

minutes



CORANGAMITE
SHIRE

CORANGAMITE SHIRE

COUNCIL MEETING **TUESDAY 25 JANUARY 2022**

Held at the Killara Centre
Manifold Street, Camperdown
at 7.00 pm

COUNCIL:

Cr Ruth Gstrein (Central Ward)
MAYOR

Cr Geraldine Conheady (Central Ward)
DEPUTY MAYOR

Cr Jo Beard (South 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 THEATRE ROYAL, MANIFOLD STREET,
CAMPERDOWN 7.00 PM ON 25 JANUARY 2022**

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 Jarrod Woff, Manager Facilities and Recreation Belinda Bennett, Acting Manager Planning and Building Services

1. PRAYER

The prayer was read by Mayor, Cr. Ruth 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 Mayor, Cr. Ruth 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

An apology was lodged for Brooke Love, Director Works and Services and David Rae, Director Corporate and Community Services.

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

Cr N. Cole, declared a general conflict of interest in Agenda item 8.1, Planning Permit Application PP2021/158 – Use and Development of Land for a Fuel Depot, Display of Business Identification Sign and Creation of Access to a Road Zone, Category 1 – 140 Lismore-Skipton Road, Lismore, and left the meeting before any discussion or vote on the relevant application.

5. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the Corangamite Shire Council meeting held on Tuesday 21 December 2021 be confirmed.

COUNCIL RESOLUTION

MOVED: Cr Hickey

SECONDED: Cr Cole

That the recommendation be adopted.

CARRIED

6. DEPUTATIONS & PRESENTATIONS

The Mayor, Cr R. Gstrein, called for any items that had been submitted as written deputations.

The following item was submitted:

- 8.1 - Planning Permit Application PP2021/158 – Use and Development of Land for a Fuel Depot, Display of Business Identification Sign and Creation of Access to a Road Zone, Category 1 – 140 Lismore-Skipton Road, Lismore:
 - Joanne Preiss

7. COMMITTEE REPORTS

Nil.

Cr. N. Cole declared a general conflict of interest in Agenda Item 8.1 and left the meeting prior to any discussion or vote on the matter at 7.08 pm.

8. PLANNING REPORTS

8.1 Planning Permit Application PP2021/158 - Use and Development of Land for a Fuel Depot, Display of Business Identification Sign and Creation of Access to a Road Zone, Category 1 - 140 Lismore-Skipton Road, Lismore

Author: Melanie Osborne, Planning Officer

File No:

Previous Council Reference: Nil

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 PP2021/158 for the use and development of land for a fuel depot, display of business identification sign and creation of access to a Road Zone, Category 1 at 140 Lismore-Skipton Road, Lismore.

Public notice of the application was given and one (1) submission objecting to the proposal was received.

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 PP2021/158 was received on the 18 October 2021. The application seeks approval for the use and development of land for an above ground self-service fuel tank, associated business identification sign and the creation of access from the Lismore-Skipton Road and Hamilton Highway.

Public notice of the application was given and one (1) submission objecting to the proposal was received. The key issues raised in the objection can be summarised as:

- Traffic safety
- Noise
- Overprovision of fuel outlets

This report provides a planning assessment of the application.

History

There is no recent planning permit history for the subject site.

Works relating to this proposal, including the construction of road access and the internal roadway commenced without a Planning Permit.

Council's Planning Unit were made aware of the issue after an enquiry was made by a local resident regarding the works. The landowner was advised that a planning permit is required from Council for the creation of access to a Road Zone, Category 1 even though the roads are managed by the Department of Transport.

The landowner had received in principle support for the location of the new access from the Department of Transport before starting works but failed to consult Council.

Subject Land

The subject site has a total area of 60 ha and currently contains:

- Agricultural buildings
- Multiple grain silos
- Existing access is from the Lismore-Skipton Road, 330m north of the Hamilton Highway.

Surrounding Area

The main land use characteristics within the surrounding area include:

- The subject site is part of a large pastoral property of approximately 748 ha which is used for grazing and crops.
- The site is located on the north-east corner of the Hamilton Highway and Lismore-Skipton Road intersection and is approximately 1km west of the Lismore settlement boundary.
- The subject site and surrounding area are in the Farming Zone.
- East of the site is the Lismore Golf Club.
- A small rural lifestyle property is located on the south-east corner of the Hamilton Highway and Lismore-Skipton Road. The dwelling on this property is approximately 140m south of the proposed fuel tank site.

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

Proposal

The application seeks approval for the use and development of land for a fuel depot, display of business identification sign and the creation of access to Road Zone, Category 1. Details of the proposal are outlined as follows:

Use and development

The proposed fuel depot consists of an above ground fuel tank within a purpose built container that includes inbuilt pumps and hosing. The fuel tank will be a non-permanent structure placed at ground level, measuring 12.19m(l) x 2.44m(w) x 2.9m(h). The tank will have a capacity of 68,000L.

The fuel tank is to be located in the south-west corner of the site and setback approximately 21m from the western boundary.

The facility will operate via a card, pay as you go system, with no personnel onsite. Access to the site will be available 24 hours a day, 7 days a week.

Access

It is proposed to construct a new entry and exit point to the site to provide one-way vehicle access to the fuel tank.

A new entry point is to be constructed from the Lismore-Skipton Road, approximately 90m north of the Hamilton Highway intersection. The exit point is to be via the Hamilton Highway, approximately 142m east of the intersection. Each access is to be constructed in accordance with the Department of Transport (VicRoads) standards for B-Double vehicles.

The internal roadway will be approximately 15m wide with an all-weather surface and follow the splay of the south west property boundary.

Sign

A business identification sign is to be placed on the container and will display the logo of the fuel supplier. The total display area will be 3m x 1m. The sign will have a red background with white lettering and the logo for the fuel supplier.

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

Policy and Legislative Context

Zoning

The subject site is in the Farming – Schedule 1. The Lismore-Skipton Road and Hamilton Highway adjacent to the subject site are in Road Zone Category 1 (RDZ1).

Land used to store, sell and distribute fuel is defined as a Fuel Depot in the Corangamite Planning Scheme and is nested under the land use term Warehouse.

A planning permit is required for use and development of land for a Fuel Depot under the Farming Zone. The purpose and decision guidelines of the zone will need to be considered in the assessment of the application.

Overlays

There are no overlays affecting 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

Clause 02.03-1 Strategic Directions – Settlement

Clause 02.03-1 Strategic Directions – Settlement (Lismore); seeks to facilitate the consolidation of commercial and retail land use and development within existing commercial precincts.

Clause 02.03-4 Strategic Directions - Natural resource management (Agriculture); seeks to manage the competing demands for agricultural land, avoid land use conflict, while supporting the diversification of agriculture.

Clause 02.03-7 Strategic Directions – Economic development (Commercial); seeks to support commercial activity that provides a service function to the agricultural industry.

Clause 11 Settlement

Clause 11.01-1S Settlement

Clause 11.01-1R Settlement – Great South Coast

Clause 11.03-6S Regional and local places

Clause 13 Environmental Risks and Amenity

Clause 13.05-1S Noise – Noise abatement

Clause 13.07-1S Amenity, Human Health 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 15 Built Environment and Heritage

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

Clause 17 Economic Development

Clause 17.01-1S Employment – Diversified economy

Clause 17.07-1R Employment – Diversified economy – Great South Coast

Particular Provisions

52.05 Signs

Sign requirements in the Farming Zone are identified as Category 4 (Sensitive areas).

A permit is required for the display of a business identification sign. The display area for these types of signs cannot exceed 3m² in sensitive areas.

The purpose and decision guidelines of this clause will be considered in the assessment of the application.

52.29 Land Adjacent to a Road Zone, Category 1

A permit is required to create access to a road in a Road Zone, Category 1 (RDZ1).

The application includes the construction of two new vehicle access points, including entry via the Lismore-Skipton Road and an exit onto the Hamilton Highway. Each of these roads are zoned RDZ1.

The purpose and decision guidelines of the clause, including the views of the Department of Transport need to be considered in the assessment of the application.

General Requirements and Performance Standards

53.10 Uses and Activities with Potential Adverse Impacts

The purpose of this clause is to identify uses and activities which if not designed and located appropriately may cause offence or unacceptable risk to a neighbourhood. The clause stipulates threshold distances from land in residential, commercial and rural living zones as well as land used for a hospital or education.

The storage of petroleum products and crude oil in tanks exceeding 2,000 tonnes, with fixed roofs, is an identified use under this clause and provides for a threshold distance of 300m.

As the proposed fuel tank will only have a capacity of 68,000 L (approximately 60.18 tonnes) the provisions of this clause do not apply to this application. However, it is noted that the land on which the fuel tank is to be located is greater than 300m from land in a residential zone, being approximately 1km west of the Lismore township boundary.

Clause 65 Decision Guidelines

Must be considered in the assessment of the application.

Internal / External Consultation

Referrals

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

Section 55 Referrals	Response
Department of Transport (Determining Referral Authority)	Does not object to the granting of the planning permit subject to conditions.
WorkSafe Victoria (Determining Referral Authority)	Does not object to the granting of the planning permit subject to conditions.

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 the adjacent properties.
- Notice on Council’s website.

One (1) objection was received in relation to the proposal. The key issues can be summarised as:

- Traffic safety
- Noise
- Overprovision of fuel outlets

A copy of the objection is provided under separate cover. The applicant provided a response to the issues raised in the objection and this is also provided under separate cover.

Consultation

Consultation for the application was undertaken and included:

- Further advice was sought from the Department of Transport (DoT) regarding the location of the new access on the Lismore-Skipton Road and its proximity to the Hamilton Highway intersection after concerns were raised about traffic safety as a result of large vehicles turning into the property. DoT has inspected the site and confirmed that sight lines for both access points and the proximity of the Lismore-Skipton Road access (entry) to the intersection is acceptable.

- A planning site inspection held on Tuesday 11 January 2022, attended by Councillors, a council officer, and the applicant. Details of the application, key issues and matters raised in the objection were discussed.

Assessment

The assessment of the permit application will consider how the proposal responds to the purpose and decision guidelines of the Farming Zone, Clause 52.05 and 52.29 and both the strategic and policy direction outlined within the Municipal Planning Strategy and the Planning Policy Framework.

Municipal Planning Strategy and the Planning Policy Framework

The Planning Policy Framework (PPF) seeks to protect productive agricultural land from competing demands. There is also local policy support for this through the Municipal Planning Strategy (MPS). The MPS also seeks to direct commercial activities into the Lismore township. However, there is policy support for commercial and industry uses that provide a service and support the agricultural sector.

While the proposed fuel depot won't be limited to use by the agricultural sector, it is expected the majority of users will be from the agricultural sector and potentially the transport industry. The location of the fuel depot outside the township provides an alternative for larger vehicles that may have difficulty accessing in town facilities. The site is located adjacent to two arterial roads capable of accommodating larger vehicles expected to enter the site.

Farming Zone – Schedule 1 (FZ1)

The purpose of the Farming Zone is to provide land for agriculture and ensure that non-agricultural uses do not adversely affect agricultural land use and production.

The application proposes the use and development of land for a fuel depot and construction of associated road access on a large scale agricultural property, used for cropping and grazing. Consideration needs to be given to the suitability of the site for this purpose, including design and siting of buildings and works and potential impacts of agricultural.

The proposed fuel tank is to be located adjacent to the property boundary and close to existing infrastructure (shed and grain silos) but is to be kept and run separately from the existing farm operation. This is to minimise potential conflicts between vehicles and machinery operating in and around the silos and those accessing the site for fuel.

The location of the fuel tank in the south west corner of the site limits any impacts on the productive agricultural land, while providing a service and supporting the wider agricultural sector.

The site area was cleared of planted vegetation along the fence line prior to the application being lodged. Planning approval was not required for this. This opened up the rural landscape and the proposed fuel tank container will be clearly visible from most directions, including on the approach to the Lismore township via the Hamilton Highway. The visual impact will need to be managed given the proximity of the fuel tank to the highway on approach to the township from the west. In order to manage this, landscaping along the south west property boundary can be used. A landscaping condition should be included on any permit issued. The intention of such a condition should not be to completely screen the buildings and works but help soften the appearance of the proposed development and blend in with the surrounding area.

Clause 52.05 Signs

The purpose of Clause 52.05 is to ensure signs are compatible with the amenity and visual appearance of an area and do not adversely affect the natural or built environment, or the safety or efficiency of a road.

The application proposes to display a business identification sign on the side of the fuel tank container, facing out towards the road intersection. The sign will have a total display area of 3m². The container will be located centrally along the property boundary and setback approximately 60m from the road. The sign will not be illuminated.

The provision of landscaping as previously discussed will help soften the visual impact of the proposed development and associated sign on the rural landscape and given the large setback distance for the road and the scale of the proposed development, the sign will not have an unacceptable impact of the surrounding rural landscape or the operation of the road.

Clause 52.29 Land Adjacent to a Road Zone, Category 1

The purpose of the clause is to ensure there is appropriate and safe access to identified roads.

The application proposes to create two new access crossovers and an internal road to service the proposed use and development, including an entry point from the Lismore-Skipton Road and an exit point via the Hamilton Highway. Each road provides an important connection for commuters in the south west region, including the agricultural sector.

The application was referred to DoT who are a statutory referral authority for the application. They do not object to the granting of a permit subject to conditions. This includes construction and design standards for the new access crossovers. Vehicles will not be allowed to enter the site from the Hamilton Highway and vehicle movements to be confined to one-way through the site to ensure vehicles can enter and exit in a forward direction.

The subject site is adjacent to an intersection between two arterial roads and travelled by larger vehicles frequently. Based on advice received from the road authority the proposed use and development and access arrangements can be managed to ensure that the operation of the roads and public safety is not impacted.

Response to Objections

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

Objection	Officer response
Traffic safety	<p><u>Objection not supported</u></p> <p>The application includes the creation of access from the Lismore-Skipton Road and the creation of egress to the Hamilton Highway.</p> <p>DoT have inspected the site and do not object to the granting of the permit subject to conditions as outlined in the recommendation to this report. DoT are responsible for the management of both roads and Council should rely on their expertise and advice when considering this application.</p> <p>A copy of referral responses has been provided under separate cover.</p>

Objection	Officer response
Noise	<p><u>Objection not supported</u> Concerns were raised regarding potential increase of noise (air brakes) from additional trucks slowing to enter the site/turning at the intersection.</p> <p>The subject site is located at the intersection of two arterial roads. Both roads provide key transport links throughout the south west region and the management of road traffic noise is outside the scope of the planning permit application. Nevertheless, it is accepted that there may be small increase in the number vehicle movements at the intersection as a result of the proposed use and development but given existing conditions this is considered reasonable.</p> <p>The permit holder/operator will have a responsibility to ensure site operations comply with EPA noise guidelines</p>
Overprovision of fuel outlets	<p><u>Objection not supported</u> The objection identified that there are already two fuel outlets in Lismore and one in Derrinalum and that the proposed fuel depot is not necessary.</p> <p>Commercial competition for a business or service is not a valid planning consideration under the <i>Planning and Environment Act 1987</i>. Any decision must be made based on whether the use and development is appropriate.</p>

Options

Council has the following options:

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

Conclusion

The application for the use and development of land for a fuel depot, display of business identification sign and creation of access to Road Zone, Category 1 is supported. On balance, the proposal provides an acceptable response to the Municipal Planning Strategy, Planning Policy Framework, Farming Zone and Clauses 52.05 and 52.29, resulting in the proper and orderly planning outcome.

The issues raised in the objection have been considered in the assessment of the application. 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. PP2021/158 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 2 TP 438783H, 140 Lismore-Skipton Road Lismore for *Use and Development of Land for a Fuel Depot, Display of Business Identification Sign and the Creation of Access to a Road Zone, Category 1 (Hamilton Highway and Lismore-Skipton Road)*, subject to the following conditions:

Amended Plans

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 drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application, but modified to show:
 - (a) Landscaping along the south west property boundary in accordance with condition 4.

Layout Not Altered

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

Control of Light Spill

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

Landscaping

4. Within six (6) months of the completion of the development, or within the next applicable planting season, whichever is the earlier, the provision of landscaping along the south west property boundary must be planted with a mix of ground, mid and upper-storey vegetation using local and indigenous species for a minimum width of 5 metres to the satisfaction of Responsible Authority.
5. The landscaping must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Department of Transport Conditions

6. Access to the site shall be entry only from Lismore-Skipton Rd and exit only to the Hamilton Highway.
 7. Access crossovers shall be designed and constructed generally in accordance with VicRoads guideline drawing "GD4010 Typical Access to Rural Properties" (attached) to cater for a 26m B-Double vehicle as detailed in Table 2 - Access Setout Details to the satisfaction of, and at no cost to, the Head, Transport for Victoria and the Responsible Authority.
-

Should you have any enquiries, please contact:
swrresponse@roads.vic.gov.au

8. The crossovers must be:
- (a) Designed and constructed such that vehicle entry and exit movements may be executed in a forward direction.
 - (b) Formed to such levels and drained so that no stormwater spills onto the roadway.
 - (c) Treated with an all-weather seal or some other durable surface. The exit crossover (to the Hamilton Highway) must be sealed from the edge of seal of the highway to the property boundary or for 10 metres, whichever is the greater.
 - (d) Maintained in a fit and proper state so as to not compromise the ability of vehicles to enter and exit the site in a safe manner nor compromise the operational efficiency of the road or public safety (e.g. by spilling gravel onto the roadway).
9. The drainage culvert on the exit crossover must follow the existing drain's horizontal and vertical alignment and be fitted with driveable end walls on both ends.

WorkSafe Victoria Conditions

- 10. The applicant must comply with the Dangerous Goods Storage and Handling Regulations 2012 and the requirements outlined in AS 1940:2017 The storage and handling of flammable and combustible liquids.
- 11. The information provided by the applicant indicates there will be no other dangerous goods stored or handled on site. Should the applicant change the use of the address and start storing and handling dangerous goods other than the quantities of diesel indicated in this application (68,000 L), a new application must be submitted to WorkSafe.

Expiry of Permit

12. 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.

COUNCIL RESOLUTION

MOVED: *Cr Beard*

SECONDED: *Cr Makin*

That the recommendation be adopted subject to the following amendments:

That Council having caused notice of Planning Permit Application No. PP2021/158 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 2 TP 438783H, 140 Lismore-Skipton Road Lismore for Use and Development of Land for a Fuel Depot, Display of Business Identification Sign and the Creation of Access to a Road in Transport Zone 2 (Hamilton Highway and Lismore-Skipton Road), subject to the following conditions:

Amended Plans

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 drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application, but modified to show:
 - (a) Landscaping along the south west property boundary in accordance with condition 4.

Layout Not Altered

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

Control of Light Spill

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

Landscaping

4. Within six (6) months of the completion of the development, or within the next applicable planting season, whichever is the earlier, the provision of landscaping along the south west property boundary must be planted with a mix of ground, mid and upper-storey vegetation using local and indigenous species for a minimum width of 5 metres to the satisfaction of Responsible Authority.
5. The landscaping must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Department of Transport Conditions

6. Access to the site shall be entry only from Lismore-Skipton Rd and exit only to the Hamilton Highway.
7. Access crossovers shall be designed and constructed generally in accordance with VicRoads guideline drawing "GD4010 Typical Access to Rural Properties" (attached) to cater for a 26m B-Double vehicle as detailed in Table 2 - Access Setout Details to the satisfaction of, and at no cost to, the Head, Transport for Victoria and the Responsible Authority. Should you have any enquiries, please contact: swrresponse@roads.vic.gov.au
8. The crossovers must be:
 - (a) Designed and constructed such that vehicle entry and exit movements may be executed in a forward direction.
 - (b) Formed to such levels and drained so that no stormwater spills onto the roadway.
 - (c) Treated with an all-weather seal or some other durable surface. The exit crossover (to the Hamilton Highway) must be sealed from the edge of seal of the highway to the property boundary or for 10 metres, whichever is the greater.
 - (d) Maintained in a fit and proper state so as to not compromise the ability of vehicles to enter and exit the site in a safe manner nor compromise the operational efficiency of the road or public safety (e.g. by spilling gravel onto the roadway).
9. The drainage culvert on the exit crossover must follow the existing drain's horizontal and vertical alignment and be fitted with driveable end walls on both ends.

WorkSafe Victoria Conditions

10. The applicant must comply with the Dangerous Goods Storage and Handling Regulations 2012 and the requirements outlined in AS 1940:2017 The storage and handling of flammable and combustible liquids.
11. The information provided by the applicant indicates there will be no other dangerous goods stored or handled on site. Should the applicant change the use of the address and start storing and handling dangerous goods other than the quantities of diesel indicated in this application (68,000 L), a new application must be submitted to WorkSafe.

Expiry of Permit

12. 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.

CARRIED

Attachments

1. Copy of Planning Permit Application PP2021/158 - Under Separate Cover
2. Objection to Application PP2021/158 - Under Separate Cover
3. Applicant Response to Objection PP2021/158 - Under Separate Cover
4. S55 Referral Authority Responses PP2021/158 - Under Separate Cover

Cr N. Cole returned to the meeting at 7.16pm.

9. OFFICERS' REPORTS

9.1 Application of Common Seal of Council 2021

Author: James Plozza, 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 - James Plozza

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

Summary

This report informs Council of all applications of the Common Seal made by the Chief Executive Officer under delegation during 2021 and renews the Common Seal usage delegation to the Chief Executive Officer.

Introduction

The Corangamite Shire Council is required to keep and maintain a common seal under s 14(b) of the *Local Government Act 2020 (Vic)*. The common seal is used to execute documents of significant importance and is to be used in accordance with local laws. The seal carries legal weight, as the presumptive position at law is any document bearing the seal is prima facie properly sealed and legitimate.

The Common Seal may be used by Council as required as authorised by Council resolution. Additionally, under *Meeting Procedure Local Law No. 3 2016 (Local Law)*, Council may, by resolution, delegate the use of the Common Seal to the Chief Executive Officer for general classes of activities or transactions. The Chief Executive Officer is required by the *Local Law* to regularly advise Council of the use of the Common Seal when applied under delegation.

At its meeting on 27 January 2021, Council resolved to authorise the Chief Executive Officer to apply the Common Seal of Council to the following general classes of documents:

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

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

Issues

The Common Seal was applied by the Chief Executive Officer (CEO) during 2021 to the documents listed in the attached table.

To ensure compliance with the *Local Law* and Council's Leasing Policy the delegation to the CEO to apply the common seal to general classes of documents requires renewal.

Policy and Legislative Context

As previously stated, the *Local Government Act* requires that the Common Seal be used in accordance with local laws. The *Local Law* provides that Council may, by resolution, give the Chief Executive Officer authority to use the Common Seal for general classes of activities and transactions, and if so, the Chief Executive Officer must advise Council of such use on a regular basis.

This report ensures compliance with the *Local Law* and is consistent with the 2021-2025 Council Plan commitment and objective:

Having strong governance practices

Internal / External Consultation

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

Financial and Resource Implications

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

Options

Council is required to receive the list of documents sealed under CEO delegation in accordance with the *Local Law*.

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

Conclusion

Various documents require the use of the Common Seal. The *Local Law* details the use of the Common Seal and provides for the application of the Common Seal by the Chief Executive Officer under delegation for general classes of activities or transactions. The current classes of activities delegated are fit for purpose and should be renewed.

It is recommended that Council receives the attached list of documents to which the Common Seal was applied under delegation by the Chief Executive Officer during 2021 and renew the classes of activities and transactions currently delegated to the Chief Executive Officer.

RECOMMENDATION

That Council:

1. Receives the attached list of documents sealed by the Chief Executive Officer under delegation during 2021.
2. Authorises the Chief Executive Officer, in accordance with *Meeting Procedures Local Law No.3 2016*, to use the Common Seal for the following general classes of activities or transactions:
 - Planning and Environment Act section 173 agreements
 - funding/grant agreements
 - contracts endorsed by a resolution of Council
 - lease agreements endorsed by a resolution of Council
 - licence agreements endorsed by a resolution of Council
 - transfer of land documents for transactions endorsed by a resolution of Council
 - contracts awarded by the CEO within the CEO's financial delegation
 - the following types of leases from the Leasing Policy:
 - Airstrip Hangar lease renewals, transfers, assignments or subletting
 - All licence agreements, including renewals, assignments or subletting
 - Crown Land licence agreements.

COUNCIL RESOLUTION

MOVED: Cr Conheady
SECONDED: Cr Hickey

That the recommendation be adopted.

CARRIED

Attachments

1. Common Seal usage under CEO delegation 2021

Common Seal usage under CEO delegation 2021

Matter	Date sealed
Renewal of license for Camperdown Playgroup Inc. for a further 2-year period.	01/02/2021
Licence agreement for Sally Wood to operate a Child Counselling Service in the Old Toy Room of Camperdown Mechanics Institute.	01/02/2021
IN-SITU Stabilisation of road pavement, Foxhow-Berrybank Road, Berrybank.	08/02/2021
Declaration that Council will hold land purchased at 248 Timboon - Port Campbell Rd, Timboon upon registration of the plan of subdivision.	10/02/2021
s 173 agreement for previously issued Planning Permit PP2020/072 at 11-15 Tognis Access, Timboon.	01/03/2021
s 173 agreement for previously issues planning permit PP2018/118 attaching Bushfire Management Statement to the title.	16/03/2021
Transfer of land from EW Pastoralists Pty Ltd to Council at Leahy's Lane, Timboon.	30/03/2021
Tenancy arrangement for CFA to house a shipping container on land at 29 Grayland Street, Cobden (Cobden Airstrip).	31/03/2021
Contract for design, supply and modular construction of public toilets, Main Street, Derrinallum.	07/04/2021
Contract for Timboon Town Centre Activation – Package A – Extension IGA Car Park & Associated Works.	07/04/2021
Funding Deed to Corangamite Shire Council from Acciona Energy Australia Global Pty Ltd towards the construction of a new Viewing Area and associated infrastructure at Mt Noorat.	28/04/2021
Contract for Timboon Town Centre Activation Package C – Construction of footbridge over Power Creek	19/05/2021
Licence for Hangar Site H3 at the Cobden Airstrip awarded to Peter Allan Mark on a 5 year term.	31/05/2021
5-year Licence agreement for the Camperdown Pre-School until 30 June 2026.	15/06/2021
Contract for Timboon Centre Activation Project- Package A- Lambert Street Car Park and Associated Works.	16/06/2021

Deed of Variation No.3 in relation to Community Child Care Fund.	16/06/2021
Corangamite Shire received a Deed of Variation relinquishing funding from Service Systems Development (2021-22) and the funding is transferred to Social Support - Group (2021-22) and CHSP Transport.	25/06/2021
Renewal of license for the Simpson and District Community Centre for a 5-year term.	25/06/2021
Deed of Novation – Home and Maintenance Contract. Vendor transitioned to a new entity.	25/06/2021
Contract for Multi Culvert Replacements on Williams Road, Simpson.	13/07/2021
New licence agreement for the tenancy agreement for Western District Physiotherapy to occupy 129A, High Street Terang.	15/07/2021
1 year licence renewal for the Camperdown Theatre Shops	04/08/2021
Planning permit PP2016/124 for 2 lot subdivision 399 Vite Vite-Streatham Road Vite Vite.	11/08/2021
Renewed license agreement for the Simpson Bowl's Club for 1 Fisher Street, Simpson for a term of 5 years	13/09/2021
Planning Permit PP2021/032 issued for two lot subdivision at 75 Hennessy Street Port Campbell.	13/09/2021
Service Agreement with Western District Health Service.	16/09/2021
Deed of Variation with the Commonwealth Department of Veterans' Affairs.	11/10/2021
License Agreement for the Terang Pound, 129 Peterborough Road, Terang for a 3-year term.	22/10/2021
Deed of Variation with the Commonwealth Department of Health in relation to Aged Care Services.	28/10/2021
Lease Agreement with the Timboon Masonic Lodge for park land at the corner of Barrett and Bond Streets in Timboon for a term of 5 years.	16/11/2021
Agreement between Council and Shipbottom Pty Ltd regarding 270 N Robilliards	24/11/2021
License Agreement for the premises known as the Old Toy Library Room in the Mechanics for a period of 1 year.	13/12/2021

9.2 Recreation Facility Development Policy

Author: Jarrod Woff, Manager Facilities and Recreation

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 - Jarrod Woff

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

Summary

This report recommends adoption of the Recreation Facility Development Policy as a framework by which Council will consider requests for grants to assist with sport and recreation facility development.

This policy has been reviewed with only minor amendments recommended.

Introduction

The Recreation Facility Development Policy provides a framework by which Council will consider requests for grants to assist with sport and recreation facility development on both Council owned land and land not owned by Council and the responsibilities of any group receiving funding.

There are a number of facilities throughout the Corangamite Shire that contribute to the provision of sport and recreation. These facilities are recognised as important assets that encourage broad community use, events and economic activity.

This policy relates to funding requests for facility development only and does not include funding for events or activities.

Issues

Corangamite Shire boasts a range of recreation and sporting facilities that provide active or passive, structured or unstructured, formal and informal participation opportunities. A diverse range of facilities, including golf clubs, bowls clubs, tennis clubs, recreation reserves, equestrian facilities and indoor sports centres, provide the setting for sport and recreation participation. Quality facilities encourage participation, community use, events and contribute to the overall sustainability of the communities across the Shire.

Sport and recreation facilities perform many functions:

- they are used for the provision of recreation, sport and social activities
- they provide public locations where members of our communities can gather for group activities, social support, public information
- a community space which contributes to the social fabric of our communities
- they support employment
- they contribute to the liveability of a town and area.

Many of the facilities in Corangamite which provide general public access are located on land that is not owned by Council. There is considerable pressure on facility managers to monitor, maintain and upkeep their facilities to achieve community expectations and meet minimum facility provision guidelines set down by the respective state sporting association, in an environment of increasing operating costs. There is no funding provided by land owners, Department of Environment, Land, Water and Planning.

This policy provides the framework for Council to consider requests for grant funding for capital projects at sport and recreation facilities across the Shire, to ensure a consistent approach and to ensure that Corangamite Shire continues to provide and maintain high quality sport and recreation facilities.

Of key note is the requirement for any project to be clearly defined and for detailed project planning undertaken, such as detailed designs (where appropriate) and quotation/s for cost of works.

Typically, seeking funding from Sport and Recreation Victoria for facility upgrades requires plans to be provided as a part of any application. Council has provided the Facility Design Grants program this financial year to assist organisations with funding to seek detailed designs. In addition, Council has advocated to State Government for financial assistance to organisations to develop more detailed funding applications.

It should also be noted that Council is the only eligible applicant to these programs and so must work closely with the sporting groups to ensure all relevant information and documentation is provided to the appropriate standard.

The policy has been reviewed with only minor changes proposed, including adding a statement ensuring that the policy has been developed in accordance with the *Gender Equality Act 2020*.

Policy and Legislative Context

The Recreation Facility Development Policy is a Council policy which provides clear guidelines to decision making and implementation regarding Council's involvement in the development of sport and recreation facility projects across the Corangamite Shire.

The policy has been developed in accordance with Council's Policy Development Framework and Council's Procurement Policy.

The Recreation Facility Development Policy is consistent with the following 2021-2025 Council Plan commitments to:

- Access to infrastructure that supports a healthy and active lifestyle for our community
- Improving the health and wellbeing of our residents
- Corangamite residents have access to a range of sport and recreation opportunities
- Our community groups and clubs are engaged and supported and facilities are fit for purpose
- Having strong governance practices

It is also consistent with Council's Recreation and Open Space Strategy 2016-2026 to:

- Improve the quality of existing sport and recreation facilities and spaces
- Increase participation in sport and recreation

- Provide high quality, optimally used, sustainable sport and recreation facilities

The policy is also supported by Council's Municipal Public Health and Wellbeing Plan 2021-2025.

Internal / External Consultation

Council's Recreation Facility Development Policy has been reviewed internally by the Facilities and Recreation department and the Senior Officer Group.

Financial and Resource Implications

Council will consider all projects and requests for grants as a part of budget discussions each year.

The Recreation Facility Development Policy outlines that any projects and requests for grants will:

- have a demonstrated need, whether for facility upgrade or renewal, sports development outcomes and/or community demand
- reflect consideration of other potential external funding opportunities and/or a contribution from the community
- alignment with strategic plans

In some instances, and dependent on external funding guidelines, Council staff may be required to work closely with or manage projects where the facility is on land not owned by Council. This will be included in the general operations budget.

Options

Council may choose to adopt the reviewed Recreation Facility Development Policy as prepared, with amendments, or choose not to adopt the policy.

Conclusion

Sport and recreation provide an important role in promoting a sense of community, social inclusion and community wellbeing. Facilities that are of high quality encourage use, promote participation and provide the setting to enhance the health and wellbeing of residents and visitors to the Corangamite Shire.

A number of facilities are on Council owned land and some are on land not owned by Council.

This policy provides a holistic approach for Council to consider requests for grants to assist with the development of recreation facilities across the Shire.

RECOMMENDATION

That Council:

- 1. Revokes the previous Recreation Facility Development Policy Dated November 2018.**
- 2. Adopts the Recreation Facility Development Policy dated January 2022.**

COUNCIL RESOLUTION

MOVED: *Cr Makin*

SECONDED: *Cr Cole*

That the recommendation be adopted.

CARRIED

Attachments

1. Recreation Facility Development Policy with track changes DRAFT 2022 - Under Separate Cover
2. Recreation Facility Development Policy DRAFT 2022



**CORANGAMITE
SHIRE**

Recreation Facility Development Policy

Corangamite Shire
January 2022

Council Policy



Recreation Facility Development

Introduction

Sport, recreation and the natural environment form an integral part of the Corangamite Shire culture. Across the Shire a broad range of recreation and sporting facilities which provide active or passive, structured or unstructured and formal or informal participation opportunities are available including golf clubs, bowls clubs, recreation reserves which cater to football, netball and cricket, tennis clubs, equestrian facilities, indoor sports centres which offer a myriad of activities from squash and soccer to senior badminton and basketball. Recreation and open space facilities are recognised as important assets that encourage broad community use and opportunities for a well-balanced lifestyle with a range of physiological, mental, social and educational benefits. The facilities contribute to providing a social focus and influencing people's perception of their community. Quality facilities encourage broad community use, events, tourism and contribute to the overall economic sustainability of the communities in which they exist.

Purpose

This policy aims to detail Council's involvement in the development of sport and recreation facility capital projects across the Shire.

Scope

This policy applies to sport and recreation facilities in the Corangamite Shire which provide general public access and are used for community purposes on both Council owned land and land not owned by Council.

Definition

Grant – an allocation of funds on a non-recurrent basis for the purpose of fulfilling the specified project.

Value for money - selecting the supply of goods, services and works taking into account both cost and non-cost factors.

References

Corangamite Shire Council Procurement Policy
Corangamite Shire Recreation and Open Space Strategy 2016-2026
Recreation Reserve Masterplans 2021-2031
Great South Coast AFL, Cricket and Netball Strategy 2019-2033

Policy Detail - Decision Guidelines

Adopted at Council on:
Agenda Item:
Responsibility: Facilities and Recreation Manager
File Number: 3032985

Department: Works & Services
To be reviewed by: January 2025

Page Number: 2

Corangamite Shire Council Policy – Recreation Facility Development

Council will consider requests for grants as a part of budget discussions in each financial year.

Each request will be assessed in accordance with specific criteria:

- The project scope has been clearly defined.
- Detailed project planning has been undertaken with evidence of designs (where appropriate) and quotation/s for cost of works.
- The project budget reflects consideration of other potential external funding opportunities, and a contribution from the Committee / clubs / community.
- Preference will be given to those projects that are identified or align with Community Township Plans, State Government priorities, Regional Strategies, Recreation Reserve Masterplans and Club and/or Council's policies, corporate or strategic plans.
- Preference will be given to those projects that have a demonstrated need whether for asset condition upgrade or renewal, sports development outcomes and/or community demand. This may be evidenced by strategic planning work undertaken by the state sporting body or the club itself.
- Ongoing operational costs as a result of the facility development have been considered.
- Projects which are being undertaken by for-profit organisations will be ineligible to apply.

Implementation

- Council will consider financial contributions as a part of its annual budget development.
- If Council is providing funding, Council will disburse the grant directly to a Club or Community Group.
- Procurement based on best value for money will be the responsibility of the Club or Community Group.
- The project will be managed by the Club or Community Group directly with a representative from Council to sit on the project management team as required.
- The Club or Community Group will be required to provide an acquittal to account for the funds at the completion of the project.
- Where a third party organisation is providing funds and requires Council to manage funds on behalf of the Club or Community Group, funding recipients will be made aware of this policy and Council's Procurement Policy.
- In the event that Council's Procurement Policy must be observed then the minimum spend competition thresholds as specified will be adhered to.

Review Date

January 2025

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

Adopted at Council on:
Agenda Item:
Responsibility: Facilities and Recreation Manager
File Number: 3032985

Department: Works & Services
To be reviewed by: January 2025

Page Number: 3

Corangamite Shire Council Policy – Recreation Facility Development

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:
Agenda Item:
Responsibility: Facilities and Recreation Manager
File Number: 3032985

Department: Works & Services
To be reviewed by: January 2025

Page Number: 4

9.3 Contract No. 2022022 - Design and Construct Bridge Deck Replacements at Various Sites

Author: Brooke Love, Director Works and 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 - Brooke Love

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

Summary

This report seeks to award the contract for the design and construction of bridge deck replacements at 4 no. sites within the shire.

Introduction

The existing single span bridges at the following locations have timber bridge decks in poor condition which require ongoing maintenance by Council:

- Bornong Road Bridge, Cooriemungle
- Four Tree Road Bridge, Lismore
- Blind Creek Road Bridge, Bookaar
- Eight Mile Lane Bridge, Mingay

Tenders were sought from suitably qualified contractors for the detailed design and construction of works incorporating the removal of the existing timber decks and steel girders and other superstructure and replacement with concrete plank decking at these locations.

Issues

Two tenders were received for the design and construction of the various bridge deck replacements. Works in the contract include:

- Demolition and removal of existing timber deck, steel girders, guardrail and other superstructure at each bridge
- Design and construction of new concrete deck planks and barriers at each site.
- Engineering certification of design
- Barrier rail installation on the decks and approaches
- Installation of signage

- Traffic management
- Environmental management
- Occupational Health & Safety documentation and implementation
- Provision of construction and “as constructed” drawings

Only tenderers pre-qualified at VicRoads with level Bridgeworks B1 at the time of the closing of tenders were eligible to tender for this contract.

Both tenders were deemed compliant and the tenderers are experienced contractors with appropriate prequalification with VicRoads.

There is a variance of 25% between the lower and higher tender prices. The lower price submission from DC Projects is 5% lower than the benchmark estimate but higher than Council’s budget. Since the development of original estimates for these works in early 2021 for the 2021-2022 budget there has been a significance increase in costs in the construction industry attributed to labour and material shortages in the last 12 months during the COVID crisis. This has resulted in large differences between budget and tendered prices.

A panel comprising appropriately qualified and experienced Council staff undertook an evaluation of the tender submissions in accordance with Council’s Procurement Policy and with the specified criteria. As part of this tender evaluation, panel members assessed the tenderer’s submissions included providing scores collectively out of 10 (0 – nil submission, 10- fully met criteria) on how the tenders rated in relation to the above criteria. The scores for each tender were weighted based on the percentage break down of the criteria. A maximum aggregate score that a tenderer’s submission could receive from the panel is 10. Aggregate scores for each of the conforming tender submissions are provided in Table 1 below with the specified weighted criteria.

	Tender Price (exc GST)	Financial Benefit	Quality Assurance	Experience, Past Performance	Time Management	Local Content	WEIGHTED SCORE
Weighting		50%	15%	15%	15%	5%	
Contractor		Scores					
DC Projects	\$964,390	5	1.1	1.1	1.1	0.1	8.4
Tenderer 2	\$1,203,035	4	1.2	1.2	1.1	0	7.5

Table 1: Aggregated Tender Submission Assessment

Local content, defined as within the Corangamite Shire, was evident in the submission from DC Projects in which it advised its intention of purchasing accommodation, meals and fuel locally for its crew during the period of works.

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

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

It is considered that value for money is best achieved from the tender submitted by DC Projects at a price of \$964,390 (plus GST).

Policy and Legislative Context

The contract for the design and construction of bridge deck replacements was advertised for public tender, as required under the *Local Government Act* and Council policy, as it is a purchase greater than \$150,000.

Corangamite Shire's Council Plan 2021-2025 emphasises our commitment to ensuring our local roads and bridges are fit for purpose. The relevant objectives in our Plan are:

Maintain the condition of our existing local road network.

Improve the standard of roads where it will support business retention and growth.

Internal / External Consultation

Tenders were invited for these works by way of newspaper advertisements in November 2021. A set of tender documents was downloaded from the Council website by seventeen prospective tenderers.

Financial and Resource Implications

Council has \$551,785 in its 2021-2022 budget for the bridge deck replacements at the various sites. This represents a shortfall of \$412,605 based on the preferred tenderers tender price.

It is proposed that a variation to the current year budget be sought as a part of midyear budget review to reflect the commitment to this contract.

The recommended tenderer, DC Projects will be contracted to construct 2 of the 4 no. bridge deck replacements in 2021-2022 and the remaining 2 no. bridge deck replacements to be constructed by December 2022, as ,separable parts to the contract.

Any unspent funds for the remaining two bridges at the end of this financial year will be carried forward as commitments in the 2023 budget.

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

The recommended tenderer, DC Projects, is an experienced bridge construction contractor who several years ago, in conjunction with Council, successfully replaced the old timber deck with precast concrete panels at the Thornton Road bridge in South Purrumbete. More recently the company has undertaken extensive bridge related works including maintenance works on 8 no. bridges for Colac Otway Shire. An officer from that council advised that he was impressed with DC Project's works and added that there was a good working relationship between the parties.

The submitted program by DC Projects is based on a contract award at the end of January with works commencing in February 2022 with completion by the end of May 2022 in line with the Practical Completion due date of the contract. The successful contractor is required to submit an updated program of construction to Council for review following the award of the contract.

Options

Council may choose to award this contract to one of two contractors that have submitted tenders for the works, or alternatively not to award the contract.

Conclusion

The contract for the design and construction of bridge deck replacements at various sites has been tendered and evaluated in accordance with Council policy and the evaluation criteria. It is considered that the best overall value for Council is provided from the tender submitted by DC Projects Pty Ltd.

RECOMMENDATION

That Council:

1. **Awards Contract No. 2022022 – Design and Construct Bridge Deck Replacements at Various Sites to DC Projects Pty Ltd for the contract sum of \$964,390 plus GST.**
2. **Affixes the Common Seal of Council to the contract.**
3. **Vary the 2021-2022 Budget up to \$964,390 as a part of the mid year budget review.**
4. **Approves that any variations to the contract sum within the existing budget be approved under the delegation of the relevant Council officer up to CEO delegation level.**

COUNCIL RESOLUTION

MOVED: Cr Vogels
SECONDED: Cr Beard

That the recommendation be adopted.

CARRIED

Attachments

1. Tender Evaluation Report for Contract No. 2022022 - Under Separate Cover
2. Tender Evaluation Panel Declarations of No Conflict of Interest - Under Separate Cover

9.4 Voluntary Winding Up of the Corangamite Regional Library Corporation

Author: Brooke Love, Director Works and 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 - Brooke Love

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

Summary

This report seeks Council support of the dissolution of the Corangamite Regional Library Corporation.

Introduction

Corangamite Shire provides library services located in the five townships of Camperdown, Cobden, Derrinallum, Terang and Timboon.

Moyne Shire have three main library branches in Port Fairy, Koroit and Mortlake and provide service points at the Hawkesdale P12 College and Macarthur Primary School.

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

The Corangamite Regional Library Corporation (CRLC) currently provides library services for the Corangamite and Moyne Shire Councils.

In early 2021, both Corangamite Shire Council and Moyne Shire Council resolved to:

- Pursue a new, shared service, library management model, with direct service delivery operated by each Council to commence July 2022; and
- Confirm a 12-month transition period from Corangamite Regional Library Corporation commencing 1 July 2021.

A consequence of moving to a Shared Services model for the management and delivery of library services from 1 July 2022, is the 'winding up' of the CRLC, effective 30 June 2022.

As members of the current Corangamite Regional Library Corporation a formal resolution is required from both Moyne and Corangamite Shires to agree to the dissolution of CRLC in accordance with the Regional Agreement.

Issues

Corangamite Regional Library Corporation has sought expressions of interest from Registered Liquidators to undertake the winding up of the Corporation, in accordance with the legislative requirements.

At its CRLC Meeting on 1 December 2021, the Board met to discuss the process and timing of winding up the Corporation and resolved the following timelines:

- a) On or before, if circumstances require, 2nd June 2022, the Directors make a Declaration of Solvency
- b) On or before, if circumstances require, 30th June 2022 the Board meet to:
 - i) pass a special resolution to wind-up the Corporation; and
 - ii) at the same time make the appointment of a Liquidator for the purpose of winding up the affairs and distributing the property of the Corporation.

The endorsed timelines will ensure that the Board maintains control of the Corporation and library service business up to 30 June 2022 being the point at which the Council's will commence a Shared Service agreement (on 1 July 2022) and all transfer of business will come into effect. It will also ensure:

- minimal costs for liquidator services;
- all transactions relating to the CRLC are within the financial year end June 2022;
- the date aligns with the Note in the Financial Statements;
- assets/ liability split between Council's is dealt with prior to liquidator taking control;
- all creditors for the financial year can be paid.

Policy and Legislative Context

The Local Government Act 2020, section 330, provides that:

An existing regional library must be wound up in accordance with section 197G of the Local Government Act 1989 before the expiry of the period of 10 years after the commencement of section 110.

Section 197G of the Local Government Act 1989 (the Act) provides for the winding up of a regional library either voluntarily or by order of the Minister.

The Regional Agreement (clause 13) stipulates:

Subject to section 197G of the Act, the Regional Library may be dissolved by agreement of at least three quarters of the parties to this Agreement including those admitted as a party by supplementary agreement.

The dissolution of the Corangamite Regional Library Corporation is in keeping with Council's Plan 2021-2025 as follows:

Develop and implement the shared service library model in partnership with neighbouring councils

Internal / External Consultation

The Corangamite Regional Library Corporation Board have resolved that the winding up of the Corporation occur by 30 June 2022 considering requirements for notifications to Australian Securities & Investments Commission.

Council was briefed on this matter at its December briefing session. Moyne Shire Council have been briefed earlier this month and will consider a similar report and recommendation at its Ordinary Council meeting in February.

Financial and Resource Implications

There will be no direct cost to Council associated with winding up the Corporation. The Corporation will cover the cost of the liquidator which is expected to be less than \$10,000. There will be future costs associated with the dissolution of the Corporation. Under the *Agreement to Form the CRLC* members must meet the full costs directly incurred by the Corporation by reason of the dissolution. Members that exit are also liable for a portion of the liabilities and shall be entitled to a portion of the net assets of the Regional Library as at the date of the dissolution of the Corporation.

Options

Council can choose to support the winding up of the Corangamite Regional Library Corporation by 30 June 2022 as recommended by the Board. This will coincide with the commencement of the new Shared Service Agreement with Moyne Shire Council for the provision of library services. **Officer Recommended.**

Council could choose to defer winding up of the Corporation but must resolve to do so within the next nine years in accordance with the *Local Government Act 2020*. This decision is likely to have additional cost and resource implications and will require further consultation with the CRLC Board and Moyne Shire Council.

Conclusion

Council must resolve to agree to the dissolution of Corangamite Regional Library Corporation in accordance with the Regional Agreement. A consequence of moving to a Shared Services model for the management and delivery of library services from 1 July 2022, is the ‘winding up’ of the CRLC, effective 30 June 2022. The CRLC Board has met and resolved that the winding up of the Corporation occur by 30 June 2022, considering requirements for notifications to Australian Securities & Investments Commission.

RECOMMENDATION

That Council resolve to support the dissolution of the Corangamite Regional Library Corporation, in accordance with s197G of the *Local Government Act 1989* by 30 June 2022.

COUNCIL RESOLUTION

MOVED: Cr Cole
SECONDED: Cr Beard

That the recommendation be adopted.

CARRIED

9.5 Library Shared Services Agreement

Author: Brooke Love, Director Works and 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 - Brooke Love

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

Summary

This report presents the Corangamite and Moyne Library Shared Services Agreement for Council's consideration and delegation of authority to the CEO for signing.

Introduction

Corangamite Shire provides library services located in the five townships of Camperdown, Cobden, Derrinallum, Terang and Timboon. Plans are in progress for an Outreach library service in Skipton.

Moyne Shire have three main library branches in Port Fairy, Koroit and Mortlake and provide service points at the Hawkesdale P12 College and Macarthur Primary School. A review of outreach services is planned.

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

Following notification of the withdrawal of Warrnambool City Council and Colac Otway Shire from the Corangamite Regional Library Corporation, effective 30 June 2021, an independent and comprehensive review of Council's library services was undertaken, in partnership with Moyne Shire, in order to consider a new library service model to provide library services into the future.

At its January 2021 Ordinary Meeting, Council resolved to pursue a new, shared service library management model with Moyne Shire, commencing July 2022, with a twelve-month transition period commencing 1 July 2021.

Issues

The proposed shared service model provides for one Council to provide back of house operations and technical expertise (the Hub) to manage and support each of the Council's library service. The Hub will be operated by Moyne Shire Council from the Mortlake Library.

Each Council will maintain direct responsibility for management and costs of operations and staff for its own library branches and outreach service.

A Library Management Group will be established to oversee the shared service provision. The Shared Service model structure is attached.

State Government funding for recurrent operations of library services will remain.

Council's will subscribe to the state-wide Library Management System (LMS) through Public Libraries Victoria which provides free access to collection items (3 million) across all the library branches (150) that participate in Victoria.

The Shared Service model is both strategically sound and operationally superior as it will:

- align with *Local Government Act 2020*
- align with Libraries Victoria vision
- maintain direct control of service levels by Local Government Authority
- assist with effective for strategic risk mitigation
- enable staged implementation e.g. expansion.
- provide back-office efficiencies and minimises capital investment
- provide an attractive model for securing skilled and capable personnel
- provide for Library Victoria management of system administration and collection
- increase access to resources for residents
- has potential to address low performing indicator measures
- be a similar if not lower cost to participating Councils.

The Library Shared Service Agreement has been drafted and reviewed by Maddocks Lawyers and is attached under Separate Cover. The initial term of the Agreement is for three years from 1 July 2022 to 30 June 2025 with two further consecutive options of three years.

Policy and Legislative Context

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

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

The work on the transition to shared service library provision is supported by Council's Plan 2021-2025 under the theme A Connected Community. Council has identified what is important and what we are going to do:

Contemporary library services that are accessible to residents

Develop and implement the shared service library model in partnership with neighbouring councils

Facilitate access to library services for residents using a range of method

A key action in Council's Annual Action Plan 2021-2022 is to *Undertake planning for shared services library model.*

Internal / External Consultation

Internal workshops have been held with each of the relevant departments mainly as a joint workshop with officers from both Moyne and Corangamite Shire.

Senior officers and Councillors have been briefed on and have reviewed the shared service model and agreement.

Maddocks Lawyers have reviewed and finalised the Corangamite and Moyne Shared Library Service Agreement.

The next six months will involve the transition to, and implementation of, the Shared Service model as such continued discussions with internal departments and external agencies will continue and discussions with CRLC staff and the broader community will commence.

The next steps include:

1. Council resolution January (Corangamite) / February (Moyne) 2022 - delegate authority to the CEO to sign the Shared Service Agreement **(we are here)**
2. Recruitment Hub Coordinator for start early 2022
3. CRLC staff consultation February – June 2022
4. Community Consultation February – June 2022
5. Transition and establishment ongoing until June 2022
6. Implementation 1 July 2022

Financial and Resource Implications

Council's current annual recurrent contribution to library services is \$531,260.

This includes \$481,975 recurrent contribution to CRLC for library administration and \$49,285 recurrent contribution for facility maintenance, cleaning and utilities.

These costs do not include the provision of Outreach Services as this service ceased as of 30 June 2021 with the withdrawal of Colac Otway Shire.

The apportionment of costs associated with the Hub Operations are proposed to be split between Councils based on a *Cost Attribution Formula*. The current apportionment or municipal contribution is 51% Moyne and 49% Corangamite, as follows:

Members	Corangamite	Moyne
Total Population	33,027	
Population per Member (as per ABS 2019)	16,140	16,887
Population apportionment %	48.9%	51.1%

This formula has been used for the apportionment of costs for CRLC for many years and has previously worked well. It is considered this reflects the service to each of the Corangamite and Moyne communities and is flexible to change to individual demands and service levels should municipal populations increase or decline.

An indicative budget has been prepared for the library shared service model based on current service levels provided by CRLC, projected additional support and the Skipton Outreach Service. The projected expenditure is consistent with Council's current contribution to library services. The budget will be further refined and included for Councillor consideration as a part of the development of Council's 2022-2023 budget.

Options

Council can endorse the Shared Library Service Agreement between Moyne and Corangamite Shires as presented or may choose to make amendments to the agreement.

Conclusion

The transition to shared library services with Moyne Shire Council is progressing and requires Council's authorisation to delegate to the Chief Executive Officer the signing of the formal agreement for shared services and responsibilities.

RECOMMENDATION

That Council delegates to the Chief Executive Officer the authority to sign the Moyne and Corangamite Shires Shared Library Service Agreement as prepared by Maddocks Lawyers.

COUNCIL RESOLUTION

MOVED: Cr Hickey
SECONDED: Cr Conheady

That the recommendation be adopted.

CARRIED

Attachments

1. Library Shared Services Model
2. Library Shared Service Agreement - Under Separate Cover

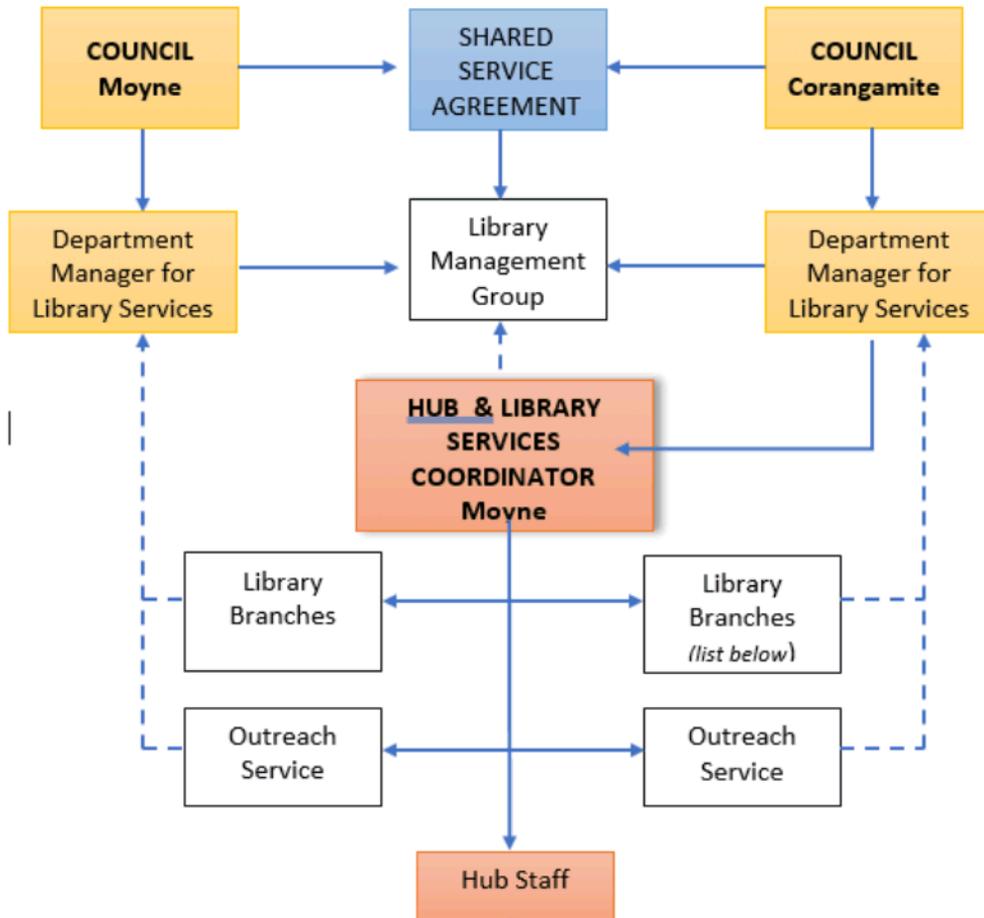


Figure 1. Corangamite and Moyne Shared Library Service Model

10. OTHER BUSINESS

10.1 Cr Vogels raised the matter of tyre stewardship and potential changes to EPA regulations for the use of decommissioned whole tyres on farm.

As many of you would be aware as of 31 December 2021, Australia has banned the exporting of whole tyres and there are concerns that there could be illegal dumping as a result.

From 27 October to 10 December 2021 – in one of the busiest times of year for farmers - DELWP “conducted a survey on the number and uses of waste tyres on farms and how farmers manage the environmental risks from use of waste tyres. The survey will be used to determine if the requirements for waste tyres on farms under the *Environment Protection Regulations 2021*.”

This was posted up on the Victorian Government’s “Engage” website with very little further information.

I have since received some very real concerns from farmers regarding any new EPA controls that would further restrict the use of whole tyres for silage stacks.

If the use of whole tyres on farms for silage stacks is banned there could be significant financial impacts for our farmers.

We need to be re-assured that this long-standing farming activity can continue, but also that there is no cost shifting to farmers who have re-used and retained these tyres on farm, often for a number of years.

It is not appropriate that the legacy cost of disposing of these tyres be borne by farmers, especially given they were received in a time when using old tyres in this way was allowed.

The outcomes of the survey from late last year have not been made available so I am unable to confirm if the rules are planned to be changed, or have indeed already changed.

I therefore request that Council investigate this issue to ensure farmers are not financially penalised for the re-use of whole tyres on their silage stacks.

COUNCIL RESOLUTION

MOVED: *Cr Vogels*

SECONDED: *Cr Cole*

That Council ask the CEO to investigate and research the outcomes of the DELWP survey on use of tyres on farm and the potential ramifications for farmers in our community.

CARRIED

11. OPEN FORUM

12. CONFIDENTIAL ITEMS

Nil.

Meeting Closed: 7.45 pm.

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

CONFIRMED:

(Chairperson)

DATE: