio is protected from loss, theft or inappropriate use.

The Audit and Risk Committee is responsible for reviewing the Policy and recommending amendments to Council.

To minimise the potential for investment risk and unauthorised appropriation of Council funds, the following internal controls will apply:

- All placement and redemption of investments must be authorised by any two of the Investment Officers, one of which must be Director Corporate and Community Services or Manager Finance.
- The investment authorisation process must be carried out in accordance with any other relevant policies and procedures.
- Each transaction will require written confirmation by the Financial Institution.
- Investments are to be reconciled monthly to the General Ledger

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6. Investment Parameters

6.1. Prohibited Investments

This Policy prohibits any investment carried out for speculative purpose, including the following:

- Derivative based investments;
- Principal only investments or securities that provide nil or negative cash flow;
- Standalone securities issued that have underlying futures, options, forward contracts and swaps of any kind;
- Any investments or securities issued in non-Australian currency; and
- ‘Enhanced cash Funds’ or similar products that fall within the definition of a Collateralised Debt Obligation (CDO).

6.2. Term to Maturity investments are required to be made with an APRA approved ADI.

6.3. Money is to be transferred using the General Bank Account

- Funds must be transferred electronically and be authorised by two officers who are authorised signatories on the general bank account.
- Interest earned on investments being rolled over may either be reinvested or redeemed to Council’s general bank account at the time of maturity.
- All funds that are being redeemed, or interest being paid, must be directly credited to Council’s general bank account.

6.4. Factors to consider when investing

In order to meet investment objectives, Investment Officers must take into consideration all of the following factors when carrying out investment functions:

6.4.1. Existence of Guarantee and security

Determine whether the investment is guaranteed by the Institution, or by the Government. Note the Commercial / Bank Bills guaranteed by the Institution, although guaranteed, rank as an unsecured creditor in the event of winding up.

6.4.2. Credit Rating of Institution and Portfolio Investment Parameters

a) Term to Maturity of Investments

A credit rating is used to determine the level of risk involved when investing with the ADI. All investments should not have a risk exposure greater than the minimum set out in the table below. The table also details the maximum percentage of funds that may be held by any one financial institution, the maximum term to maturity and the maximum percentage of total investment portfolio.

Long Term		Short Term		Maximum term to maturity	Maximum Portfolio Allocations	
S&P	Moody's	S&P	Moody's		Funds with a single ADI	Percentage of total portfolio
AAA	Aaa	A-1+	P-1	2 Years	50%	100%
AA+	Aa1					
AA	Aa2					
AA-	Aa3					
A+	A1	A-1			25%	50%
A	A2					
A-	A3					
BBB+	Baa1	A-2	P-2	25%	25%	
BBB	Baa2					

Where the aggregate of the portfolio decreases resulting in funds with a single ADI or within a particular credit rating exceeding the applicable limit, the Investment Officers will work towards balancing the portfolio as future investments mature.

b) Managed Investment Schemes (Managed Funds)

Investments in Managed Investment Schemes must be in a manner approved by the Minister. Investments in Managed Investment Schemes must also be in accordance with 3.1.2 above.

6.4.3. Prudential requirements of investment institution

Council will only invest in ADI's that meet the APRA prudential requirements, including:

- Liquidity Coverage Ratio
- Capital Adequacy Ratio

6.4.4. Investment Term and Amount

Investments can be made at any time where excess cash is available. It is prudent to have multiple investments with varying maturity dates to maximise returns to meet Council's cash flow requirements. Investment Officers should ensure a sufficient level of funds is available to meet short term debts. However, discretion of the Director of Corporate and Community Services or Manager Finance can be used in regards to diversification for funds placed in "At-Call" type accounts.

6.4.5. Other considerations

Council's aim is to invest funds to obtain the best return possible with the least risk, however, consideration must be given to any fees applicable to transferring funds between Institutions that may erode investment returns.

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6.5. Use of Licenced Broker

Term to maturity Investments can be placed directly with an ADI or through an AFS licenced broker.

6.6. Quotation on Investments

Not less than three (3) quotations shall be obtained from approved ADI's whenever a Term to Maturity investment is proposed. The best quote will be successful after allowing for administrative and banking costs, as well as having regard to the limits set above.

Investment Officers shall take into account the following factors:

- The level of risk against return (i.e.: credit rating vs interest rate).
- The process required to transfer cash to the institution.
- The spread of Council's existing investments.

7. Investment Decision

All investments should be reviewed by another Investment Officer of which one must be either the Director Corporate and Community Services or Manager Finance. An investment decision is required to have sufficient documentation to meet the policy and audit requirements.

8. Reporting On Investments

- Investment activities and results must be reviewed on a monthly basis by the Manager Finance and reported to the Senior Officer Group in the form of an Investment Activity Report.
- A register of investments will be maintained together with an investment file containing all letters of advice.
- Investments will be brought to account and valued at fair value plus transaction costs directly related to the acquisition of the financial asset in accordance with IFRS.
- Interest revenue will be recognised as it is earned.

Legislative compliance

All investments must comply with Section 103 of the *Local Government Act 2020*, relevant regulations and Ministerial guidelines.

Review Date

The Policy will be reviewed in March 2023 or as required by changed circumstances, including changes to legislation and policies.

It is considered that this Policy does not impact negatively on any rights identified in the *Charter of Human Rights and Responsibilities Act 2006*. It is considered that this Policy does not adversely impact community members or employees of different genders and has been developed in accordance with the Gender Equality Act 2020.

Adopted at Council on:
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9.3 Fraud and Corruption Prevention Policy Review March 2021

Author: David Rae, Director Corporate and Community Services

File No: D19/189

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

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

Author - David Rae

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

Summary

This report recommends Council adopts the Fraud and Corruption Prevention Policy dated March 2021 as attached.

Introduction

The current Fraud Prevention and Control Policy was adopted by Council in April 2019 on the recommendation of Council's Audit and Risk Committee.

The Policy was reviewed by management and Council's Audit and Risk Committee in March 2021. The Audit and Risk Committee recommends Council adopt the revised Policy as the renamed Fraud and Corruption Prevention Policy. Minor amendments are proposed.

Issues

The renamed Fraud and Corruption Prevention Policy is an existing policy and was last reviewed in 2019. The Policy has been reviewed by management and Council's Audit and Risk Committee with minor amendments proposed, which are of an administrative nature to accommodate legislative changes and other Council policy references.

This Policy sets the framework for the prevention, identification, management, and prosecution of acts of fraud and corruption that could be encountered by Corangamite Shire.

Principal Officers (which include council Chief Executive Officers) continue to be obligated to notify IBAC when there are reasonable grounds to suspect corruption is occurring or has occurred. There is no legislative obligation for relevant Principal Officers to search out corrupt conduct, only report it when suspected. Corrupt conduct is defined in Section 4 of the *Independent Broad-based Anti-Corruption Commission Act 2011*.

To be considered corrupt conduct, the conduct must also constitute an indictable offence against any Act, or the common law offence of attempt to pervert the course of justice, bribery of a public official, perverting the course of justice and misconduct in public office.

There must be reasonable grounds to suspect the corrupt conduct is occurring or has occurred before notifying IBAC. This means making an assessment of whether there is a real possibility that corrupt conduct is, or may be, involved.

The Fraud and Corruption Prevention Policy is an important internal control and deterrent and is recommended for adoption by Council.

Policy and Legislative Context

Consideration of this report is in accordance with the Audit and Risk Committee's Annual Work Plan and the following commitments in the 2017-2019 Council Plan:

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

The Policy is also a requirement of the Local Government Performance Reporting Framework as contained in the *Local Government (Planning and Reporting) Regulations 2020*.

Internal / External Consultation

The Fraud and Corruption Prevention Policy has been developed and reviewed internally. Internal audit and sector findings or recommendations have been incorporated, including the Victorian Auditor General's Office review *Fraud Prevention Strategies in Local Government June 2012*. The Policy was considered by Council's Audit and Risk Committee in March 2021. The Committee recommends Council approve the revised Policy. The Committee also recommends the renaming to emphasise the prevention of both fraud and corruption.

Financial and Resource Implications

There are no financial and resource implications as a consequence of adopting the Fraud and Corruption Prevention Policy.

Options

Council may choose to adopt the revised Fraud and Corruption Prevention Policy with or without amendment.

Conclusion

The Fraud and Corruption Prevention Policy dated March 2021 is attached for Council's consideration and approval.

RECOMMENDATION

That Council:

1. **Revokes the Fraud Prevention and Control Policy dated April 2019.**
2. **Adopts the Fraud and Corruption Prevention Policy dated March 2021.**

COUNCIL RESOLUTION

MOVED: *Cr Conheady*

SECONDED: *Cr Hickey*

That the recommendation be adopted.

CARRIED

Attachments

1. Policy Council Fraud and Corruption Prevention March 2021 - Tracked Changes - Under Separate Cover
2. Policy Council Fraud and Corruption Prevention March 2021

Fraud and Corruption Prevention Policy

Corangamite Shire

March 2021



Council Policy

Fraud Prevention and Control

Introduction

This policy sets the framework for the prevention, identification, management and prosecution of acts or potential acts of fraud that could be encountered by Corangamite Shire Council (Council).

Purpose

The purpose of the Fraud and Corruption Prevention Policy is to:

- Identify areas of risk in relation to fraud within the organisation.
- Protect the reputation, revenue, expenditure and property of the organisation.
- Implement fraud prevention and detection controls within the organisation to minimise losses through fraud.
- Maintain an ethical climate within the organisation which encourages all Councillors and staff to be active in protecting public money and property.
- Monitor and review fraud risk areas and controls on an ongoing basis.
- Prosecute offenders following appropriate investigation.

Scope

This policy reflects the principles contained within the Councillor Code of Conduct and The Code of Conduct for Staff and applies to all:

- Councillors, employees and volunteers of Council.
- persons who interact with Council including members of the public, contractors, consultants and committee members.

Council employees are responsible for ensuring there are adequate measures to prevent and detect fraud within the areas under their control by:

- complying with legislation and Council policies and practices;
- ensuring staff understand their responsibilities through adequate supervision, acting within their delegated powers, written procedures and position descriptions;

Definitions

- **Fraud:** A deception through an act, expression, omission or concealment which is deliberately practiced in order to secure unfair or unlawful advantage for personal gain while causing injury or loss to Council. Or more simply, fraud is dishonestly obtaining a benefit, or causing a loss, by deception or by other means. Fraud may include, but is not limited to, the following acts:
 - theft
 - obtaining property, a financial advantage or any other benefit by deception
 - providing false or misleading information to a statutory authority or failing to provide information where there is an obligation to do so
 - causing a loss, or avoiding or creating a liability by deception
 - creating, using or possessing forged or falsified documents
 - bribery, the acceptance of bribes, corruption or abuse of office

Adopted at Council on:

Department: Corporate and Community
Services

Agenda Item: X.X

To be reviewed by: March 2023

Responsibility: Director Corporate & Community Services

File Number:

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Corangamite Shire Council Policy – Fraud Prevention and Control

- unlawful (including unauthorised) use of Council resources and assets, including misuse of information technology, plant and machinery, light fleet vehicles, telephones and other property or services
- non declaration of Conflicts of Interest or receipt of gifts leading to personal or associated advantage
- disclosure of sensitive or confidential information with the discloser obtaining some benefit; and
- any offences of a like nature to those listed above.
- Fraud Control Officer: senior council officer responsible for the development and implementation of the Fraud and Corruption Control Plan. The Director Corporate and Community Services assumes this function.
- Fraud and Corruption Control Plan: The Fraud and Corruption Control Plan is a summary of Council's fraud risks and controls in place, or being developed, to minimise and combat those risks. It is intended to clearly set out prescriptive measures to prevent and limit the effects of fraud.
- Corrupt Conduct: is that defined under section 4 of the *Independent Broad-based Anti-corruption Commission Act 2011*

References

Corangamite Shire Councillor Code of Conduct
Corangamite Shire Employee Code of Conduct
Public Interest Disclosure Policy
Local Government Act 2020
Financial Management Act 1994
Independent Broad-based Anti-corruption Commission Act 2011
Public Interest Disclosures Act 2012 Victorian Auditor General's Office
Australian Standard AS 8001-2008: Fraud and Corruption Control

Policy Detail

Council will not tolerate any act or behaviour that is illegal, will materially damage Council and or is likely to bring Council's reputation into disrepute. Council will prosecute those acting illegally and take further legal action to recover any losses.

Council's Fraud Control Officer will implement a structured Fraud and Corruption Control Plan. The Fraud and Corruption Control Plan will ensure that there are procedures, guidelines, programs and subsidiary policies (if necessary) in place that protect Council's assets and resources, integrity, security and consequently its reputation within the community from fraudulent acts.

All administrative and management practices will support the Fraud and Corruption Control Plan through the fostering of an ethical culture, transparency and accountability. Councillors and employees are to maintain a high degree of integrity and ethical behaviour at all times. Ethical behaviour in all Council dealings will also foster an external environment that encourages the prevention, detection and reporting of any fraudulent act involving or impacting on Council.

Actual or suspected fraudulent acts must be reported immediately either directly or via senior management to the Chief Executive Officer (CEO). The CEO will investigate such acts, report to Council and involve the Police where necessary. The Fraud Control Officer will report such acts to the Audit and Risk Committee. The CEO must report all suspected corrupt conduct (defined above) to the Independent Anti-Corruption Commission in the first instance (section 57A *Independent Broad-based Anti-corruption Commission Act 2011*).

Adopted at Council on:

Department: Corporate and Community
Services

Agenda Item: X.X

To be reviewed by: March 2023

Responsibility: Director Corporate & Community Services

File Number:

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Corangamite Shire Council Policy – Fraud Prevention and Control

Where the actual or suspected fraud relates to the CEO the allegation may be reported to the Director Corporate and Community Services (DC&CS). The DC&CS is then delegated CEO responsibilities for the purposes of this policy.

Allegations of Fraud or Corrupt Conduct may also be reported to the Independent Broad-based Anti-corruption Commission (IBAC) under the *Public Interest Disclosures Act 2012* or in accordance with Council's Public Interest Disclosure Policy.

Council's Human Resource policies and procedures will ensure that all staff are kept informed of this policy. A copy of this policy is to be made available to all staff.

Specific responsibilities

Council:

- demonstrate good governance and ethical behaviour in the provision of all services to the community and in the management of Council,
- ensure management has appropriate resources and measures to detect, prevent and control fraud.

Audit & Risk Committee:

- assist management to achieve sound managerial review and control over all Council activities through the use of internal and external audit functions,
- assist the Fraud Control Officer in the preparation of the Fraud and Corruption Control Plan.
- monitor the effectiveness of the Fraud and Corruption Control Plan
- review the Fraud and Corruption Control Plan annually

Chief Executive Officer:

- ensure procedures support the reporting of all fraudulent or suspected fraudulent acts,
- investigate fraudulent acts (reported or otherwise), report to Council and take legal redress when necessary, including criminal prosecution.
- report all suspected corrupt conduct to the Independent Anti-Corruption Commission

Senior Officer Group;

- ensure there are appropriate and adequate internal controls in place to provide reasonable assurance for the prevention and detection of fraud and corruption by;
 - promptly responding to concerns and issues raised,
 - monitoring compliance with Council policies, rules and regulations,
 - promoting staff awareness of their responsibilities supported by adequate training, supervision and documented procedures,
 - setting an example and advising employees of the acceptability or otherwise of their conduct,
 - reviewing procedures as prevailing circumstances change.

Employees/Volunteers/Contractors/Consultants;

- act with propriety in all Council activities,
- must NOT use their position with Council to gain personal advantage or to confer advantage, or disadvantage, on any other person,
- safeguard Council assets against theft, misuse or improper use,
- report any suspicion of fraudulent activity.

Fraud Control Officer;

- prepare a Fraud and Corruption Control Plan in consultation with the Audit and Risk Committee
- implement the Fraud and Corruption Control Plan

Fraud and Corruption Control Plan

The Fraud and Corruption Control Plan, as a minimum, must give consideration to:

Adopted at Council on:

Department: Corporate and Community Services

Agenda Item: X.X

To be reviewed by: March 2023

Responsibility: Director Corporate & Community Services

File Number:

Page Number: 4

Corangamite Shire Council Policy – Fraud Prevention and Control

- Fraud Risk Profiling and Assessment including:
 - Areas of fraud including related party transactions
 - Associated risks
 - Controls and measures to mitigate risk
 - Officers responsible for implementing risk mitigation measures
- Ongoing monitoring and reporting;
- Identification of “red flag” indicators to assist in fraud detection;
- Employee awareness and conduct training;
- Internal controls to be maintained to minimise fraud;
- Fraud incident investigation protocol.

Fraud Investigation

The Chief Executive Officer, or delegate, will respond to, investigate and assess allegations of fraud. All reported acts or suspected act of fraud will be investigated by:

- thoroughly reviewing reported incident to establish the facts,
- allowing for an investigation independent of management if appropriate,
- acting quickly to preserve evidence, being mindful to not in any way compromise a possible future criminal investigation,
- presenting a case to police if evidence is sufficient
- taking remedial action eg pursue legal action to recover lost funds or assets.
- maintaining confidentiality and disclosing information only to those who need to know in order not to prejudice any disciplinary or any criminal action.

At the conclusion of any fraud investigation, systems and procedures will be reviewed to identify deficiencies with internal controls.

Disciplinary Matters: Codes of conduct and discipline procedures

Any individual, including councillors and employees, who commits a fraudulent act that impacts upon Council can expect legal action for redress. All councillors and employees (including contractors and volunteers) are subject to the respective Code of Conduct. Employees will be summarily dismissed where a fraud has been committed.

Miscellaneous

Council will keep a register of fraud related risks as part of its risk register and will, as part of its human resource practices, where the nature of the position requires: -

- verify employees references and qualifications; and
- conduct police checks before engaging employees.

Review Date

The Policy will be reviewed in March 2023 or earlier if necessary.

It is considered that this Policy does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act (2006). It is considered that this Policy does not adversely impact community members or employees of different genders and has been developed in accordance with the Gender Equality Act 2020.

Adopted at Council on:

Department: Corporate and Community
Services

Agenda Item: X.X

To be reviewed by: March 2023

Responsibility: Director Corporate & Community Services

File Number:

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9.4 Renewable Energy Zones Development Plan Directions Paper - Corangamite Shire Submission

Author: Aaron Moyne, Manager Planning and Building Services

File No:

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

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

Author - Aaron Moyne

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

Summary

The Department of Environment, Land, Water and Planning (DELWP) has released the Renewable Energy Zones (REZ) Development Plan Directions Paper for public consultation.

This report presents a draft Council submission to adopt and submit to DELWP.

Introduction

DELWP has prepared and released the REZ development plan directions paper for public consultation. The plan specifically seeks to support the State's transition to meet its Victorian Renewable Energy Target (VRET) commitments and facilitate transmission infrastructure upgrades to create new grid capacity within REZ locations.

A final REZ development plan will be completed before the State Government establishes VicGrid as a new department overseeing the planning and development of REZ and the release of an implementation plan in July 2021.

Overall, the REZ development plan aims to unlock a further 10GW (gigawatts) of new renewable energy capacity in Victoria, taking total operational capacity within REZs to 16GW. Infrastructure upgrades and projects will be enabled by a \$540 million REZ fund coordinated by VicGrid.

A south-west REZ is identified within the development plan which encompasses the north and central sections of Corangamite Shire and will lead to broader land use and development implications in the future.

Issues

A review of the REZ development plan directions paper has been undertaken and a draft Council submission prepared.

The submission responds to the primary objectives of the REZ development plan and focuses on strategic priorities, key issues and themes which face Corangamite Shire, as a result of substantial increased electricity grid capacity and future renewable energy development.

A copy of the draft Council submission is provided under separate cover, with a summary of key themes and issues outlined as follows:

New Energy in Corangamite

The submission identifies the established gas industry within Corangamite Shire and refers to Council's strategic direction to support the continued operation of gas and future investigation into new blue/green hydrogen opportunities which capitalise on location-specific advantages, natural resources, and infrastructure.

An opportunity exists to investigate hydrogen production and how this can support ancillary industries with benefits to key sectors such as agriculture.

Gas production and blue/green hydrogen will be the primary focus of new energy in Corangamite Shire. Council recognises the need for new renewable energy generation in a hybrid system to support the State's energy transition but notes this development is not a strategic priority.

Corangamite Strategic Focus

The agricultural and primary production industries are the primary land use and most important sectors within Corangamite Shire, contributing a significant proportion of all agricultural production in Victoria and generating approximately \$785 million economic output.

Council's priority is to focus on the consolidation and growth of its agricultural industry and sub-sectors including dairy, red meat (beef and lamb), wool and cropping. This is supported by Council's land use planning vision and strategic directions.

Large-scale growth in renewable energy development has the potential to inhibit and adversely impact agriculture through a loss of land or restriction in land management practices. This will restrict the ability for Corangamite Shire and its farmers to adapt to the changing food and fibre needs of Victoria's growing population, domestically and internationally through exports.

State and Regional Land Use Planning

A review of the REZ development plan identifies that planning for renewable energy development should not be undertaken in isolation from broader State and regional land use planning.

The submission highlights the importance of carrying out strategic land use planning at a State and regional level, in conjunction with the REZ development plan, to inform future projects and actions. This includes a review of the outdated Great South Coast Regional Growth Plan due to the rapid growth and development of renewables.

Previous renewable energy planning has been largely influenced by electricity transmission infrastructure and grid connection capacity, which has led to an ad hoc planning regime where speculation for projects lies in concentrated areas.

Transmission Lines

The need for new transmission lines and electricity infrastructure to be built underground is reinforced, with this request and position made in partnership with Moyne Shire Council.

It has been proven that transmission lines can be built underground, and projects remain viable. This future outcome would significantly reduce fire risk and landscape impact.

Communities and Cumulative Impacts

Existing transmission infrastructure and previously available grid capacity has led to the development of renewable projects in concentrated areas, resulting in an adverse impact on rural communities.

The benefit of renewable energy generation for metropolitan Melbourne should not come at the expense of rural communities. The REZ development plan is likely to increase this outcome and it is noted that REZs are only identified within rural areas.

The issues around cumulative project impacts have been raised for over ten years, with limited action undertaken to directly address this issue.

Renewable energy projects can lead to a progressive erosion and divisions within local communities and consideration of cumulative impacts of renewable projects in concentrated areas of REZs is essential.

The amenity and enjoyment of rural lifestyle needs to be seriously considered in the broader planning for renewable energy development.

Landscape and Visual Amenity

This is another issue that should be considered and is linked with the REZ development plan. Transmission upgrades and creation of new grid capacity will stimulate new wind and solar development.

Recent renewable development has seen a rapid change of the natural and open rural landscape, which is a key component of rural amenity, lifestyle, and tourism attractions.

Further new renewable development supported by the REZ development plan will continue to alter the natural landscape and reduce visual amenity within Corangamite Shire and south-west Victoria.

Fire Risk

Fire risk within the rural landscape remains as a priority issue for Council and its community.

In relation to future transmission lines and specific infrastructure projects proposed, including the Stage 1 Haunted Gully Synchronous Condenser and future battery storage, proper research and consideration needs to be given to strategies and design techniques, including underground transmission lines, which reduce and mitigate fire risk and help lead to greater community confidence.

The REZ development plan must also consider how future renewable energy projects, particularly wind farms, will impact aerial fire-fighting capacity and fire land management. There is potential that large areas may be restricted from low-flight aviation in the rural landscape with the presence of wind turbines and transmission infrastructure increasing aviation safety risk.

Decommissioning

The uncertainty around the future decommissioning of renewable energy projects and associated infrastructure remains a key concern.

It is submitted that State Government establish requirements for bonds to be paid by proponents for decommissioning. This approach would be similar to extractive industries (mines and quarries) where a bond is held in-situ for the life of the project and only released once decommissioning and rehabilitation has been adequately completed.

Policy and Legislative Context

Corangamite Shire Council Plan 2017-2021 commits to:

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

Preserve the natural environment of Corangamite Shire.

Internal / External Consultation

Consultation on the REZ development plan directions paper is being undertaken broadly by DELWP. Submissions must be made by 31 March 2021 to inform preparation of the final REZ development plan.

Financial and Resource Implications

There are no direct or short-term financial or resource implications for Council in making this submission.

However, it should be noted that the REZ development plan seeks to establish short-term (up to 2025) actions and upgrades to upgrade the transmission network and increase grid capacity. This has potential to create new interest for renewable energy projects by developers within Corangamite Shire. Council is not the responsible authority but will have a direct third-party involvement.

Future renewable energy development may lead to new investment in Corangamite Shire, which needs to be counterbalanced with the broader effects (positive and negative) of this development.

Options

Council has the following options available in relation to the REZ development plan directions paper:

1. Resolve to adopt the draft submission as prepared and authorise the Chief Executive Officer to submit it to DELWP. **(Recommended option)**
2. Amend the draft submission before adoption and authorise the Chief Executive Officer to submit it to DELWP.
3. Not proceed in making a submission.

Conclusion

DELWP has released a REZ development plan directions paper for public consultation. A final development plan will be prepared and implemented by VicGrid as a new authority coordinating the planning and development of the electricity transmission network.

This report presents a draft Council submission for adoption to submit to DELWP, which outlines strategic priorities, key issues and themes relevant to Corangamite Shire.

RECOMMENDATION

That Council authorises the Chief Executive Officer to make a submission on the Renewable Energy Zones Development Plan Directions Paper to DELWP, in accordance with the draft submission attached to this report.

COUNCIL RESOLUTION

MOVED: Cr Beard
SECONDED: Cr Hickey

That the recommendation be adopted.

CARRIED

Attachments

1. Draft Submission DELWP Renewable Energy Zone Directions Paper - Under Separate Cover

9.5 Quick Response Grants Allocation March 2021

Author: Garry Moorfield, Community Development Officer

File No: D19/130

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 March 2021 allocation of funds under the Quick Response Grants Program.

Applications were received from:

- Cobden and District Pony Club for the purchase of entrance signage at club grounds (\$308), and
- Cobden Rotary Club for the purchase of paint for the Cobden Mini-golf fence (\$500).

The report recommends approval of a grant of \$308 to the Cobden and District Pony Club.

Officers are unable to recommend approval for the Cobden Rotary Club, Mini-golf fence project as the applicant is in receipt of a prior grant which is yet to be acquitted, thus rendering the applicant ineligible in accordance with Council's Quick Response Grants Policy.

Introduction

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

Issues

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

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

Policy:

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

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

Policy and Legislative Context

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

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	1,009.00	0.00	1,491.00
South Central	2,500.00	0.00	308.00	2,192.00
South West	2,500.00	0.00	0.00	2,500.00
Central	7,500.00	3,968.00	0.00	3,532.00
	17,500.00	4,977.00	308.00	12,215.00

Options

Council can consider:

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

Conclusion

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

RECOMMENDATION

That Council:

1. Funds the Quick Response Grant application from Cobden & District Pony Club for the Purchase of entrance signage at Club Grounds for \$308.
2. Does not fund the Quick Response Grant application from Cobden Rotary Club for the Cobden Mini-golf fence project for \$500.

COUNCIL RESOLUTION

MOVED: Cr Beard
SECONDED: Cr Hickey

That the recommendation be adopted subject to the amendment of point 2 to read:

2. Funds the Quick Response Grant application from Cobden Rotary Club for the Cobden Mini-golf fence project, subject to the acquittal of the Quick Response Grant funded last year by 30 June 2021.

CARRIED

Attachments

1. Quick Response grants _March 2021_ Assessment - Under Separate Cover
2. Application_Quick Response Grant_ Cobden & District Pony Club - Under Separate Cover
3. Application_Quick Response Grant_ Rotary Club of Cobden - Under Separate Cover

9.6 Councillor Attendance at the 2021 Australian Local Government Association's Conferences

Author: Penny MacDonald, Executive Services and Governance Coordinator

File No:

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

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

Author - 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 for Council to consider Councillor representatives for attendance to the Australian Local Government Association's National General Assembly and National Local Roads and Transport Congress.

Introduction

Each year the Australian Local Government Association (ALGA) organises the National General Assembly of Local Government (NGA) in Canberra, and the National Local Roads and Transport Congress (Congress) at a location determined annually. In 2020, the NGA was cancelled due to COVID-19 and the Congress, held in Wagga Wagga as well as virtually, was adapted to incorporate issues impacting local government as a result of the pandemic.

This year the NGA will be a hybrid event from 20-23 June, with virtual attendance possible in addition to attending onsite in Canberra. No details are available yet regarding the Congress, however it is expected that virtual attendance will also be possible, and the event is likely to be held 15-17 November.

The NGA and the Congress are important events for Corangamite Shire, as they provide Councillors with the opportunity to elevate the Shire and its priorities to the Federal level. Councillors attending the conferences will also gain insight into a range of issues affecting the Local Government sector and bring crucial information back to Council.

Issues

National General Assembly

The theme for the 2021 NGA is *Working Together for our Communities*, which was the theme for the cancelled 2020 conference. Although a program is not yet available for the conference this year, the discussion paper calling for motions to be considered at the conference emphasises "the importance of partnerships to building and maintaining resilience in our councils and our communities".

Participants will have the opportunity to discuss issues of national significance and meet with members of Parliament, to advocate for our communities and promote issues of importance to Corangamite Shire.

It is likely sessions during the NGA will include discussions on developing community resilience and working collaboratively with a variety of partners for the benefit of communities. Speakers invited to address the NGA typically include the Prime Minister, Leader of the Opposition, and the federal Minister for Regional Health, Regional Communications and Local Government.

Council has budgeted for up to four (4) Councillors to attend the NGA this financial year. Councillors Neil Trotter and Wayne Oakes attended the NGA in 2019.

National Local Roads and Transport Congress

The program for the 2021 Congress is not yet available, however the annual conference provides Council with the vital opportunity to send a Councillor delegate to hear from road and transport industry experts on current issues, challenges and emerging trends, as well as contribute to discussions on policy direction and advocacy efforts for the Australian Local Government Association.

In 2020, the expanded Congress covered a wide range of issues including the impact of natural disasters on councils, resilience, and road safety.

Council has budgeted for one Councillor to attend the Congress. In 2019, Councillor Jo Beard attended the Congress in Hahndorf, South Australia.

Policy and Legislative Context

The Support for Councillor Professional Development Policy provides for Councillors to attend conferences, workshops, and seminars to increase their knowledge of issues affecting the local government sector. The policy requires expenditure to be approved by a decision of Council when the proposed costs of a single professional development opportunity exceeds \$2,000 per Councillor. To assist with determining the eligibility of proposed professional development activities, the policy includes criteria to assess whether the content is appropriate and related to current or likely future Council issues.

An assessment of attendance at both the National General Assembly of Local Government 2021 and National Local Roads and Transport Congress 2021 against the criteria is provided below.

- 1. Does the event provide an opportunity to receive or upgrade relevant and necessary training directly related to the Councillors' role?*

Yes, Councillors representing Corangamite Shire will be provided with the opportunity to upgrade their knowledge on a range of issues that influence the Local Government sector and is directly related to their role as Councillor.
- 2. Does the event provide an opportunity to learn key information about an issue of public policy related to the Corangamite community?*

Yes. Councillors attending the NGA and the Congress will have the opportunity to increase their understanding of issues of national significance, such as community resilience and opportunities for working collaboratively, which will be beneficial to Council's policy development.

3. *Does the event have the potential to foster broad economic development opportunities within Corangamite Shire?*

Yes. Sessions during the conferences are likely to include issues that impact economic development, providing Councillors with an opportunity to identify initiatives to improve economic development within the Shire.

4. *Does the event provide an opportunity for Councillor(s) to build their networks both within and across sectors, in a way which will be of benefit to the Corangamite community?*

Yes. Panel sessions will allow for interaction with presenters and other keynote speakers, providing maximum opportunity for delegates to increase their knowledge and bring back important information to Council. Informal networking will also occur during the conferences, which will provide Councillors with the opportunity to share ideas and gain invaluable contacts for the future.

Internal / External Consultation

The Chief Executive Officer has consulted with Councillors regarding the opportunity for them to attend the 2021 NGA and whether a representative from the new Council should attend the Congress.

Councillors who attend the conferences are expected to present a verbal report to Councillors on the events at the next available Councillor briefing.

Financial and Resource Implications

It is estimated that costs for attendance at the NGA in person will be approximately \$2,800 per Councillor, including conference registration, flights, and accommodation. However, this amount is dependent on accommodation and flight availability, and does not include formal dinners, additional transport, and ancillary expenses.

An estimated cost for attendance at the Roads Congress cannot be determined until further details become available, including the location. Historically, the cost for a Councillor to attend past Congresses held interstate have been between \$2100 and \$2300.

Councillors do not have individual training and development allocations within the budget and may participate in professional development opportunities as required within the constraints of the general training and development budget for all Councillors.

It should be noted that the timing of this report is to take advantage of early bird registration savings, and that the conferences may not proceed due to COVID-19.

Options

Council may resolve to send one or more representatives to the conferences, or not send any Councillor representatives.

Conclusion

The National General Assembly of Local Government and National Local Roads and Transport Congress provides Councillors with a vital opportunity to elevate the Shire and Council priorities to the Federal level. Councillors attending the conferences will also gain insight into a range of issues affecting the Local Government sector and bring crucial information back to Council.

Councillor representation at both conferences is recommended, as Councillors will be able to gain valuable insights into factors influencing Local Government, as well as advocate for our communities.

RECOMMENDATION

That Council:

- 1. Nominates one or more Councillors to attend the National General Assembly of Local Government 2021, and approves expenditure related to attendance consistent with the Councillor Professional Development Policy and Council Expenses Policy.**
- 2. Nominates one or more Councillors to attend the National Local Roads and Transport Congress 2021, and approves expenditure related to attendance consistent with the Councillor Professional Development Policy and Council Expenses Policy.**

COUNCIL RESOLUTION

MOVED: *Cr Makin*
SECONDED: *Cr Conheady*

That Council:

- 1. Nominates Cr Gstrein and Cr Beard to attend the National General Assembly of Local Government 2021, and approves expenditure related to attendance consistent with the Councillor Professional Development Policy and Council Expenses Policy.**
- 2. Nominates one Councillor, to be identified later, to attend the National Local Roads and Transport Congress 2021, and approves expenditure related to attendance consistent with the Councillor Professional Development Policy and Council Expenses Policy.**

CARRIED

10. OTHER BUSINESS

Nil.

11. OPEN FORUM

Nil.

12. CONFIDENTIAL ITEMS

Nil.

Meeting Closed: 9.23 pm.

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

CONFIRMED:

(Chairperson)

DATE:
