



CORANGAMITE
SHIRE

Minutes

Council Meeting

**Tuesday 28 February
2023**

Held in the Killara Centre
At the Camperdown Community
Centre
Commenced at 7:00 pm

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Order of Business

Minutes of the meeting of the Corangamite Shire Council
held in the Killara Centre at the Camperdown Community Centre,
210-212 Manifold Street, Camperdown Victoria 3260
At 7:00 pm on Tuesday 28 February 2023

The Mayor, Cr Ruth Gstrein declared the Council Meeting open at 7:00 pm.

Present

Councillors

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

Officers

Michael Tudball, Acting Chief Executive Officer
Justine Linley, Director Sustainable Development
Brooke Love, Director Works and Services
David Harrington, Director Corporate and Community Services
Aaron Moyne, Manager Planning and Building
Lylla Bond, Manager Environment and Emergency
Simon Buccheri, Manager Finance

1 Prayer

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

Amen.

2 Acknowledgment of Country

We acknowledge the traditional custodians of the land around Corangamite Shire, the Eastern Maar and Wadawurrung people.

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

3 Apologies

Nil

4 Declarations of Conflict of Interest

No conflicts of interest were declared.

5 Confirmation of Minutes

RECOMMENDATION

That the minutes of the Corangamite Shire Council meeting held on 14 February 2023 be confirmed as correct.

COUNCIL RESOLUTION

Moved: Cr Kate Makin
Seconded: Cr Laurie Hickey

That the recommendation be adopted.

CARRIED UNANIMOUSLY 7 / 0

6 Deputations and Presentations

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

No items were submitted.

7 Committee Reports

Nil

8 Planning Reports

8.1 Planning Permit Application PP2021/154 - Use and Development of Land for a Dwelling (Farm Worker Accommodation - 1510 Digneys Bridge Road Glenfyne)

Directorate: Sustainable Development

Author: Aaron Moyne, Manager Planning and Building Services

Previous Council Reference: Nil

Attachments:

1. Under Separate Cover - Combined Application Including Amendment to Application PP2021154 6539P [8.1.1 - 14 pages]
2. Under Separate Cover - Combined Objection PP2021154 6539P [8.1.2 - 2 pages]
3. Under Separate Cover - Applicant Response to Objection PP2021154 6539P [8.1.3 - 3 pages]

Declaration

Chief Executive Officer – Michael Tudball

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

Author – Aaron Moyne

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

Summary

Council must consider a planning permit application PP2021/154 for the use and development for a dwelling (farm worker accommodation). The proposed dwelling will be used to provide farm worker accommodation associated with an existing dairy farm.

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

The application has been assessed against the relevant provisions of the Corangamite Planning Scheme. The proposed use and development will provide an acceptable outcome in response strategic and policy direction and planning controls, and it is recommended that Council issue a Notice of decision to Grant a Permit.

Introduction

Planning Permit Application PP2021/154 was received by Council on 7 October 2021 and most recently amended under Section 57A of the *Planning and Environment Act 1987* on 13 October 2022. The application seeks approval to use and develop the land for a dwelling (farm worker accommodation).

Public notice of the application has been undertaken Council has received one (1) objection. Key issues raised can be summarised as:

- Loss of agricultural land
- Need for the dwelling
- Use of the existing shed
- Future use of the site and property
- Amenity impact (visual and noise)

This report provides a planning assessment of the application and addresses the key issues raised by the objection.

History

Planning Permit PP2018/010 was issued on 3 April 2018 for a two (2) lot subdivision (excision of dwelling). The subdivision was finalised and resulted in the existing dwelling on the property being separated onto its own lot – located west of the existing dairy on Ludemans Road.

The subdivision required a Section 173 Agreement to be entered into which limits any further subdivision of the property.

The landowner and family current live within an existing shed on the property without the required planning and building approval. Their plan is to build their own house on the property and a Building Permit was issued by a private building surveyor for the construction of a dwelling on 22 December 2022. The dwelling will be located on the larger part of the property and no planning permit is required.

A farm shed associated with the dairy farm and approved dwelling has recently been built on the property.

The landowner ultimately intends to move out of the shed and into their new dwelling once constructed.

Subject Site

The subject site has a total area of 27.64ha and forms part of a larger property of approximately 76.97ha comprised of two (2) lots.

The subject site contains an existing shed adjoining the property frontage at Digneys Bridge Road. The applicant currently lives within the shed without required approvals.

The larger property contains a dairy with frontage to Ludemans Road, along with an existing farm shed. The approved dwelling under the building permit will be built in the south-western corner of the farm.

Surrounding Area

The main site/locality characteristics are:

- The subject land and surrounding area are in Farming Zone – Schedule 1.
- The property is also covered in part by the Bushfire Management Overlay and Vegetation Protection Overlay (Schedule 1), which does not affect the area of the proposed dwelling.
- Digneys Bridge Road is an unsealed all-weather road managed by Council.
- The property is used as a dairy farm. Surrounding land within the area is also used in conjunction with agriculture, either associated with the dairy industry or for beef cattle production.
- Each of properties adjoining the site contain existing dwellings used in conjunction with agriculture. The property directly north of the site is a smaller rural-residential property.
- Land north-west and south-east of the property contains established remnant vegetation.
- An established limestone quarry exists along Ludemans Road which continues to operate.

The maps provided below show the 27.64ha site for the proposed dwelling (red) adjoining the balance property of 46.38ha used for the dairy farm (yellow). Total property area is approximately 76.97ha.



Figure 1. Planning Zone/Overlay Map

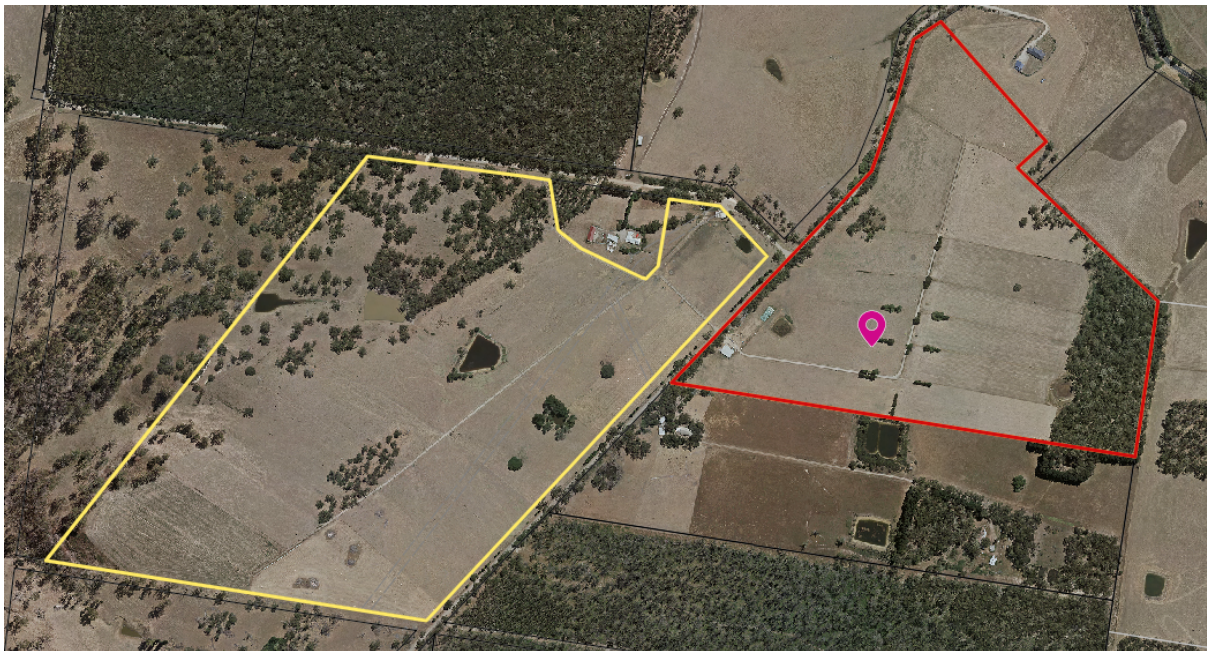


Figure 2. Aerial Map

Proposal

Use

The proposed dwelling will be used to provide on-farm worker accommodation associated with an existing dairy farm.

The landowner/applicant has previously lost a farm worker given the lack of available accommodation and is seeking to provide a dwelling to attract a new farm worker to support the continued farm operation. This may be a single person or family who will live on-farm.

As the applicant frequently works away, they need an employee on-farm to monitor and continue the operation of the farm.

Siting and Design

The proposed dwelling will be located 338m from the western property boundary of Digneys Bridge Road and 77m from the southern lot boundary.

The dwelling will be single storey and will incorporate three (3) bedrooms, kitchen and family area, lounge, bathroom and ensuite. External material used in the dwelling construction will include brick walls and a Colorbond corrugated iron roof.

Access and Services

Access is proposed to be provided utilising an existing farm access track which will be upgraded to provide all-weather access to the dwelling from Digneys Bridge Road.

A new on-site wastewater system will need to be installed to treat and retain all wastewater generated from the dwelling. Water and electricity will also be provided.

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

Policy and Legislative Context

Zoning

The subject site is in the Farming Zone – Schedule 1.

A planning permit is required to use and develop land for a dwelling on a lot less than 40ha in site area.

The purpose and decision guidelines of the Farming Zone must be considered in the assessment of this application.

Overlays

The subject site is also located within the Bushfire Management Overlay. No permit is required under this overlay as the dwelling is proposed to be located outside of this area.

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 02.03-3 Environmental risks and amenity (Bushfire, flooding, erosion and land slip)

Clause 02.03-4 Natural resource management (Agriculture); recognises that:

- The agricultural industry employs approximately one third of the Shire's workforce and that milk production is one largest agricultural enterprises in the Shire. The dairy industry makes a significant contribution at a state and national level.
- the protection and enhancement of the agricultural industry is linked to the Shire's environmental and economic wellbeing.

Clause 11 Settlement

Clause 11.01-1S Settlement

Clause 11.01-1R Settlement – Great South Coast

Clause 11.03-6S Planning for Places – Regional and local policies

Clause 12 Environmental and Landscape Values

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

Clause 13 Environmental Risks and Amenity

Clause 13.02-1S Bushfire - Bushfire planning

Clause 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, seeks to limit the loss of productive agricultural land and consider the continuation of agriculture and compatibility between land uses.

Clause 14.01-1L Agriculture - Protection of agricultural land; seeks to minimise conflict between agricultural and non-agricultural land uses in rural areas and discourages new dwellings not associated with or required for the agricultural land use.

Clause 14.01-2S Agriculture – Sustainable agricultural land use; encourages diversification and value-adding of agriculture through effective agricultural production and processing and seeks to assist genuine farming enterprises to embrace opportunities and adjust flexibly to market changes.

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 17.01-1R Employment - Diversified economy – Great South Coast; seeks to support agriculture as a primary source of economic prosperity and increase the region's contribution to the nation's food production.

Particular Provisions

There are no particular provisions relevant to this application.

Clause 65 Decisions Guidelines

Must be considered in the assessment of this application.

Internal / External Consultation

Referrals

There were no statutory referrals required to external authorities for this application.

Internal referral comments have been sought from Council's Assets Planning and Environmental Health Units.

Internal Departments	Response
Assets Planning	No comment.
Environmental Health	No objection, standard wastewater 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 property adjoining the subject site
- Council website

One (1) objection was received to the application from an adjoining landowner. The key issues raised in the objection can be summarised as:

- Loss of agricultural land
- Need for the dwelling
- Use of existing shed
- Future use of site and property
- Amenity impact (visual and noise).

The applicant has been provided with a copy of the objection and has provided a response to the matters raised. The concerns of the objector stand, and the objection has been maintained.

Copies of the objection and applicant response are provided.

Consultation

Consultation for the application was undertaken and included:

- A request for further information and various discussions with the applicant around the need for the dwelling and justification that it is proposed to be associated with an agricultural use.
- An on-site planning site inspection was held on Tuesday, 7 February 2023, attended by Councillors, Council officers, the applicant and objector.

Assessment

Planning assessment of the application will focus on how the application responds to the relevant provisions of the Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF), in conjunction with the purpose and decision guidelines of the Farming Zone.

The application seeks approval for a dwelling to provide farm worker accommodation to support the ongoing and continued operation of a dairy farm. Even whilst the dairy farm is comparably small-scale with other farms, it is still recognised that the nature of dairy farming requires a continued on-farm presence given the nature of the work and to maintain animal welfare.

The availability of accommodation is critical in key worker attraction and to support ongoing agricultural production in Corangamite Shire, maintaining a competitive position as a leading agriculture and dairy area.

Municipal Planning Strategy and Planning Policy Framework

The MPS is clear in the emphasis and strategic direction it places on agriculture, particularly the dairy industry and milk production. Agriculture is fundamental to the ongoing growth and prosperity of the Shire and is the largest component of the local economy, with direct and indirect economic benefits.

The support and growth of agriculture needs to be balanced with competing demands for rural-residential development, urban encroachment and fragmentation of productive agricultural land. The ongoing spread of dwellings and changing nature of agricultural production presents risk to the industry.

The PPF supports the MPS by establishing planning policy to protect and preserve productive farmland for agriculture that is of strategic significance. Planning for the use and development of agricultural land must consider impacts of the loss of productive land, continuation and compatibility with agricultural uses and land capability. Policy also seeks to support the adaptation and diversification of the agricultural sector by facilitating ongoing productivity, investment and response to market change.

These policies are further reinforced by local strategies at Clause 14.01-4L which seek to avoid rural-residential development where it cannot be demonstrated that it is required to support or maintain and agricultural use.

Planning policy and strategy also requires the consideration of other environmental factors, such as bushfire risk, land use compatibility and capacity of the site to treat wastewater.

The applicant operates a small dairy farm over approximately 77ha and require a dwelling for worker accommodation to support the continued operation of the farm. As the applicant frequently works away, they need an employee on-farm who will undertake tasks and responsibilities. The applicant is currently in the process of building their own dwelling on the land and they are committed to remaining within agriculture and running a dairy farm from the land.

The application must be assessed independently as a dwelling proposed on 27ha, however, the context of the farm is important to consider. The larger lot on-farm cannot be further subdivided and will remain as a 46ha lot.

The justification provided for the proposed dwelling is reasonable and it will provide a key piece of infrastructure that provides labour and supports the ongoing use of the farm. The dwelling has been sited on the property in a location removed from adjoining agricultural infrastructure, and will not cause land use conflict or constrain agricultural activity. These are outcomes strategically supported by planning policy.

It is highly unlikely any further rural-residential subdivision or development would be supported on the property, which would further fragment and undermine the productive capacity of the land, which still provides a valuable opportunity for agricultural production.

In relation to bushfire risk, the dwelling has been sited outside of the Bushfire Management Overlay but must still address Bushfire Attack Level (BAL) through any building permit in accordance with the *Building Regulations 2018*. This designates the standard of construction of the dwelling. Wastewater can also be adequately managed on the property and will be dealt with through a permit process by Council.

Overall, the proposed dwelling in conjunction with an existing dairy farm provides an acceptable response to the strategic and policy direction of the MPS and PPF. Importantly, the dwelling will support a continued agricultural use and will have limited impact on the compatibility and continuation of agriculture on adjoining land.

Farming Zone

The Farming Zone (FZ) builds upon planning policy and prioritises the use and protection of land for agriculture, along with encouraging the retention of employment and population to support rural communities.

In response to the decision guidelines of the FZ, the following comments are made:

- The dwelling will result in the loss of a small amount of land from agriculture, but this needs to be balanced against support the support and enhancement of the dairy farm through the provision of a dwelling for a farm worker/family.
- Provision of the dwelling for worker accommodation will deliver key infrastructure supporting the ongoing agricultural use of land and adaptation to market change, where an accommodation shortage exists.
- The site has capacity to support a dwelling, as a necessary component of the farm, whilst sustaining the dairy farm on the wider property.
- Residents of the dwelling will be involved in agriculture, and this will minimise any adverse or amenity impacts caused through farming activity or operations, which may occur with a dwelling not linked with agriculture.
- The proposed dwelling is not located nearby or within proximity to key agricultural infrastructure or other facilities, such as wind farms or extractive industry, which will have an adverse amenity impact or restrict those activities.
- Wastewater from the dwelling can be adequately treated on-site and there will be no adverse environmental impact.
- The dwelling has been sited with setback from Digneys Bridge Road and adjoining properties to minimise impacts on adjoining agricultural uses and will have a limited landscape impact given its single storey design.

Response to Objections

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

Objection	Officer response
Loss of agricultural land	<p><u>Objection supported in part</u></p> <p>The dwelling will result in the loss of a small area of the farm from agriculture, however, this must be balanced against the advantages to be achieved by supporting worker accommodation and agricultural production.</p> <p>There is nothing restricting future sale of the property and its separation from the dairy farm, but the application has been adequately justified basis that the dwelling is required for the farm. A dwelling on 27ha still has potential to support various productive agricultural uses.</p>
Need for the dwelling	<p><u>Objection not supported</u></p> <p>The application has been assessed on its merits considering the need for a dwelling to provide farm worker accommodation to support continuation of a dairy farm. There is a demonstrated agricultural need for the dwelling on the property.</p>
Use of existing shed	<p><u>Objection supported</u></p> <p>It is noted that the existing shed on the property is currently occupied and used for residential purposes without the required planning and building approval.</p> <p>The applicant has approval to build their own dwelling on the property and a condition of any permit granted through this application can include a condition requiring fixtures/fittings of the shed be removed and it no longer be inhabited.</p>
Future use of the site and property	<p><u>Objection not supported</u></p> <p>This application must be considered on its merits as a dwelling proposed to provide farm worker accommodation to support the dairy farm. A decision must be made on the appropriateness of the dwelling on this basis.</p>

Objection	Officer response
	Council has no direct mechanism to control the future use or sale of the property, outside of any proposed development of subdivision requiring a planning permit.
Amenity impact (noise and visual)	<p><u>Objection not supported</u></p> <p>The level of amenity protection afforded to dwellings within rural areas is lower than that expected and provided in residential areas that support housing and residential development. This is due to the nature of farming and other uses which can conflict with dwellings, and to prioritise agriculture over other uses.</p> <p>The proposed dwelling will be setback approximately 550m from the objectors dwelling and will not result in amenity impact through noise or visual impact. The surrounding area is not designated as an area offering higher landscape and visual protection.</p> <p>Setback distances between the dwellings is reasonable in a rural context.</p>

Options

Council has the following options:

1. Issue a Notice of Decision to Grant a Permit subject to conditions as set out in this recommendation. **(Recommended option)**
2. Issue a Notice of Decision to Refuse to Grant a Permit.

Conclusion

The application seeks approval for the use and development of land for a dwelling to provide farm worker accommodation in conjunction with an existing dairy farm.

Whilst the outcome will result in a dwelling on a lot less than the 40ha FZ minimum, it is considered that the dwelling is required to support and associated with agricultural production, enabling the continued operation of the dairy farm. Worker accommodation and housing more broadly is in limited supply in Corangamite Shire and where a balanced outcome can be achieved which supports and protects long-term agricultural production, whilst providing a new housing opportunity, the approval of a permit would be warranted.

The application has been assessed against the relevant provisions of the Corangamite Planning Scheme and provides an acceptable response to strategic and policy direction of the MPS and PPF, and purpose and decision guidelines of the Farming Zone.

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

RECOMMENDATION - 8.1

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. PP2021/154 to be given under Section 52 of the *Planning and Environment Act 1987* and/or the planning scheme and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Grant a Notice of Decision to Grant a Permit under the provisions of the Corangamite Planning Scheme in respect of the land known and described as Lot 1 TP 619113Y, 1510 Digneys Bridge Road GLENFYNE VIC 3266, for the Use and development of land for a dwelling (farm worker accommodation) in accordance with the endorsed plans, with the application dated 7 October 2021, subject to the following conditions:

Layout Not Altered

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

Services to Dwelling

2. The dwelling must be connected to a reticulated sewerage system or if not available, the wastewater must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017* for an on-site wastewater management system.

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

3. The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
4. The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

Stormwater Drainage

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

No Polluted and/or Sediment Laden Run-Off

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

Decommissioning of Existing Shed Facilities

7. Within six (6) months of the use commencing, the fixtures and fittings in the existing shed must be removed so that is no longer used or able to be used for habitable purposes.

Expiry of Permit

8. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two (2) years of the date of this permit.
 - b) The development is not completed and the use started 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 Kate Makin
Seconded: Cr Laurie Hickey

That the recommendation be adopted.

CARRIED UNANIMOUSLY 7 / 0

8.2 Unlocking Housing Timboon Planning Scheme Amendment C58cora

Directorate: Sustainable Development

Author: Aaron Moyne, Manager Planning and Building Services

Previous Council Reference: Nil

Attachments:

1. Under Separate Cover - C58cora Timboon Amendment Documentation [8.2.1 - 33 pages]

Declaration

Chief Executive Officer – Michael Tudball

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 continues to work through the planning, design and delivery of the Unlocking Housing Simpson and Timboon projects. Both projects are Council strategic priorities aligned with the delivery of housing and residential subdivision to population growth in the Shire.

The Simpson project site is progressing through a planning scheme amendment process (PSA) to rezone the land through the Victorian Government's Development Facilitation and Priority Projects Program.

The Council owned Timboon project site required further technical assessment and has not followed the same pathway for PSA. The best option for Council to rezone the land is to lead its own PSA process.

This report presents a recommendation to seek authorisation from the Minister for Planning to proceed with public exhibition of Planning Scheme Amendment C58 in accordance with the *Planning and Environment Act 1987*.

Introduction

Following preparation of the Positioning Simpson and Timboon Strategy 2020 and the Key and Essential Worker Housing Action Plan 2020, Council secured project funding of \$1 million respectively (\$2 million total) through the Victorian Government's Living Regions Living Suburbs Program. The funding is in place to support post-COVID recovery and growth and enable Council to work through the planning and design for the delivery of services an enabling infrastructure to deliver residential development.

The delivery of serviced and market-ready residential land for development is critical to support business investment, economic development and township growth within Corangamite Shire particularly within the coastal hinterland where land supply is constrained and significantly limited along the coast.

Significant work has been undertaken over the past 12-18 months to prepare technical assessment and investigations to develop an evidence base to support rezoning of the land.

Community Reference Groups (CRG) have been established and concept master plans prepared to provide an indication of how each site could develop, subject to further planning and design.

Council has engaged Tomkinson and KPMG to undertake further detailed work around development delivery options, financial model and design and construction, which will be progressed and finalised in the next 3-6 months. This will then follow by planning approval for subdivision, before progressing to final civil design and delivery.

Council has progressed the Unlocking Housing Simpson site through the Victorian Government's Development Facilitation and Priority Projects Program, however, this is not a viable option for the Timboon site.

A PSA must be undertaken to rezone the land to then enable Council to move through the next stages of development design, options, approval and delivery.

Issues

The Unlocking Housing Timboon site incorporates land owned by Council, which includes the Timboon Waste Transfer Station, and a property which has been purchased at 17 Curdies Road.

PSA C58 has been prepared to introduce the relevant planning scheme controls and rezone the site. Specifically, the PSA will:

- Rezone part of land at 5 Curdies Road, Timboon adjoining the Public Use Zone from Farming Zone to Public Use Zone.
- Rezone the remaining land at 5 Curdies Road and 17 Curdies Road, Timboon from Farming Zone to Neighbourhood Residential Zone (Schedule 1).
- Apply the Neighbourhood Residential Zone (Schedule 1) to the unnamed and unmade government road.
- Applies Schedule 7 to the Design and Development Overlay, to the proposed Neighbourhood Residential Zone to support bushfire planning and subdivision design requirements.

In effect, the PSA will rezone the land to support and enable future residential development to occur, whilst concurrently enabling the continuation of the Timboon Waste Transfer Station on part of the land in the appropriate Public Use Zone. The aligns with the Timboon Waster Transfer Master Plan prepared for the site.

As it currently stands, the overall site is comprised of three (3) individual lots and an unmade road reserve. To align with the proposed rezoning extent and ensure the property does not fall within two zones, a planning permit application to subdivide the land and realign boundaries will be submitted independently and processed by Council's Planning Department. This will help formalise property title arrangements before further subdivision planning on the land occurs.

The efficient authorisation and processing of the PSA is critical to the ongoing planning and delivery of the Unlocking Housing Timboon project being led by Council and funded by the Victorian Government.

Policy and Legislative Context

This report is also in keeping with the commitments in the Council Plan 2021-2025:

Theme One - A Connected Community
Infrastructure and services that deliver population growth and new housing

Theme Two - A Thriving Community
More housing and subdivision to cater for population growth
Corangamite's townships are attractive, accessible and appealing to visitors and are presented in a way in which our residents can be proud
We retain and we grow our population

Theme Four - Improving Our Environment
Protecting and improving our built and natural environment

Theme Five - Community Leadership
We listen to and engage with our community

Council's 2022-2023 Annual Action Plan identifies the commencement of the subdivision and infrastructure work for the Unlocking Housing Simpson and Timboon projects.

Internal / External Consultation

Ongoing public consultation and engagement has been a core component of the Unlocking Housing projects in accordance with Council's Community Engagement Policy.

Multiple consultations points were undertaken in the preparation of the Positioning Simpson and Timboon Strategy 2020 with submissions received from community and both agencies and authorities.

Community Reference Groups (CRG) have been established for each Unlocking Housing project, chaired by the ward Councillors, Cr Vogels and Cr Makin. The CRG provides a valuable mechanism to share project information and updates, whilst seeking input into development design such as the concept master plan. Further CRG meetings will be scheduled as the project progresses.

Project updates and information has also been shared through media release and Council's website which contains specific information.

The PSA is a statutory process which requires public exhibition and notice. This will involve letters being sent to affected landowners and residents, newspaper advertisements and notice to relevant government departments and Ministers. Given the specific nature of the PSA, public exhibition will be confined.

Submissions received through public exhibition of the PSA must be considered by Council in accordance with the *Planning and Environment Act 1987*. Any submissions which request changes or oppose the amendment (in part or full), and can't be resolved, must be referred to a Planning Panel appointed by the Minister for review.

Financial and Resource Implications

Preparation of the PSA is being delivered within existing budget allocation and utilising funding obtained by the Victorian Government.

Rezoning of the land will result in value uplift which will have a positive financial outcome for Council and will be factored in the project delivery options.

Priority will be made to process the PSA efficiently to aim to have the land rezoned before 1 July 2023 when the Victorian Government's legislated Windfall Gains Tax (WGT). Further analysis of potential WGT implications will be undertaken.

Options

It is recommended that Council resolve to seek authorisation from the Minister for Planning and undertake public exhibition of PSA C58 in accordance with the *Planning and Environment Act 1987*.

Council may alternatively choose to not proceed with the PSA.

Conclusions

Unlocking Housing Timboon is a priority project for Council to pursue with the support of Victorian Government funding through the Living Regions Living Suburbs Program to delivery serviced, market-ready residential land.

A PSA must be undertaken to rezone the land and apply the appropriate planning controls to allow the land to be further subdivided and developed.

This report seeks to initiate a request to seeking authorisation from the Minister for Planning and undertake public exhibition of PSA C58 in accordance with the *Planning and Environment Act 1987*.

RECOMMENDATION - 8.2

That Council

- 1. Proceed to seek authorisation from the Minister for Planning for Planning Scheme Amendment C58 under Section 8A and exhibit Planning Scheme Amendment C58 in accordance with Section 19 of the *Planning and Environment Act 1987*, subject to final ordinance and mapping changes.**

COUNCIL RESOLUTION

Moved: Cr Kate Makin
Seconded: Cr Jamie Vogels

That the recommendation be adopted.

CARRIED UNANIMOUSLY 7 / 0

8.3 Skipton Structure Plan

Directorate: Sustainable Development
Author: Aaron Moyne, Manager Planning and Building Services
Previous Council Reference: Nil
Attachments:
Nil

Declaration

Chief Executive Officer – Michael Tudball

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

This report provides a project overview of the forthcoming Skipton Structure Plan (Structure Plan).

Project planning is being finalised and the project will commence in March 2023 with an aim to deliver a final Structure Plan for Council adoption by February 2024, before commencing a planning scheme amendment and other actions for implementation.

The Skipton Structure Plan will establish a vision, strategic direction and a long-term land use planning framework over a minimum fifteen (15) year horizon.

Introduction

Council is seeking to support the growth and development of Skipton by preparing a Structure Plan.

The Structure Plan will provide Council, community and other stakeholders with a vision and strategic direction for Skipton that supports future growth and development of the town.

The need and strategic basis for the Structure Plan arises from the Council Plan 2021-2025, which identifies the importance of delivering more housing and subdivision to cater for population growth, along with services and infrastructure enabling residential, industry and business growth.

To support preparation and delivery of the Structure, Council has been successful in obtaining \$100,000 project funding through the Victorian Planning Authority (VPA) Streamlining for Growth Program 2022-2023.

Strategic land use planning was last undertaken in Skipton in 2001 and the current planning framework is now outdated and no longer aligned with State and regional planning policy.

A key factor in planning for future growth and development in Skipton is the Mount Emu Creek which runs through town. The town has been subject to a number of past significant flood events, with consideration of flood risk, mitigation and adaption forming an important component of the project.

A project plan has been finalised and quotes have been sought from suitable planning consultants to prepare and deliver the Structure Plan. Niche Studio have been appointed by Council and will lead delivery of the project.

Preparation of the Structure Plan presents an important opportunity for Council and all other stakeholders (e.g. community, developers, agencies, authorities and Traditional Owners) to work in partnership and review the short and long-term needs of the community, positioning Skipton to capitalise on future development, investment and growth opportunities, whilst preserving and enhancing valued features and assets.

The Skipton Structure Plan is part of a broader strategic planning work program Shire to establish long-term goals and objectives, positioning Corangamite Shire to capitalise on population attraction and future growth and development opportunities.

Issues

The Structure Plan will establish a planning framework to position Skipton as a commuter and service town, that is attractive to business investment and tourism opportunities. The Plan will set a vision, strategic direction and a clear action and implementation plan, to deliver a land use planning framework to facilitate growth and support a thriving town.

Skipton is uniquely positioned in the north of the Shire and located close to Ballarat as its closest regional centre. The town has a close connection and alignment with the Central Highlands Region, with many local and regional services sourced and provided from Ballarat.

Council has received increased community interest over the past 12-18 months regarding long-term planning and future growth opportunities for the town.

Preparation of the Structure Plan will involve:

- Development of a vision and strategic direction for Skipton based on its location on key transport corridors, future role and opportunities for tourism.
- Delivery of a long-term planning framework and settlement boundary.
- Preparation of an updated township framework plan for inclusion in the Municipal Planning Strategy.
- Analysis and preparation of long-term planning strategies.
- Review and analysis of residential, commercial and industrial land supply need, including a diversity of housing supply and the delivery of key worker and affordable housing.
- A focus on supporting housing growth and the delivery of market-ready land supply.
- Planning for future commercial and industrial opportunities to support the economic viability of the town, recognising its key location on key transport routes and its links with agriculture and associated industries.
- Consideration of environmental risks, constraints and values, including flood risk and land capability, and protection of Mount Emu Creek and its environs.
- Enhancement and revitalisation of gateway entrances, public open spaces and physical environs.
- Consideration of tourism opportunities and attractors to the town, including the Ballarat-Skipton Rail Trail.
- Partnering with Wadawurrung Traditional Owners and other key stakeholders in the development of the Plan.

A work program prepared by the project consultant is outlined in Figure 1.

Skipton Structure Plan Work Program Outline

A summary of the project methodology is outlined below. A more detailed work program can be provided, which will be a working document, as the project progresses.

STAGE		KEY MILESTONES	TIMELINE
INCEPTION	①	Inception meeting Project Working Group 1 Engagement Plan	February 2023
BACKGROUND & ANALYSIS	②	Background report Technical inputs Stakeholder liaison	May 2023
COMMUNITY ENGAGEMENT	③	Community focus groups Stakeholder discussions Surveys Engagement Report	July 2023
DRAFT STRUCTURE PLAN	④	Draft Structure Plan Community drop-in sessions Council briefing	November 2023
FINAL STRUCTURE PLAN	⑤	Community feedback Final Structure Plan	February 2024
IMPLEMENTATION	⑥	Actions and priorities Draft and final planning scheme amendment documents	March 2024

Figure 1. Skipton Structure Plan Work Program

A Project Working Group (PWG) will be established to participate in the planning and development of the Structure Plan. The PWG will provide feedback, local insight and experience to help inform the project.

The PWG membership will include:

- North Ward Councillor (Chair)
- Council officers
- 1 x Skipton Progress Association representative
- 1 x Emergency Services Representative
- 2 x industry/business/sporting group representatives
- 3 x community members
- Consultant team (as required)

In conjunction with the PWG, an Internal Working Group and Stakeholder Reference Group will be established to ensure engagement and technical planning occurs with internal departments and relevant service authorities and government agencies.

Policy and Legislative Context

This report is in keeping with the commitments in the Council Plan 2021-2025:

Theme One - A Connected Community

Infrastructure that enables industry and business growth

Infrastructure and services that deliver population growth and new housing

Access to infrastructure that supports a healthy and active lifestyle for our community

Theme Two - A Thriving Community

Facilitating and supporting economic development

More housing and subdivision to cater for population growth

We retain and we grow our population

Theme Three - A Healthy, Active and Resilient Community

Community resilience is improved to allow individuals and towns to respond and recover from emergencies

Theme Four - Improving Our Environment

Protecting and improving our built and natural environment

Theme Five - Community Leadership

We listen to and engage with our community

Working with First Nations people

Preparation of the Structure Plan also has alignment with:

- Community 2040 Vision
- Grow and Prosper Corangamite (draft)
- Great South Coast Regional Economic Development Strategy 2022
- Great South Coast Regional Growth Plan 2014

Internal / External Consultation

A consultation plan will be developed in accordance with the IAP2 principles of inform, consult, involve and collaborate and in accordance with Council's Community Engagement Policy.

Consultation will primarily occur across two key stages of the project:

1. Background Analysis/Issues and Opportunities stage
2. Draft Structure Plan stage

Ongoing consultation will occur with the PWG, internal and stakeholder reference groups as required, whilst project updates will be released at key stages of the project.

Statutory implementation of the Structure Plan via a Planning Scheme Amendment will incorporate further public exhibition and an opportunity for submissions to be made.

Financial and Resource Implications

Council has been successful in obtaining \$100,000 of funding from the VPA, to complement Council's own budget allocation of \$80,000 for the project.

Kristen Wilkes, Council's contract Strategic Planner, will lead project management in conjunction with the appointed consultant.

Options

That Council note the report and endorse the composition of the PWG and nominate Cr Cole (North Ward Councillor) as Chair.

Conclusions

Preparation of the Skipton Structure Plan will establish a vision, strategic direction and deliver a long-term land use planning framework.

The Structure Plan will cover a minimum fifteen (15) year horizon and presents an important opportunity for Council to work with community to plan future growth and development of the town.

RECOMMENDATION - 8.3

That Council:

- 1. Endorses the composition of the Project Working Group for the Skipton Structure Plan; and**
- 2. Nominates the North Ward Councillor to perform the position as Chair of the Project Working Group.**

COUNCIL RESOLUTION

Moved: Cr Nick Cole
Seconded: Cr Geraldine Conheady

That the recommendation be adopted.

CARRIED UNANIMOUSLY 7 / 0

9 Officer's Reports

9.1 Finance Report - January 2023

Directorate: Corporate and Community Services
Author: Simon Buccheri, Manager Financial Services
Previous Council Reference: Nil
Attachments:
1. Finance Report for January 2023 [9.1.1 - 13 pages]

Declaration

Chief Executive Officer – Michael Tudball

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

Author – Simon Buccheri

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

Summary

This report is to note Council's current financial position as at 31 January 2023 and to approve changes to the 2022-2023 reviewed budget, that have resulted from a mid year review of operations.

Introduction

Council adopted the 2022-2023 budget at the ordinary Council meeting in June 2022. At the August 2022 ordinary Council meeting, a number of 2021-2022 projects and grants paid in advance were identified as being required to be carried forward to the 2022-2023 year.

Managers have conducted a review of budgets and the required funds to deliver programs and initiatives. This report is seeking approval of the changes which will decrease the cash position at the end of the year by \$998,701 with a significant component of this being transition costs for Aged Services. Council's year to date financial performance for 2022-2023 is currently favourable to budget.

Issues

Budget Variations

Council's target cash position is \$5 million or greater on an annual basis. The cash position as at 30 June 2022 was \$48.38 million which was primarily due to incomplete projects, grant funding received in advance and a favourable result to the adjusted forecast. The higher than forecast cash position as at 30 June 2022 will fund the carry forward budget adjustments approved in August 2022 and improve the starting position for the 2023-2024 Budget.

A summary of forecast cash positions is detailed below:

Cash position as at 30 June 2022	\$48,382,441
2022-2023 adopted surplus / (deficit)	(\$651,702)
2021-2022 carry forwards (net)	(\$32,264,178)
2022-2023 September quarter adjustments	\$460,909
2022-2023 December quarter adjustments	(\$10,000)
2022-2023 Mid-Year quarter adjustments	(\$998,701)
Forecast cash position at 30 June 2023	\$14,918,769

Financial Performance

Council's financial performance for 2022-2023 is on target with a year to date favourable cash variance of \$2,008,625 compared to year to date budget. Main contributors to the higher than forecast cash result at 31 January are:

- Recurrent operations are \$2,936,845 favourable primarily due to grants paid ahead of schedule and additional landfill fees collected due to increased demand.
- Project related expenditure is \$597,730 unfavourable due to projects being completed ahead of schedule.
- Capital operations are \$490,698 favourable with some capital projects running behind schedule and grants not paid in line with forecast.
- Proceeds from sale of property are \$356,828 unfavourable to budget. This is due to the timing of the trade-ins with a number of vehicles waiting to be traded. Actual trade in values are returning higher than budgeted for the full year.
- Extraordinary events are \$539,498 unfavourable due to phasing of expenditure and flood works completed.

Policy and Legislative Context

The report meets Council's requirements for reporting under the *Local Government Act 2020* and is also in keeping with the commitments in the Council Plan 2021-2025:

Theme Five - Community Leadership
Having strong governance practices
Ensuring that we maintain our strong financial position
Council promotes best value and value for money for its ratepayers

Internal / External Consultation

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

Financial and Resource Implications

The financial performance of Council is favourable for the period ended 31 January 2023 and a "cash" surplus is projected for 30 June 2023.

Conclusions

Council's financial performance for 2022-2023 remains on target. The year to date cash variance of \$2,008,625 is favourable compared to budget. This is primarily due to timing of grants, phasing of expenditure and forecast delivery dates of projects. Council's cash position will remain within the target of \$5 million or greater.

RECOMMENDATION - 9.1

That Council:

1. Receives the finance report for the period ending 31 January 2023.
2. Approves the adjustments to the 2022-2023 reviewed budget.

COUNCIL RESOLUTION

Moved: Cr Kate Makin
Seconded: Cr Laurie Hickey

That the recommendation be adopted.

CARRIED UNANIMOUSLY 7 / 0

9.2 Local Government Performance Indicators Report for the six-month period ending 31 December 2022

Directorate: Corporate and Community Services

Author: David Harrington, Director Corporate and Community Services

Previous Council Reference: Nil

Attachments:

1. Under Separate Cover - LGPRF Council Report for 6 month period ending 31 December 2022 [9.2.1 - 14 pages]

Declaration

Chief Executive Officer – Michael Tudball

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

Author – David Harrington

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

Summary

The purpose of this report is to provide Council with a report on the Local Government Performance Reporting Framework (LGPRF) Indicators provisional results for the six-month period ending 31 December 2022, as required under the *Local Government (Planning and Reporting) Regulations 2020*.

Introduction

The LGPRF is a mandatory system of reporting to ensure all councils are measuring and reporting their performance through a consistent set of indicators.

The aim of the LGPRF is to strengthen accountability and transparency across local government.

Council are also required to report performance indicator information in their annual reports and this information is also published on the 'Know Your Council' website.

The *Local Government (Planning and Reporting) Regulations 2020* set out the financial planning and reporting framework for local government, including the legislated performance indicators.

There are currently 82 mandatory indicators in the framework. The indicators need to be reported in the 2022-2023 Annual Report and will assist Council to monitor its performance over time and benchmark performance on an annual basis with other councils. Some of the indicators will be audited by the Victorian Auditor General's Office and form part of the Performance Statement.

The mandated indicators and measures are grouped into three areas:

- Service performance - 40 indicators across nine services.
- Financial performance - 11 finance indicators.
- Sustainability - Seven indicators relating to sustainable capacity, 24 indicators relating to governance and management).

Issues

The six-month period provisional results, and where applicable, comparative results for the same period last year and previous financial years are reported in the attachment (under separate cover).

Council's performance for the six-month period ending 31 December 2022 is generally positive with respect to the service performance indicators. Results are also generally favourable amongst financial performance and sustainability indicators. Council continues to be fully compliant with its governance requirements as reflected in the governance and management checklist.

Care should also be taken when interpreting the data provided in this report, as it only pertains to half the financial year. Non-financial elements reported are not always uniform throughout the year and the timing of revenue or expenditure recognition often varies from year to year.

Policy and Legislative Context

Consideration of this report is in accordance with the *Local Government Act 2020*, *Local Government (Planning and Reporting) Regulations 2020*.

This report is also in keeping with the commitments in the Council Plan 2021-2025:

- Theme Five - Community Leadership
- Having strong governance practices
- Ensuring that we maintain our strong financial position
- Council promotes best value and value for money for its ratepayers

Internal / External Consultation

The reporting of results of the six-month performance for 2022-2023 has been coordinated by Council's Executive Services and Governance Coordinator, with data collation completed by nominated department managers. The Senior Officer Group has reviewed the results.

Internal / External Consultation

It is estimated the recurrent, indirect costs cost associated with the LGPRF reporting is \$15,000 per annum with involvement of up to 15 staff across the organisation.

Conclusions

Effective performance reporting by councils is essential for ensuring accountability to residents and ratepayers. The primary objective of the LGPRF is to provide comprehensive performance information for this purpose. The data generated by the LGPRF can also provide an incentive to improve the performance once trend data becomes available. Council's performance for the six-month period ending 31 December 2022 is generally comparable to the same period last year and reflects strong progress with most indicators when compared to trend data.

RECOMMENDATION - 9.2

That Council notes the six-month provisional results for the period ending 31 December 2022 for the legislated performance indicators under the *Local Government (Planning and Reporting) Regulations 2020*.

COUNCIL RESOLUTION

Moved: Cr Jo Beard

Seconded: Cr Jamie Vogels

That the recommendation be adopted.

CARRIED UNANIMOUSLY 7 / 0

9.3 Council Annual Action Plan Performance July-December 2022

Directorate: Executive Services

Author: James Plozza, Executive Services and Governance Coordinator

Previous Council Reference: Nil

Attachments:

1. Six Monthly Progress Report against Annual Action Plan 2023 [9.3.1 - 5 pages]

Declaration

Chief Executive Officer – Michael Tudball

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 provides information on Council's progress against the 2022-2023 Annual Action Plan.

Introduction

Council is required to report on its performance against the Council Plan, including results in relation to the strategic indicators for the first six months of each financial year. This requirement is included in the Governance and Management Checklist, which forms part of Council's Annual Report of Operations. This report has the Annual Action Plan as its focus.

Issues

The Annual Action Plan is derived from the Council Plan, a strategic document which sets out the priorities and direction of the elected Council via strategic objectives, strategies to achieve the objectives, and indicators to measure Council's progress in achieving the overarching objectives and strategies. The Annual Action Plan is a collection of specific actions and initiatives identified each year to advance the Council Plan.

There are 39 actions identified in the Annual Action Plan with some positive early work being undertaken on the overwhelming majority of them. As at 31 December 2022 37 of the 39 actions were in progress or complete and the two actions identified as yet to commence are due to commence shortly.

The attached report outlines each action item in greater detail, but as of 31 December 2022:

- 32 Annual Action Items were in progress
- 6 Annual Action Items were Completed; and
- 1 Annual Action Items were yet to commence.

Policy and Legislative Context

The *Local Government (Planning and Reporting) Regulations 2020* supports the planning and reporting framework for councils in accordance with the *Local Government Act 2020*. The regulations include the Governance and Management Checklist which requires Council to report on its performance against the Council Plan.

This report is also in keeping with the commitments in the Council Plan 2021-2025:

Theme Five - Community Leadership
Having strong governance practices

Internal / External Consultation

Corangamite Shire's Leadership Group has contributed to the preparation of the Council Plan and Annual Action Plan Progress Report for the period July–December 2022.

Financial and Resource Implications

Preparation of a six-month performance report is part of Council's annual reporting cycle and was completed within existing resources.

Conclusions

The organisation has made a good start towards achieving the initiatives in the 2022-2023 Annual Action Plan. At 31 December 2022, the majority of the work required was underway with a number of actions completed.

RECOMMENDATION - 9.3

That Council receives the Annual Action Plan Progress Report for July – December 2022

COUNCIL RESOLUTION

**Moved: Cr Geraldine Conheady
Seconded: Cr Laurie Hickey**

That the recommendation be adopted.

CARRIED UNANIMOUSLY 7 / 0

9.4 Joint Venture ICT Procurement Policy

Directorate: Corporate and Community Services

Author: David Harrington, Director Corporate and Community Services

Previous Council Reference: Nil

Attachments:

1. SWICTA ICT Procurement Policy [9.4.1 - 12 pages]

Declaration

Chief Executive Officer – Michael Tudball

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

Author – David Harrington

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

Summary

The three Councils of Corangamite Shire, Moyne Shire and Warrnambool City have entered into an unincorporated joint venture for the purposes of procuring and implementing ICT shared services, namely an Enterprise Resource Planning (ERP) platform.

The attached procurement policy is a requirement of the Joint Venture Agreement. The scope of the policy commits the Lead Council to act in accordance with the Joint Venture Agreement, the Joint Venture Terms of Reference and the direction of the Joint Venture Governance Committee (JVGC).

Additionally, the proposed contractual arrangements between the preferred supplier and Joint Venture will have an impact on the Joint Venture ICT Procurement Policy. The policy has taken the proposed contractual arrangements into account and complies as per below.

“Section 108 of the LGA sets out the restrictions on Councils power to enter into contracts for the purchase of goods or services or carrying out of works and requires that Council conduct an expression of interest and/or public tender process when entering into such a contract”.

The three Councils issuing a Request for Tender collaboratively for a single supplier but with separate but common Master Services Agreements with the preferred supplier fits with the requirement of section 108.

Introduction

Corangamite Shire, Moyne Shire and Warrnambool City were successful in securing a State Government grant of \$4.5 million in June 2019 under the State Government's Rural Councils Transformation Program (RCTP) to implement a business case to transition the respective Enterprise Resource Planning (ERP) platform of each council into a shared service model.

An ERP is the corporate digital platform that delivers the core business information systems of an organisation.

The business case also considered an appropriate entity structure for the purpose of administering the shared service arrangement. An unincorporated joint venture is preferred. This structure represents the least costly and most flexible option, particularly with a 'start-up'. Legal advice was sought in determining this preferred approach.

A joint venture agreement has been executed by all 3 Councils and is active. The agreement governs the administration of the joint venture and, for all intents and purposes, are the rules of how the shared service model will operate. The agreement includes governance arrangements, contribution to costs, procurement, dispute resolution and termination. The agreement also describes the appointment of an administering council and its roles and functions. The administering council will be responsible for day-to-day functions of the joint venture arrangement.

The procurement process for the ERP commenced in 2022 with a final recommendation due to be reviewed by the JVGC in February 2023. Following this, approval will be sought from Local Government Victoria (LGV) in March 2023 to sign a contract with the preferred supplier.

Issues

The Joint Venture Governance Committee is required to adopt an ICT Procurement Policy to comply with Section 8 of the South West Councils ICT Alliance Joint Venture Agreement (JV Agreement), Section 8. Specifically, the requirements under this section are:

8.1 Alignment of Council Procurement Policies

8.1.1 The JVGC must prepare a draft Model ICT Procurement Policy consistent with:

- (a) the requirements of section 108(3) of the LGA;
- (b) the Funding Agreement;
- (c) the Purpose and Functions of the Joint Venture;
- (d) the Strategic Plan; and
- (e) the terms of any existing MSA with a Supplier.

8.1.2 Each Council must consider the draft Model ICT Procurement Policy and, if thought fit, approve it as part of the Council's procurement policy under section 108 of the LGA.

8.1.3 If a Council declines to approve the draft Model ICT Procurement Policy it must provide the JVGC with written reasons for doing so.

8.1.4 The JVGC must consider the written reasons provided under clause 8.1.3 and make any appropriate amendments to the draft Model ICT Procurement Policy arising from them, for further consideration by each Council.

8.1.5 From time to time the JVGC may of its own motion or upon request by any of the Councils, review and update the Model ICT Procurement Policy. This clause 8.1 applies to any updated draft Model ICT Procurement Policy.

8.1.6 Any dispute or difference between the Councils in relation to the preparation, adoption or modification of the Model ICT Procurement Policy may be referred for dispute resolution under clause 13.2 (and without limitation to the Councils' general obligations under clause 13.1).

8.2 Compliance with Model ICT Procurement Policy

8.2.1 Once adopted by all Councils, the JVGC and each Council must comply with the Model ICT Procurement Policy.

In addition to the above this policy has been developed in line with the Procurement Policies of the Member Councils and accordingly satisfies Section 108 of the *Local Government Act 2020*. Section 2.14 of the policy specifically deals with Collaborative Procurement.

Policy and Legislative Context

The development of this policy is in accordance with:

- *The Local Government Act 2020*
- Procurement policy 2021
- South West Councils ICT Alliance Joint Venture Agreement

The Joint Venture ICT Procurement Policy is also in keeping with the commitments in the Council Plan 2021-2025:

Theme One - A Connected Community

Digital connectivity that meets the needs of our community

Theme Five - Community Leadership

Having strong governance practices

Ensuring that we maintain our strong financial position

Council promotes best value and value for money for its ratepayers

Internal / External Consultation

Consultation has occurred between the 3 Councils and an external legal consultant. The policy has been endorsed by Joint Venture Governance Committee.

Financial and Resource Implications

There are no direct financial implications in the adoption of this policy.

Options

Council can adopt the Joint Venture ICT Policy as presented or recommend changes to the policy.

Conclusions

Following the execution of the JV Agreement, each Council is required to adopt the Joint Venture ICT Procurement Policy.

RECOMMENDATION - 9.4

That Council approve the Joint Venture ICT Procurement Policy in accordance with the executed South West Councils ICT Alliance Joint Venture Agreement.

COUNCIL RESOLUTION

Moved: Cr Nick Cole

Seconded: Cr Jo Beard

That the recommendation be adopted.

CARRIED UNANIMOUSLY 7 / 0

9.5 Kerbside Collection Contract 2023014

Directorate: Sustainable Development

Author: Jessica Maxwell, Waste and Sustainability Officer

Previous Council Reference: Nil

Attachments:

1. CONFIDENTIAL REDACTED - Tender Evaluation Report Kerbside Collection Contract 2023014 [9.5.1 - 5 pages]
2. Under Separate Cover - Conflict of Interest Joint Procurement for Kerbside Collection Services Corangamite Shire and Southern Grampians Shire Lyall Bond [9.5.2 - 1 page]
3. Under Separate Cover - Conflict of Interest Joint Procurement for Kerbside Collection Services Corangamite Shire and Southern Grampians Shire Jess Maxwell [9.5.3 - 1 page]
4. Under Separate Cover - Conflict of Interest Joint Procurement for Kerbside Collection Services Corangamite Shire and Southern Grampians Shire Signed Form Justine Linley [9.5.4 - 1 page]

Pursuant to sections 3(1) and 66(5) of the *Local Government Act 2020* the Chief Executive Officer has designated this attachment as confidential on the grounds that it contains private commercial information, being information provided by a business, commercial or financial undertaking that—

(i) relates to trade secrets; or

(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

In particular the attachment contains information regarding contractual agreements.

Declaration

Chief Executive Officer – Michael Tudball

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

Author – Jessica Maxwell

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

Assessment Panel – Justine Linley

In undertaking the Evaluation of this Tender I have no interests to disclose.

Assessment Panel – Lyall Bond

In undertaking the Evaluation of this Tender I have no interests to disclose.

Summary

This report seeks to award contract No. 2023014 for Kerbside Collection Services.

Introduction

Currently, Council provides a three-bin kerbside waste collection service to 5500 premises in most township areas across the Shire. This service includes weekly kerbside landfill collection utilising 120L wheelie bins and alternating fortnightly collection of recyclables and food organics and garden organics (FOGO), utilising 240L wheelie bins. Council also provides weekly FOGO collection between October and January and services street litter bins under this contract.

The contract also includes the transport, acceptance and processing of co-mingled recyclables received through the kerbside collections and street litter bins.

Council awarded the current Waste Collection Services – Corangamite Shire Contract 2015001 in April 2015 to Wheelie Waste, for a period of five years.

Council resolved in March 2020 to negotiate with the existing contractor to ensure recyclables continued to be collected and recycled across the municipality for the following 3 years. The current contract is due to expire on 30 June 2023.

The development of a new kerbside collection contract provided Council with an opportunity to review and improve the current waste services, to consider circular economy principles, align with legislative reform, increase waste diversion from landfill and ensure that the services continue to meet community needs. Council will also need to consider glass separation and the soon to be introduced container deposit scheme from the *Circular Economy (Waste Reduction and Recycling) Act 2021*.

Services Tendered

This contract is for the provision of the following waste collection services:

- a) Landfill collection – kerbside bin collection and acceptance and transport to Nominated Facility for disposal;
- b) Recyclables collection – kerbside bin collection and acceptance, transport and processing of these recyclables;
- c) Food Organics and Garden Organics (FOGO) collection – kerbside bin collection and acceptance and transport to Nominated Facility for processing;
- d) Street litter bin collection – collection of street litter bins including landfill and recycle bins and transport of landfill materials to the Nominated Facility for disposal and transport and processing of recyclables; and
- e) Glass collection – kerbside bin collection and acceptance, transport and processing of these recyclables

The tender for the new Kerbside Collection Contract (2023014) includes several options for changes to the current waste services, including:

- a) additional recycling collections;
- b) replacement waste bins;
- c) fitting new lids to existing waste bins;
- d) alternative costing options for recyclables processing; and
- e) a glass collection service.

Issues

Council participated in a collaborative tender process with Southern Grampians Shire Council for the development of the specification and supporting tender documents, release of tenders and receipt of tender submissions. Together Corangamite and Southern Grampians engaged Russell Kennedy Lawyers and Arc Blue Consulting to provide legal advice, probity oversight and tender process support. However evaluation and award of the contract are being managed separately.

Due to the changes required by the Victorian *Circular Economy (Waste Reduction and Recycling) Act 2021*, glass recyclables will no longer be able to be recycled through the yellow comingled recycling bin. The State Government legislation mandates that councils provide a fourth bin service to residential kerbside collection services, specifically to separate glass from other co-mingled recyclables.

Contract Timeframes

Contract 2023014 will commence on 1 July 2023. The term of the contract is five (5) years with options to extend for any period up to a maximum of five (5) years.

At the conclusion of the advertising period one tender submission was received. The tender was then assessed by the evaluation panel.

Tenderer	Tendered Price
Tenderer 1	\$1,188,641

Evaluation Panel Membership

All members of the tender evaluation panel were considered suitably qualified and experienced to undertake the evaluation of this tender. The panel included Justine Linley Director of Sustainable Development, Lyall Bond Manager of Environment and Emergency, and Jessica Maxwell Waste and Sustainability Officer.

Evaluation Methodology

The tender submission has been assessed against the following seven tender evaluation criteria.

#	Criteria	Weighting
1	Insurance Requirements	Mandatory
2	Financial Capacity	Mandatory
3	Systems and Standards	Mandatory
4	Capacity & Capability	25%
5	Methodology & Project/Service Delivery	25%
6	Social Procurement	10%
7	Tendered Price	40%

The Tender Evaluation Panel and ArcBlue Consulting assessed the tender documentation against the criteria and found that Wheelie Waste met the mandatory requirements and pricing analysis was undertaken. Assessment of the Tenderers capacity and capability together with service delivery was found to be acceptable and to meet the needs of the contract.

Social procurement included request for environmental performance and local service engagement.

A Technical Evaluation Report which provides further detail on the assessment of the tender submissions received, is attached under separate cover.

The Tender Evaluation Panel found the tenderer met the service requirements satisfactorily. Council will work with the successful contractor to ensure all documentation is compliant with the requirements of this contract.

Additional Services

Council included options for services in addition to the existing contract. A glass-only service has been investigated for implementation in this contract. Council Officers evaluated service delivery frequency and bin size, prioritising optimal resource recovery and cost effectiveness for the community. The service recommended consists of a 120L glass bin collection monthly in addition to the current services.

Council also investigated an additional collection of alternative materials through the tender process. This will allow Council to pursue circular economy opportunities for materials currently not recyclable through the kerbside services.

Infrastructure

To implement the recommended glass service it is proposed to replace the current 120L waste bin with a new bin, and the re-lidding of the existing bin to become the glass bin. This will extend the useful life of the current waste bin and reduce costs of implementing the new glass-only service.

Policy and Legislative Context

The Kerbside Collection Contract 2023014 is in keeping with the commitments in the Council Plan 2021-2025:

Theme Four - Improving Our Environment

Providing high quality waste services, including sustainable management of the regional landfill at Naroghid

Reducing the carbon footprint of Council operations

The requirements of Section 108 and Section 109 of the *Local Government Act 2020* and the Council's Procurement Policy have been complied with for this tender.

The recommendation is also in accordance with the Victorian *Circular Economy (Waste Reduction and Recycling) Act 2021*.

There are no other policy, legal or statutory implications associated with this tender process.

Internal / External Consultation

Development of the Kerbside Collection Services Contract was based on consultation and feedback from the community over the term of the existing contract. This included the "Have Your Say" glass collection survey hosted on Council's website in December 2021. Consideration was also given to legislative changes, Councilor and officer feedback and industry best practice.

Tender documents were issued via Council's e-tendering portal eProcure and released as a public tender on 26 October 2022. Advertisements were placed in the Herald Sun and Warrnambool Standard on 26 October 2022. An online briefing was conducted on 9 November 2022. Tenders closed on 7 December 2022.

The collaborative procurement process with Southern Grampians Shire Council has been supported through consultants ArcBlue Consulting and Solicitors Russel Kennedy Lawyers providing probity and legal services throughout the tender process. Council's Contract Administration Co-ordinator undertook the co-ordination of the process on behalf of both Councils.

Financial and Resource Implications

Council currently delivers its kerbside waste services at cost recovery. Costs from any new or additional waste services will need to be recovered from kerbside service entitled properties through the waste management charge or from users of the service.

The costs of providing the kerbside collection contract will therefore be considered as part of Council's annual budget process. The expected annual cost of this contract is in the order of \$1,188,641.

Options

Council may decide to award Contract 2023014 as recommended by the tender evaluation panel.

Council may also decide to award contract 2023014 to provide the same services as the current kerbside collection contract (no glass bin service) and determine that glass is to be removed from the co-mingled recycling bin and disposed of to landfill.

Alternatively, Council may choose to re-advertise the tender. Given the limited availability of suitable contractors operating in the area, it is unlikely that re-advertising will promote any further interest in this tender.

Conclusion

Tender 2023014 Kerbside Collection Services included several options for legislated changes required by the *Circular Economy (Waste Reduction and Recycling) Act 2021*, glass recyclables will no longer be able to be recycled through the yellow comingled recycling bin to Council's kerbside collection services.

The Tender Evaluation Panel recommends that Council award Contract 2023014 to Wheelie Waste at the service levels currently being provided and that in addition Council also approves the additional service of a monthly glass collection and related infrastructure upgrades, to provide four kerbside bins.

RECOMMENDATION - 9.5

That Council:

1. Award Contract 2023014 - Kerbside Collection Contract for a period of five years to Wheelie Waste for the following:
 - a) Landfill collection – Kerbside bin collection weekly and acceptance and transport to Nominated Facility for disposal;
 - b) Recyclables collection – Kerbside bin collection fortnightly and acceptance, transport and processing of these recyclables;
 - c) Food Organics and Garden Organics (FOGO) collection – Kerbside bin collection fortnightly (weekly from October to January) and acceptance and transport to Nominated Facility for processing;
 - d) Street litter bin collection – Collection of street litter bins as scheduled including landfill and recycle bins and transport of landfill materials to the Nominated Facility for disposal and transport and processing of recyclables;
 - e) Glass collection – Kerbside bin collection monthly and acceptance, transport and processing of these recyclables;
 - f) Provision of a new 120L landfill bin and associated kerbside bin infrastructure improvements for the installation of the monthly glass service;
2. Affixes the common seal the contract; and
3. Authorises the CEO to exercise the extension periods for the contract.

COUNCIL RESOLUTION

Moved: Cr Jamie Vogels
Seconded: Cr Laurie Hickey

That the recommendation be adopted.

CARRIED UNANIMOUSLY 7 / 0

9.6 Environment Support Grants Round 2 2022-2023

Directorate: Sustainable Development

Author: Roland Herbert, Environment Projects Officer

Previous Council Reference: Nil

Attachments:

1. CONFIDENTIAL REDACTED - Under Separate Cover - Attachment 1 - Environment Grants Rd 2 Recommended [9.6.1 - 1 page]

Pursuant to sections 3(1) and 66(5) of the Local Government Act 2020 the Chief Executive Officer has designated this attachment as confidential on the grounds that it contains personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs. In particular the attachment contains information regarding grant recipients.

Declaration

Chief Executive Officer – Michael Tudball

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

Author – Roland Herbert

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

Assessor - Lyall Bond

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

Assessor – Simon Buccheri

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

Summary

The purpose of this report is for Council to approve the allocation of funds for the 2022-2023 Environment Support Grants (Round 2) program.

Introduction

At the July 2022 Council meeting, Council determined to conduct an additional smaller Environment Support Grant round during the 2022-2023 year to preference projects that relate to sustainable agriculture, climate change and increasing energy, water and waste efficiency.

Issues

The aim of the Environment Support Grants program is to provide financial assistance to incorporated community groups, organisations, and individuals to undertake environmental and sustainability projects within Corangamite Shire. For the Round 2 grants, preference is given to projects that relate to sustainable agriculture, climate change and increasing energy, water and waste efficiency. The existing eligibility criteria for the Environment Grants Program also applies.

Applications for the Environment Support Grants Round 2 program opened 5 November 2022 and closed 17 December 2022.

The Environment Support Grants (Round 2) program received eight submissions with a total application for funds of \$18,350. Submissions received include applications for projects related to:

- Demonstrating benefits of regenerative farming practices;
- Upgrading to an energy-efficient air-conditioner at a community facility;
- Installing solar to increase energy efficiency and reduce carbon emissions at a community facility; and
- Educational workshops to increase awareness of native grasslands.

One application was marked as ineligible due to the project being undertaken outside the Shire boundary. This has resulted in seven submissions being considered under the Environment Grants (Round 2) Program, with a total application for funds of \$15,850 from the available \$10,000.

Applications were evaluated independently by three panel members and scored against the criteria listed in the application form. The weighting for each assessment criterion was applied to derive a total score and the scores of the three assessors were then averaged. Applications were then ranked in order based on the total score.

The ranking of each project proposal, comments and proposed funding allocations are included in Attachment 1 under separate cover.

Policy and Legislative Context

This report is in keeping with the commitments in the Council Plan 2021-2025:

Theme Four - Improving Our Environment

Protecting and improving our built and natural environment

Capitalising on opportunities created by new energy, and minimising impacts on key industry sectors, landscape values and natural assets

Helping our community plan and respond to climate change

Piloting the implementation of the United Nations Sustainable Development Goals (SDGs) at the local level

Internal / External Consultation

Applicants were invited to apply through various forms of media including online and print form. Previous applicants to the program were also notified, as well as key stakeholders and their networks including Landcare groups. The program has been promoted in the media and advertised in Council's newspaper Noticeboard. The grant was also promoted in the community newsletters and Corangamite Shire social media pages.

Applicants were also invited and encouraged to discuss their project with the Environment Project Officer prior to applying. Applications have been assessed and proposed funding allocations have been considered by senior officers.

A Councillor briefing session was held on February 14, 2023, to provide information to Councillors on the Environment Support Grants (Round 2) 2022-2023 applications, assessment process and proposed funding.

Financial and Resource Implications

Council has allocated \$10,000 in funding for the Environment Support Grant Round 2 program in the 2022-2023 budget.

Applicants were assessed for eligibility and requests for funding amounts adjusted to reflect a 50% contribution from Council up to \$2,500. The contribution from the applicants can include financial and/or in-kind labour.

Options

Councillors may consider the following options for allocation of funds:

1. Allocate funds of \$10,000 to Environment Support Grant (Round 2) applications, to fully fund four projects and part-fund one project as recommended.
2. Consider adjusting the proposed funding allocations.

Conclusions

Council's grants programs provide financial assistance and/or in-kind support to community groups, not-for-profit organisations, committees of management, individuals with an ABN, commercial organisations and schools located in Corangamite Shire.

The Environment Support Grants program provides funding to incorporated community groups, organisations and individuals to undertake environmental and sustainability projects within Corangamite Shire, on a dollar-for-dollar basis, to further enhance the environment and support sustainability projects within the community. Round 2 of this program preferences applications that relate to sustainable agriculture, climate change, and increasing energy, water and waste efficiency.

RECOMMENDATION - 9.6

That Council:

1. Allocates funds of \$10,000 to the following Environment Support Grant Round 2 Applications:

ENVIRONMENT SUPPORT GRANTS ROUND 2	
ORGANISATION / APPLICANT	AMOUNT
Heytesbury District Landcare Network (Chocolyn)	\$2,500
Heytesbury District Landcare Network (Cobden Lake)	\$1,650
Murnong Indigenous Garden Inc.	\$1,100
Red Hill Public Hall Inc.	\$2,500
Timboon Golf Club Inc.	\$2,250

COUNCIL RESOLUTION

Moved: Cr Kate Makin
Seconded: Cr Geraldine Conheady

That the recommendation be adopted.

CARRIED UNANIMOUSLY 7 / 0

9.7 Quick Response Grants Allocation February 2023

Directorate: Sustainable Development

Author: Jacinta Read, Community Projects Officer

Previous Council Reference: Nil

Attachments:

1. Quick Response Grants February 2023 Applications and Assessment [9.7.1 - 1 page]
2. Under Separate Cover - Application Council Quick Response Grant Terang Swimming Club [9.7.2 - 4 pages]
3. Under Separate Cover - Application Council Quick Response Grant Tesbury Rural Fire Brigade [9.7.3 - 6 pages]
4. Under Separate Cover - Application Council Quick Response Grant Art.Comm Terang [9.7.4 - 9 pages]
5. Under Separate Cover - Application Council Quick Response Grant Simpson and District Community Centre [9.7.5 - 3 pages]

Declaration

Chief Executive Officer – Michael Tudball

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

Author – Jacinta Read

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

Summary

The purpose of this report is to approve the February 2023 allocation of funds under the Quick Response Grants Program.

Introduction

The Quick Response Grants Program is beneficial in supporting instances of community need that are not readily able to be considered under the Community, Enabling, 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 result in positive outcomes.

The applications received for this allocation are attached under separate cover. The applications have been assessed against the following criteria, as detailed in the Quick Response Grants Policy:

1. Eligible recipient;
2. Council Plan alignment;
3. Community benefit; and
4. Eligible expenditure.

The assessment is provided as a separate attachment to this report.

Applications have been received from:

1. Terang Swimming Club for \$440 towards the purchase of medals for the club carnival.
2. Tesbury Rural Fire Brigade for \$500 towards the purchase and installation of a new air conditioning system for the fire station.
3. Art.Comm for \$500 towards a mural at the Terang Community Information Centre.
4. Simpson and District Community Centre Inc. for \$500 to host an introduction to Philippine culture and cuisine on Harmony Day, in partnership with Philippine Nationals working in the Simpson area.

Policy and Legislative Context

Consideration of applications for the Quick Response Grants Program is in accordance with the Quick Response Grants Policy.

This report is also in keeping with the commitments in the Council Plan 2021-2025:

Theme One - A Connected Community

Access to infrastructure that supports a healthy and active lifestyle for our community

Theme Two - A Thriving Community

Corangamite's townships are attractive, accessible and appealing to visitors and are presented in a way in which our residents can be proud

Theme Three - A Healthy, Active and Resilient Community
Improving the health and wellbeing of our residents
Our community groups and clubs are engaged and supported and facilities are fit for purpose

Theme Four - Improving Our Environment
Protecting and improving our built and natural environment

Theme Five - Community Leadership
We listen to and engage with 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 Projects Officer for further information. Applicants will be advised of the outcome of their application following the Council meeting. Successful applicants are requested to provide a grant acquittal following completion of the event or project, including the return of any unexpended amounts.

Financial and Resource Implications

The 2022-2023 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.

The Quick Response Grants Policy states at Section 7(d) that 'Council may choose to vary the annual Ward funding distribution so as to extend the benefits of the program to as many Community groups as possible and to fully expend the Quick Response Grants fund in any given year.'

The annual allocation for South Central will be exceeded by \$400 if Council chooses to adopt the officer's recommendation. In accordance with the policy, it is therefore proposed that the remainder of the Tesbury Rural Fire Brigade grant be allocated from the Central Ward Annual Allocation.

Should the allocations be approved as recommended the remaining allocation is outlined in the table below.

Ward	Annual allocation (\$)	Previous allocation (\$)	This allocation (\$)	Remaining allocation (\$)
Coastal	2,500	1,900	500	100
North	2,500	1,350	0	1,150
South Central	2,500	2,400	100	0
South West	2,500	1945	0	555
Central	7,500	3,000	1340*	3160
Total	17,500	10,595	1940	4965

**Note: Includes \$400 to be transferred to the South Central Ward.*

Options

Council can consider:

1. Allocating the funds as requested by the applicants in full.
2. Allocating the funds for a reduced amount.
3. Allocating the funds as requested and redirecting \$400 from the Central Allocation to South Central to fulfill the Tesbury Rural Fire Brigade grant request.
4. Not allocating funds.

Conclusions

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 the Quick Response Grants Policy and will result in positive outcomes for the community.

RECOMMENDATION - 9.7

That Council:

- 1. Funds the application from Tesbury Rural Fire Brigade for \$500 towards the supply and installation of a new airconditioning system.**
- 2. Funds the application from Art.Comm for \$500 towards a mural for the Terang Community Information Centre.**
- 3. Funds the application from Simpson and District Community Centre Inc for \$500 to host an introduction to Philippine culture and cuisine on Harmony Day in partnership with Philippine Nationals working in the Simpson area.**

COUNCIL RESOLUTION

Moved: Cr Laurie Hickey
Seconded: Cr Nick Cole

That the recommendation be adopted.

CARRIED UNANIMOUSLY 7 / 0

9.8 S11A Instrument of Appointment & Authorisation (Planning and Environment Act 1987)

Directorate: Executive Services

Author: James Plozza, Executive Services and Governance Coordinator

Previous Council Reference: Nil

Attachments:

1. S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987) [9.8.1 - 2 pages]

Declaration

Chief Executive Officer – Michael Tudball

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

The purpose of this report is to seek Council's endorsement for appointment of authorised officers under the *Planning and Environment Act 1987* through the updated Instrument of Authorisation and Appointment ('the instrument'). This request results from recent staff changes.

By authorising the relevant officers to perform their duties under the *Planning and Environment Act 1987*, Council will ensure these officers have the required authority to carry out their roles within legislated requirements.

Issues

Officers authorised to act under the *Planning and Environment Act 1987* have authorisation to enter sites, gather evidence or serve legal notices, etc. if required, as appropriate to their level of experience and qualifications.

The specific authorisations provided through this instrument include:

1. under section 147(4) of the *Planning and Environment Act 1987* (Vic) – appointment as an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under section 313 of the *Local Government Act 2020* (Vic) authorisation generally to institute proceedings for offences against the Act and/or any regulations.
- 3.

If officers are not appropriately authorised, they will not have the legal authority to perform key aspects of their role which would result in a lack of enforcement across the Shire. If officers act without the correct authority, actions can also be challenged and invalidated on that basis, and the officers may be personally liable.

The attached instrument has been reviewed and updated to reflect recent staff changes and authorises the following officers:

Aaron Gerard Moyne
Andrew Gardner
Belinda Anne Bennett
Darren Stanley Frost
Gisele Couto
Justine Ruth Linley
Lyll Robert Bond
Melanie Osborne
Michael Gilbert Tudball
Raymon Michael Barber
Simon Glenister
Sofia June Myers

Policy and Legislative Context

This report is also in keeping with the commitments in the Council Plan 2021-2025:

Theme One - A Connected Community

Infrastructure and services that deliver population growth and new housing

Theme Two - A Thriving Community

Corangamite's townships are attractive, accessible and appealing to visitors and are presented in a way in which our residents can be proud

Theme Four - Improving Our Environment

Capitalising on opportunities created by new energy, and minimising impacts on key industry sectors, landscape values and natural assets

Options

Option 1 – Endorse the updated instrument

This option is recommended by officers as it will ensure the selected officers are appropriately authorised under the *Planning and Environment Act 1987*.

Option 2 – Not endorse the updated instrument

This option is not recommended by officers as it will limit the authorisations and authority of selected officers.

Conclusions

By authorising the relevant officers to act under the *Planning and Environment Act 1987* Council will ensure these officers have the required authority to carry out their roles within legislated requirements.

RECOMMENDATION - 9.8

Council resolves that:

1. The members of Council staff referred to in the instrument attached be appointed and authorised as set out in the instrument.
2. The instrument comes into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it.
3. The Instrument of Appointment and Authorisation (*Planning and Environment Act 1987* only) dated 20 December 2022 be revoked.
4. The common seal of Council be affixed to the Instrument.

COUNCIL RESOLUTION

Moved: Cr Geraldine Conheady

Seconded: Cr Jo Beard

That the recommendation be adopted.

CARRIED UNANIMOUSLY 7 / 0

9.9 S11B Instrument of Appointment & Authorisation and S18 Instrument of Sub Delegation (Environment Protection Act 2017)

Directorate: Executive Services

Author: James Plozza, Executive Services and Governance Coordinator

Previous Council Reference: Nil

Attachments:

1. S11B Instrument of Appointment and Authorisation (Environment Protection Act 2017) [9.9.1 - 2 pages]
2. S18 Instrument of Sub Delegation under the Environment Protection Act 2017 [9.9.2 - 5 pages]

Declaration

Chief Executive Officer – Michael Tudball

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 ensures relevant Council officers are properly authorised and sub-delegated Environment Protection Authority (EPA) powers and functions necessary for them to undertake their roles in accordance with the EPA Instrument of Delegation and Instrument of Direction to councils.

Introduction

Council authorises a range of officers to act on its behalf in the enforcement of various State laws that are specific to their roles.

Under the new Environment Protection Act 2017, the EPA has delegated to councils certain powers and functions by way of an instrument of delegation.

Authorised officers appointed and sub-delegated EPA powers by Council in accordance with the EPA Instrument of Delegation are only authorised to exercise the powers as set out under the EPA's Instrument of Direction.

The attached Instrument of Appointment and Authorisation and Instrument of Sub-Delegation authorises and empowers staff relevant to environmental health to undertake functions delegated to Council by the EPA.

Issues

Under the Instrument of Delegation to Council by the EPA dated 4 June 2021, Council is able to directly appoint and authorise relevant members of staff and sub-delegate to them EPA powers related to on-site wastewater management systems ≤ 5000 litres on any day, and noise from construction, demolition and removal of residential premises.

The attached Instrument of Appointment and Authorisation reflects recent staffing changes and applies to the following officers:

Belinda Anne Bennett
Emily Kate Lanman
Justine Ruth Linley
Lyll Robert Bond
Michael Gilbert Tudball
Raymon Michael Barber
Sofia June Myers
William Albert Fidler

The accompanying Instrument of Sub-Delegation is used by a council to delegate to members of its staff those powers that are contained in the Instrument of Delegation of the Environment Protection Authority under the Environment Protection Act 2017 dated 4 June 2021.

Policy and Legislative Context

This report is also in keeping with the commitments in the Council Plan 2021-2025:

Theme Five - Community Leadership
Having strong governance practices

Options

Option 1 – Endorse the updated instruments

This option is recommended by officers as it will ensure the selected officers are appropriately authorised under the *Environment Protection Act 2017*.

Option 2 – Not endorse the updated instruments

This option is not recommended by officers as it will limit the authorisations and authority of selected officers.

Conclusions

By authorising the relevant officers to act under the *Environment Protection Act 2017* Council will ensure these officers have the required authority to carry out their roles within legislated requirements.

RECOMMENDATION - 9.9

Council resolves that:

1. The members of Council staff referred to in the Instrument of Appointment and Authorisation attached be appointed and authorised as set out in the instrument.
2. The attached Instrument of Appointment and Authorisation comes into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it.
3. The Instrument of Appointment and Authorisation (*Environment Protection Act 2017* only) dated 2 August 2021 be revoked.
4. The common seal of Council be affixed to the Instrument of Appointment and Authorisation.
5. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Sub-delegation to members of Council staff, the powers, duties and functions set out in that Instrument of Sub-Delegation, subject to the conditions and limitations specified in that Instrument of Sub-delegation.
6. The S18 Instrument of Sub-Delegation under the Environment Protection Act 2017 dated 2 August 2021 be revoked.
7. The common seal of Council be affixed to the Instrument of Sub-Delegation.

COUNCIL RESOLUTION

Moved: Cr Kate Makin
Seconded: Cr Nick Cole

That the recommendation be adopted.

CARRIED UNANIMOUSLY 7 / 0

9.10 Councillor Attendance at the 2023 Australian Local Government Association National General Assembly

Directorate: Executive Services

Author: Imogen Black, Administration Officer Governance

Previous Council Reference: Nil

Attachments:

Nil

Declaration

Chief Executive Officer – Michael Tudball

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

Author – Imogen Black

In providing this advice to Council as the Administration Officer Governance, 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.

Introduction

Each year the Australian Local Government Association (ALGA) organises the National General Assembly of Local Government (NGA) in Canberra. This year the NGA will be held on Tuesday 13 - Friday 16 June in Canberra. The event begins with a specialised regional cooperation and development forum on Tuesday 13 June, followed by two days of the National General Assembly and concludes with the Australian Council of Local Government on Friday 16 June.

The NGA is an important event for Corangamite Shire, as it provides Councillors with the opportunity to elevate the Shire and its priorities to the Federal level. Councillors attending the conference will also gain insight into a range of issues affecting the Local Government sector and bring crucial information back to Council.

Issues

The theme for the 2023 NGA is Our Communities, Our Future, which reflects on the important role local government plays in building stronger and more sustainable communities and highlights the willingness of Local Government to work with other governments to achieve outcomes.

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.

The NGA has invited the Prime Minister, the Leader of the Opposition, and key ministers to share their vision for Australia's future and how we can work together for the benefit of our communities.

Sessions will look at the critical importance of our communities, how they are the focus of our attention, and how they are at the centre of all our work. This will include a series of panels where mayors and councillors will share their learnings and lived experience leading their communities through the increase of living pressures on individuals, families and communities due to deteriorating economic conditions, slowing growth, high inflation and higher interest rates.

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 where the proposed costs of a single professional development opportunity exceeds \$2,500 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 the National General Assembly of Local Government 2022 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 improve 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 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.

Council Plan

This report is in keeping with the commitments in the Council Plan 2021-2025:
Theme Five - Community Leadership
Having strong governance practices

Internal / External Consultation

The Chief Executive Officer has consulted with Councillors regarding the opportunity for them to attend the 2023 NGA and whether representatives from the 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 \$3,000 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.

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.

Options

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

Conclusions

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

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

RECOMMENDATION - 9.10

That Council nominates two Councillors to attend the National General Assembly of Local Government 2022, and approves expenditure related to attendance consistent with the Councillor Professional Development Policy and Council Expenses Policy.

COUNCIL RESOLUTION

Moved: Cr Geraldine Conheady
Seconded: Cr Jo Beard

That Council nominates four Councillors to attend the National General Assembly of Local Government 2023, and approves expenditure related to attendance consistent with the Councillor Professional Development Policy and Council Expenses Policy.

CARRIED UNANIMOUSLY 7 / 0

10 Other Business

The Windfall Gains Tax passed through the Legislative Council on 18 November 2022 to come into effect on 1 July 2023, meaning significant value increases from rezoning decisions will go into State Treasury coffers. How these funds will be disbursed is unknown. There needs to be a tangible link in the accrual of these funds and how they are redirected back to support regional development and housing, in a similar way to Growth Areas Infrastructure Contributions levy or other similar reserve.

The total value uplift from a land-use planning rezoning decision will be taxed at 62.5 per cent for windfalls between \$100,000 and \$500,000 and 50 per cent for windfalls above \$500,000 with the tax phasing in from \$100,000.

What we are hearing from valuers and locals is that developers are thinking, "just pass on the cost" and this is likely to make development in towns with lower land values more marginal or unviable. For Corangamite, this completely goes against what we're trying to achieve with our Unlocking Housing developments and Town Structure Plan reviews. It could also be argued that this regressive tax conflicts with other state government housing policies affordability initiatives and will act as a deterrent rather than an enabler of new residential development.

In rural areas, it is likely to inflate development costs and property values in areas where markets are thin, development already highly marginal and most developers are in fact local families and small investors interested in the wellbeing and sustainability of their towns and communities. In rural areas, our experience is the uplift in property values from a re-zoning is what funds core civil infrastructure works such as roads, drainage and utilities.

The other implication that regional councils are now likely to face is requests from landowners and the development community to increase their rateable land value to the maximum amount, in attempt to minimise the taxable liability that is accrued.

On this basis, we consider that Windfall Gains Tax funds derived from rural and regional communities be re-invested into infrastructure in those communities to defray the costs of enabling civil infrastructure.

COUNCIL RESOLUTION

Moved: Cr Jo Beard
Seconded: Cr Geraldine Conheady

That Council submit the following Motion to the May Meeting of the MAV State Council, namely:

“That the MAV calls on the Victorian Government to direct funds from the new Windfall Gains Tax derived from rural and regional communities towards civil servicing and enabling infrastructure provision in those communities.”

CARRIED UNANIMOUSLY 7 / 0

11 Open Forum

The Mayor, Cr Ruth Gstrein, invited members of the public to ask a question or make a statement.

No items were submitted.

12 Confidential Items

Nil

13 Close Meeting

The Mayor, Cr Ruth Gstrein declared the Council Meeting closed at 7:59 pm.

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

CONFIRMED: _____
Chairperson

DATE: _____