

Corangamite Shire

AGENDA

Ordinary Council Meeting

7.00 pm • Tuesday 24 May 2016

*Killara Centre
210-212 Manifold Street, Camperdown*

Order of Business

1. PRAYER
2. APOLOGIES
3. DECLARATIONS OF CONFLICT OF INTEREST
4. CONFIRMATION OF MINUTES
RECOMMENDATION
That the Minutes of the Corangamite Shire Ordinary Council meeting held on Tuesday 26 April 2016 and Special Council meeting held on Tuesday 10 May 2016 be confirmed.
5. DEPUTATIONS & PRESENTATIONS
6. MAYOR'S REPORT
7. COMMITTEE REPORTS
8. INFORMATION BULLETIN
9. PLANNING REPORTS
10. OFFICERS' REPORTS
11. OTHER BUSINESS
12. OPEN FORUM
13. CONFIDENTIAL ITEMS

ANDREW MASON
CHIEF EXECUTIVE OFFICER

DISCLAIMER

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5. DEPUTATIONS & PRESENTATIONS

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

6. MAYOR'S REPORT

6.1 Mayor's Report

Author: Jo Beard, Mayor

File No: D16/327

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

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

Author - Jo Beard

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

Summary

A personal reflection regarding current issues in the Dairy Industry.

Issues

In light of the news in recent weeks affecting the livelihood of our hardworking and dedicated farming community, this has been a difficult and heartfelt report to write. The cuts to milk prices have far reaching consequences for not only our dairy farmers, but Corangamite communities as well.

As a result of the retrospective milk price cuts, dairy farmers now face overwhelming debt in what has already been a challenging time for the industry, particularly due to water and feed shortages. These cuts have caught many people by surprise and our dairy farming families are doing it tough. Farmers are not known for openly discussing their problems, so it important that we encourage them to seek available assistance and check in with family, friends and neighbours that may need support.

I have attended many meetings over the past week, including with UDV and WestVic Dairy representatives, who have already commenced providing on the ground support to farmers through the UDV Over the Gate program and the WestVic Dairy Tactics for Tight Times sessions. It is important that farmers do speak out, talk to people and seek out the support programs that are available to them. It is especially important for families to stay engaged in their community and be mindful of the impact on everyone within the family.

With the dairy industry worth over \$300 million to our Shire, it is an industry that we are really proud of. Agriculture makes up nearly one third of our total workforce, and the dairy industry strongly supports our local economy. With dairy farmers doing it tough, their discretionary spending will reduce which is likely to affect local businesses, especially those that provide services to the industry. Corangamite communities may struggle with this flow on effect and a way our residents can help is to shop locally and support all our local businesses

Due to the seriousness of the situation I call on both levels of government to provide support for affected farmers through the funding of initiatives similar to the drought support programs that have been offered to farmers across Australia. A united approach from all levels of government in conjunction with key agencies, bodies and stakeholders is needed to tackle this issue. Low/no interest loans, increasing funding for rural financial counselling and working with key stakeholders to create one stop shops for farmers where they can visit and get all the advice they need in relation to Centrelink and Rural Finance Counselling Services as well as general health and welfare advice would be beneficial.

It is also important that milk processors provide farmers with some guidance around future prices in the sector. Dairy farmers need greater clarity and certainty on milk prices in order to plan for the future and make more informed decisions regarding their business going forward.

Farmers across the region are really hurting following the price cuts and it is important for them to realise that we are all in this together. By showing a united front and working together for the best interest of farmers we can ensure that our dairy industry continues to be the lifeblood of the region. This issue is not going to go away overnight; we all understand that. However, we are here to do whatever we can to support those that mean so much to us across our communities.

Information only.

7. COMMITTEE REPORTS

Nil.

8. INFORMATION BULLETIN

Nil.

9. PLANNING REPORTS

9.1 Corangamite Planning Scheme-Adoption of Stage 1 Report

Author: Greg Hayes, Manager Planning and Building Services

File No: D16/260

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

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

Author - Greg Hayes

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

Summary

Council has commissioned a review of the Corangamite Planning Scheme in accordance with the requirements of the *Planning and Environment Act 1987*. The review report finds that there have been significant changes to the planning landscape since the last review and comprehensive changes are required. New policy direction and clarification of existing policy are proposed along with the refinement of controls through use of schedules to zones and overlays. It is recommended that Council adopt the report on the review of the Corangamite Planning Scheme.

Introduction

Council is required by legislation to undertake a review of its planning scheme at three yearly intervals. Previous reviews were undertaken in 2003, 2007 and 2011 to meet this requirement.

This review process commenced in July 2015 and has been conducted in accordance with the *Practice Note (32): Review of Planning Schemes (June 2015)* from the Department of Environment, Land, Water and Planning (DELWP) and uses the structure of the then Department of Planning and Community Development's *Continuous Improvement Review Toolkit 2006*.

The review prepared by consultants Glossop Town Planning Services is being conducted in two stages. Stage 1 sets out to review the current Corangamite Planning Scheme whilst Stage 2 creates a new look Municipal Strategic Statement (MSS) and Local Policy framework.

The Planning Scheme Review Stage 1 Report (the Review Report) provides an assessment of the strategic performance of the Corangamite Planning Scheme and recommendations for future strategic planning priorities. This has been based on a detailed review process, consultation with stakeholders, a review of the Municipal Strategic Statement (MSS) and local planning policy and a review of the strategic planning work undertaken by Council in the inter-review period.

Issues

The key findings of the review are outlined below.

Work Undertaken Since the 2011 Review

The 2011 review provided seven recommendations for improvement and recommended the next review be more comprehensive. The review acknowledges that Council has progressed implementation of the 2011 recommendations and undertaken a range of strategic planning work in the inter-review period. Key changes since 2011 include:

- The Great South Coast Regional Growth Plan has been included in the Corangamite Planning Scheme.
- Structure plans have been introduced for the townships for Princetown and Skipton.
- There have been a number of strategic studies including implementation of the Tourism Opportunities Study, Industrial Land Strategy, the Heritage Study Stage 2, updated flood plain mapping for Mount Emu Creek in Skipton and the inclusion of the planning framework for Electronic Gaming Machines.
- There have been 56 Amendments to the Scheme (43 State and regional amendments and 13 Corangamite Shire amendments).

Panel Findings and VCAT Decisions

The Review Report concludes that whilst there has been minimal VCAT and Planning Panel activity and no broad conclusions can be made, the few decisions do indicate some areas for policy improvement.

There are two key issues identified being:

1. The Design and Development Overlay applying to Port Campbell and specifically Schedule 3 (DDO3) which applies to the residential area of Port Campbell. The review found there was room to clarify certain aspects of these controls and policy.
2. The Significant Landscape Overlay Schedule 1 and Schedule 3 (SLO1 and SLO3) affecting the Shire's volcanic cones and craters and Great Ocean Road landscape respectively. The Review Report recommends "in a strategic sense, the mapping of the Significant Landscape Overlays should be reviewed to ensure that its breadth and coverage is sufficient enough to protect significant landscapes within the Shire".

The Review Report also makes comment on the need for Council to ensure that its strategic work justifies any planning scheme amendment and that there is timely implementation of strategic studies (having regard to the Panel findings in relation to amendment C21 and C30).

Other matters identified from the review of Panel report findings include the future application of overlays to both private and public land, the consideration of social and economic impacts and the protection of the right to farm. The review recommends further analysis and discussion with some policy direction to be provided through the LPPF rewrite under Stage 2.

Local Strategic Context and Key Planning Issues

This section of the Review Report includes consideration of the Council Plan 2013-2017, the Municipal Public Health and Wellbeing Plan, and other strategic work undertaken by Council.

The Review Report highlights that Council has achieved a considerable amount of strategic work relative to its overall resources, population and planning permit activity. Relevantly, most of the significant strategic work undertaken by Council has been actively implemented

within the inter-review period, through amendments to the Corangamite Planning Scheme. Some of the issues identified in the existing MSS and local policy remain relevant and indeed may require further reinforcement and policy expression in the Scheme.

Planning Scheme/Policy Gaps Arising from Consultations

The consultation undertaken as part of the review identified a range of issues for consideration as part of any future rewrite of the Planning Scheme or in undertaking further strategic work. These included:

- Need to update the planning scheme and make it more relevant.
- Increase permit exemptions and reduce red tape.
- Improve flood mapping for the Shire.
- Further facilitation of business start-ups.
- Inclusion of the Infrastructure Design Manual and Open Space Contributions into the planning scheme.
- Provision of land use buffers around industrial and wastewater facilities.
- The need for policy direction in the Shire's rural areas, particularly in relation to dwellings and small lot subdivision.
- The need for stronger guidance on tourism.
- The need for policy guidance for non-agricultural uses within the Farming Zone.
- The need for policy direction on urban design issues within townships.
- Investigation of land use buffers to protect resources and existing uses with adverse amenity potential.
- Providing policy direction on aviation use and development

Implementation of State and Local policy

Municipal Strategic Statement (MSS)

The Department of Land Water and Planning's *Planning Practice Note No 4* provides the recommended format and a convenient set of headings that should be used in developing an MSS. The Review Report recommends the MSS undergo structural changes to ensure more consistency with the Practice Note stating that, "many planning scheme reviews have focused on reducing the level of unnecessary and irrelevant information, thereby improving the clarity and usability of the schemes".

The Review Report concludes the following with regard to the MSS:

- The MSS should clearly separate its objectives and strategies.
- The MSS is too 'wordy', contains too much information that is descriptive in nature and which does not assist in decision making.
- The Review Report finds there is no direction on the pertinent topic of non-agricultural uses in the Farming Zone and recommends there should be.
- The environment section provides little assistance other than in a narrative sense.
- There is very little guidance on industrial development which needs support in both the MSS and in new Design and Development Overlays.

The Review Report suggests that the MSS would benefit from a complete restructure in accordance with the Practice Note and the headings used in the State-wide SPPF. These are:

- Settlement
- Environmental and Landscape Values
- Environmental Risks
- Natural Resource Management
- Built Environment and Heritage
- Housing

-
- Economic Development
 - Transport
 - Infrastructure.

Based on recently approved Local Planning Policy Frameworks (LPPF), the Review Report suggests that the following structure be applied within each sub heading:

- Overview
- Key Issues
- Objective
- Strategy
- Implementation (Zone, Overlay, Policy, Guideline)
- Other Actions (Further Strategic Work)
- Reference Documents.

In terms of content, the Review Report notes some absent information in the MSS including the lack of any meaningful discussion (and sometimes no discussion) on the following issues (among others):

- flooding
- open space
- bushfire
- erosion
- dwellings in the Farming Zone
- rural areas
- small towns
- urban design.

Zones and Schedules

The Review Report finds that most of the zones and schedules in the Planning Scheme require some level of review and further work including possible deletion and map changes. Changes would need to be based on further work undertaken by Council. Specifically, it makes the following recommendations on the zones and schedules:

- Review all zone selections in light of modifications to the rural, residential, commercial and industrial zones, through the Stage 2 rewrite.
- Commission a Commercial Areas Study to provide strategic direction on the appropriate location for commercial land use and development.
- Implement adopted Council strategies through zone selection.
- Rationalise all zone schedules and delete any redundant clauses, as required.
- Investigate opportunities to reduce red tape through a review of permit triggers and exemptions through the Stage 2 rewrite.
- Review Special Use Zone and Public Use Zone land to resolve anomalies and confusion as well as outdated schedules, through the Stage 2 rewrite.

Overlays and Schedules

The Review Report finds that most of the overlays and schedules require review and further work including possible deletion, exemptions, decision guidelines and map changes.

Few of the overlay schedules provide any meaningful exemption provisions which mean that in many cases, most buildings and works require a planning permit. It is quite possible that some planning permits are the result of unnecessary applications triggered by the extensive overlay network with inadequate exemptions. In the context of the recent State initiatives to streamline the planning process and remove unnecessary permits, Council could minimise applications by including some realistic exemptions.

The Review Report recommends:

- Audit all overlays and schedules (including a review of all permit triggers and exemptions) to improve performance and reduce red tape.
- Review the Vegetation Protection and Environmental Significance Overlay provisions in light of State level policy changes.
- Review the extent of mapping for the Significant Landscape Overlay Schedules (particularly SLO1).
- Review the Design and Development Overlay schedules to improve clarity and expression.
- Review permit triggers and exemptions within all schedules to reduce red tape.
- Investigate applying the Environmental Audit Overlay to sites on the Environment Protection Authority's register.

Specific Provisions

The Review Report assessed the effectiveness of each significant Particular Provision and found that there remains significant opportunity for Council to use these schedules. For example, consultations noted that the schedule to Clause 52.01 Public Open Space Contribution is silent but should specify a sliding scale based on development density and the schedules to Clauses 66.04 and 66.06 should include referral and notice requirements.

Further Strategic Work Program

The Review Report praises Council for undertaking a significant amount of strategic work since the last review of the Scheme, however found that some strategies have not progressed. It suggests that Council may be over committing to its proposed strategic work plan and suggests prioritisation and scheduling of tasks to ensure that issues are addressed in a comprehensive and co-ordinated manner. The sequencing of work and corresponding implementation of the work through Amendment preparation is of critical importance and will be addressed through the LPPF re write under Stage 2.

It was found that there are a number of pieces of 'Further Strategic Work' that need to be undertaken to achieve a policy benefit. These are listed below:

Amendment implementation:

- Implementation of Infrastructure Design Manual.
- Implementation of LPPF Review.
- Implementation of Zone and Overlay Changes.

Need to commission:

- Small Towns Strategy based on the outcomes of the Community Plans and existing Structure Plans.
- Investigation of potentially contaminated sites.
- Investigation of potential restructure overlay sites, especially near the coast.
- Flood mapping review led by the CMA.

Stage 2 of the Planning Scheme Review will specifically address the re write of the Local Planning Policy Framework and will re write and introduce policy on the following issues:

- Urban design.
- Dwellings in small lots in rural areas.
- Small lot subdivision (including excisions and boundary re-alignments) in rural areas.
- Intensive Agriculture.
- Non-agricultural uses in the Farming Zone.
- Industrial areas.

Recommendations

The Planning Scheme Review Report makes 22 recommendations. These are provided attached to this report.

Policy and Legislative Context

The *Planning and Environment Act 1987* requires all municipalities to review their planning Schemes regularly. This review meets this statutory obligation. State Government Practice Notes guide the review of a Planning Scheme.

Internal / External Consultation

Internal and targeted external consultation was conducted with a broad cross section of the community given an opportunity to comment at drop in sessions and via submissions.

Financial and Resource Implications

Funds for this review have already been allocated in this current year's budget. A budget item for the recommended Planning Scheme Amendment that begins the implementation of the review is in the draft 2016-2017 budget. It is expected implementation can be staged in accordance with future budget allocations.

Options

The options available to Council are to:

1. Adopt the Corangamite Planning Scheme Review report and forward to the Minister for Planning as required. **(Preferred option.)**
2. Adopt the Corangamite Planning Scheme Review report with or without changes and forward to the Minister for Planning as required.
3. Refuse to adopt the report maintaining the current form and content of the Corangamite Planning Scheme and to forward the report to the Minister for Planning as required.

Conclusion

In accordance with the requirements of the *Planning and Environment Act 1987*, Council has commissioned a report reviewing the efficiency, function and direction of the Corangamite Planning Scheme. The review report finds that Council has achieved many of the previous reviews recommendations and recommends a suite of comprehensive changes that will update the current scheme. It is recommended Council adopt the report titled Corangamite Planning Scheme Review prepared by Glossop Town Planning being the 2016 review of the Corangamite Planning Scheme required by Section 12B(1) of the *Planning and Environment Act 1987*. The report will then be forwarded to the Minister for Planning.

RECOMMENDATION

That Council:

1. **Adopts the report titled *Corangamite Planning Scheme Review* by Glossop Town Planning dated May 2016 as the review required by section 12B(1) of the *Planning and Environment Act 1987*.**
2. **Forwards the report to the Minister for Planning as required by section 12B(5) of the *Planning and Environment Act 1987*.**

Attachments

1. Report Planning Corangamite Planning Scheme Review May 2016 - Under Separate Cover
2. Recommendations Planning Scheme Review Report - Under Separate Cover

9.2 PP2015/083.A Amended Planning Permit Application Development of Farm Shed 1558 Timboon Peterborough Road Peterborough

Author: Stephanie Durant, Planning Officer

File No: D16/284

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

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

Author - Stephanie Durant

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

Summary

A planning permit application has been received proposing to amend Planning Permit PP2015/083 for the Development of a Farm Shed. Following notice of the proposed amendment to the permit, two (2) objections were received based primarily on safety concerns for operations of the Peterborough Airfield. An assessment finds there is no significant risk and the shed is sited appropriately. It is recommended that Council issue a Notice of Decision to grant an amended planning permit.

Introduction

History

The original planning permit PP2015/083 was issued for a farm shed on 30 September 2015. The permit required amended plans to be submitted to show the siting of the farm shed setback no closer than 25 metres from the boundary with Timboon-Peterborough Road. This condition was required as the shed was in the direct line with the airstrip and due to its height and location was considered to be a potential safety hazard for aircraft utilising the airstrip.

Subject Land

The site has a total area of 4100 square metres and is part of a larger landholding of 5.84 hectares. The site is accessed from the Timboon-Peterborough Road and there is an existing dwelling which is located approximately 41 metres west of the Timboon-Peterborough Road. There is an established cypress plantation along the northern and part of the eastern boundary and a plantation of native vegetation along the southern boundary.

Surrounding Area

The landowner/applicant owns the abutting land to the south and west with Wards Road to the north and Timboon-Peterborough Road to the east. The wider surrounds consist of Curdies Inlet to the west, the Great Ocean Road and National Park to the south, rural residential properties to the north and the Peterborough Airfield to the east on the opposite side of Timboon-Peterborough Road.



Figure 1 Subject Site and Surrounds

Proposal

The application proposes to amend planning permit PP2015/083 Construction of a Farm Shed. The amended application has applied to alter the following:

a) The location of the shed

The original planning permit required the shed to be located 25 metres from Timboon-Peterborough Road and setback 109 metres from the Great Ocean Road. The amended application has applied to re-locate the shed so it is 5 metres from the Timboon Peterborough Road and 112 metres from the Great Ocean Road. Figure 2 below shows the location of the shed approved under PP2015/083 and the location of shed applied for under PP2015/083.A. The proposed location of the development under the amended application will require the removal of a small shed.

b) The height of the shed

The application has applied to reduce the height of the shed from 5 metres to 3.55 metres.

c) The colour of the shed

The application has applied to change the Colourbond colour of the shed from 'Colourbond Rivergum' to 'Colourbond Paperbark'.



Figure 2 Location of Sheds

Policy and Legislative Context

Zone and Overlays

The land is located within the Rural Conservation Zone 1 (RCZ1) and is covered by the Significant Landscape Overlay-Schedule 3 Great Ocean Road Landscape Area-Peterborough to Princetown (SLO3). A planning permit is required to develop land for a farm shed under Clause 35.06-5 of the RCZ1 and Clause 42.03-2 of the SLO3. The purpose of the Rural Conservation Zone is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To conserve the values specified in a schedule to this zone.
- To protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values.
- To protect and enhance natural resources and the biodiversity of the area.
- To encourage development and use of land which is consistent with sustainable land management and land capability practices, and which takes into account the conservation values and environmental sensitivity of the locality.
- To provide for agricultural use consistent with the conservation of environmental and landscape values of the area.
- To conserve and enhance the cultural significance and character of open rural and scenic non-urban landscapes.

The SLO3 encourages any development to be low in scale, set back from the Great Ocean Road and well integrated into the landscape.

State Planning Policy Framework

Clause 18.04-3 Airfields objective is to facilitate the siting of airfields and extensions to airfields, restrict incompatible land use and development in the vicinity of airfields, and recognise and strengthen the role of airfields as focal points within the State's economic and transport infrastructure.

Strategies include:

- Avoid the location of new airfields in areas which have greater long-term value to the community for other purposes.

- Plan the location of airfields, existing and potential development nearby, and the land-based transport system required to serve them as an integrated operation.
- Plan the visual amenity and impact of any use or development of land on the approaches to an airfield to be consistent with the status of the airfield.
- Plan for areas around all airfields such that:
 - Any new use or development which could prejudice the safety or efficiency of an airfield is precluded.
 - The detrimental effects of aircraft operations (such as noise) is taken into account in regulating and restricting the use and development of affected land.
 - Any new use or development which could prejudice future extensions to an existing airfield or aeronautical operations in accordance with an approved strategy or master plan for that airfield is precluded.

Internal / External Consultation

Referrals

The application did not require referral to any agencies or internal Council departments.

Advertising

Notice of the application was provided in accordance with the *Planning and Environment Act 1987*, with all adjoining landowners and occupiers receiving notification, and notice being placed on Council’s website.

Objections

Two objections were received to the application. The issues raised in the objections and an officer response to each are provided in the table below.

Objection	Officer Response
The proposed shed is within the final approach or take-off path of the airstrip at the airfield which has the potential to create safety risk for aircraft.	The changes proposed locate the shed away from the direct line of approach and take off to the runway. The amended proposal has reduced the height of the shed from 5 metres to 3.55 metres.
As the shed is proposed to be used for agricultural purposes it could be located elsewhere on the property away from the airstrip.	The assessment of this application must consider the proposal put before it. Whilst there is potential to locate the shed in another location on the property, the proposed location in proximity to the existing house and other infrastructure is considered appropriate. The proposed location will minimise the visual impact of the shed on the Great Ocean Road and the surrounding landscape.
The proposed shed is inconsistent with the primacy that the Corangamite Planning Scheme places on significant tourism assets such as Peterborough Airfield.	It is considered that the shed does not prejudice the Peterborough Airfield as a significant tourism asset or its continued operation.

Objection	Officer Response
<p>The proposed shed is contrary to the following objectives and strategies under Clause 18.04-3 for Planning for Airfields:</p> <ul style="list-style-type: none"> • <i>Restrict incompatible land use and development in the vicinity of airfields and recognise and strengthen the role of airfields as focal points within State's economic and transport infrastructure.</i> • <i>Any new use or development which could prejudice the safety or efficiency of an airfield is precluded.</i> 	<p>The development of the shed in the proposed location is not an incompatible development and will not unreasonably prejudice the safety or efficiency of the airport. The amended location and reduced height of the development is considered a preferable planning outcome when compared to the permitted development under PP2015/083.</p>
<p>The proponent has not provided any technical evidence that locating the shed will not have an adverse impact on the airport.</p>	<p>The information provided by the proponent is considered sufficient to address the requirements of the Corangamite Planning Scheme, noting that Peterborough Airfield is not licenced by CASA.</p>

Consultation

An onsite meeting was held with the permit applicant, objector, Councillors and planning officers on 3 May 2016. No consensus could be achieved between the applicant and objector at this meeting.

Assessment

In assessing this proposal the following consideration are relevant:

Compliance with Planning Provisions and State and Local Planning Policy

The new location of the shed and its lower height will not prejudice the operations at the airfield any more than the current tree and dwelling heights in the area. Clause 18.04-3 *Planning for Airfields* or the identified tourism role of the Peterborough Airfield identified under the Special Use Zone-5 offer no control over amendments to existing structures and trees. This proposal relocates the shed away from the direct line of the runway and makes it lower than the adjacent house reducing the risk associated with it. The shed's location amongst other buildings will ensure that the development will not be viewed in isolation from main viewing corridors such as the Great Ocean Road and therefore will not have a significant impact on the visual qualities that the Rural Conservation Zone and Significant Landscape Overlay promote.

Safety

The Peterborough Airfield is required to comply with the *Civil Aviation Regulations 1988* which will ensure that all aircraft are only able to use the airstrip if it is safe to do so. The development of a shed at 3.55 metres in height and in close proximity to a dwelling which is of a greater height is considered a preferable planning outcome when compared to the permitted development under PP2015/083 in terms of minimising safety risk to the operations of Peterborough Airfield.

Options

Council has the following options:

1. Issue a Notice of Decision to Grant an Amended Planning Permit, subject to revised conditions as set out in the recommendation. The only alteration to the permit is the replacement of condition 1 (request for amended plans) is now replaced with a condition not allowing the alteration of the endorsed plans. **(This is the recommended option.)**
2. Issue a Notice of Refusal to Grant an Amended Planning Permit.

Conclusion

An application to amend the current planning permit PP2015/083 to alter the location, height and colour of the shed has been received. The changes reduce the height of the shed to 3.55 metres and locates it away from the direct line of the runway bringing it under the height of the adjacent house. It is therefore considered that this proposed amendment should be supported subject to conditions.

RECOMMENDATION

That Council pursuant to Section 75 of the Planning and Environment Act 1987, resolves to issue a Notice of Decision to Grant Amended Planning Permit PP2015/083.A for the Development of Land for a Farm Shed at 1558 Timboon Peterborough Road Peterborough subject to the following conditions:

1. Layout not Altered

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

2. Colour Scheme

Prior to the development commencing, the Applicant shall submit a muted tones colour scheme in respect of the shed roof for approval by the Responsible Authority. The approved colour scheme must then be implemented in full and retained thereafter to the satisfaction of the Responsible Authority.

3. Landscape Plan

Before the development starts a landscape plan must be submitted to and approved by the Responsible Authority. The landscape plan must be to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:

- (a) a survey of all existing vegetation and natural features showing plants (greater than 1200mm diameter) to be removed;**
- (b) a planting schedule of all proposed trees, shrubs and ground cover, which will include the location, number and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface materials as specified;**

All species selected must be to the satisfaction of the Responsible Authority.

4. Completion of Landscaping

Before the development starts or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

5. Expiry of Permit

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

- (a) The development hereby approved has not commenced within two (2) years of the date of this permit.**
- (b) The development hereby approved is not completed within four (4) years of the date of this permit.**

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires; or

- (c) within six (6) months after the permit expires where the development has not yet started; or**
- (d) within twelve (12) months after the permit expires where the development allowed by the permit has lawfully commenced before the permit expiry.**

Attachments

- 1. Attachment 1- Copy of Original Planning Permit PP2015/083 - Under Separate Cover
- 2. Attachment 2- Planning Application PP2015/083.A - Under Separate Cover
- 3. Attachment 3- Copy of Objections - Under Separate Cover
- 4. Attachment 4- Tracked Changes PP2015/083.A - Under Separate Cover

10. OFFICERS' REPORTS

10.1 Proposed Meeting Procedures Local Law No.3 (2016) for Public Consultation

Author: Marilyn Lynch, Organisational Development Coordinator

File No: D16/308

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

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

Author - Marilyn Lynch

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

Summary

The purpose of this report is for Council to endorse for public consultation and advertising the proposed Meeting Procedures Local Law No. 3 (2016).

Introduction

It was identified that there was a requirement to review all of Council's Local Laws prior to their expiry in 2019 due to the need for amendment and changes in legislation. Council reviewed its Local Laws Nos. 1 and 2 in September 2015 and these were adopted by Council in December 2015.

A review of the Processes of Municipal Government Local Law No. 3 (2009) has now been undertaken and the re-named Meeting Procedures Local Law No. 3 (2016) is attached for consideration.

The objectives of the proposed Meeting Procedures Local Law No. 3 (2016) are to:

- a) provide for the election of the Mayor and for the election of a Deputy Mayor (if that position is agreed upon by the majority of Councillors)
- b) regulate the use of the Common Seal and prohibit unauthorised use of the Common Seal
- c) regulate proceedings of Ordinary and Special meetings of Council, and other meetings conducted by or on behalf of Council where Council has resolved that the provisions of the Local Law are to apply
- d) provide for the appointment of Councillors to Special Committee positions and external boards

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- e) promote and encourage community participation in the system of local government by providing mechanisms for community members to ask questions on relevant information
 - f) provide rules of conduct for those participating in or present at Council meetings and other meetings conducted by or on behalf of Council.

Issues

A comprehensive revision of the Processes of Municipal Government Local Law No. 3 (2009) has been undertaken and benchmarked against other councils in order to improve its format and content and enhance the understanding of meeting procedure processes by Councillors, officers and members of the community.

Council must follow the process identified in the *Local Government Act 1989* for the making of local laws. This includes the opportunity for the community to provide feedback on the proposed Local Laws prior to adoption. Council must also advertise the proposed and final Local Laws in the Government Gazette and a newspaper circulated in the area.

To assist the community to understand the changes that have been made to the proposed Local Law, a Community Impact Statement (attached) has been prepared. The Community Impact Statement supports the Local Law amendment process and includes:

- Part A: Introduction, Background and Objectives
- Part B: Comments on the proposed Local Law overall
- Part C: Comments on specific parts or provisions of the proposed Local Law, including:
 - Table 1: Summarising the major content changes addressed in the proposed Local Law
 - Table 2: Cross referencing clauses in the existing Local Law (2009) to the proposed Local Law (2016).
- Part D: Conclusion and Further Information

The Processes of Municipal Government Local Law No.3 (2009) will be revoked at the time of the adoption of the proposed Meeting Procedures Local Law No. 3 (2016).

Policy and Legislative Context

The proposed Meeting Procedures Local Law No. 3 (2016) has been prepared in accordance with the requirements of sections 91(1), 111 and 119 of the *Local Government Act 1989*.

The conduct of Council meetings and Special Committee meetings is also guided by the following Governance policies:

- Public Participation at Council Meetings Policy
- Committees of Council Policy
- Councillor Code of Conduct.

Internal / External Consultation

The review of the Processes of Municipal Government Local Law No.3 (2009) has been undertaken by a review group comprising Councillors and Council officers. Councillors have been briefed on the proposed changes and had opportunity to provide input into the review.

The proposed Meeting Procedures Local Law No. 3 (2016) has been reviewed legally by HWL Ebsworth and is considered to be compliant with the *Local Government Act 1989*.

As part of the process for making of a local law, community consultation must be undertaken in accordance with Section 223 of the *Local Government Act 1989*. Once consultation is complete for the proposed Local Law, submissions must be considered by Council prior to adopting the Local Law.

If endorsed by Council, copies of the proposed Meeting Procedures Local Law No. 3 (2016) and the Local Law Community Impact Statement will be made available for public inspection. Locations that the proposed Local Laws may be inspected include the Camperdown Civic Centre, Camperdown Library, Cobden Library, Derrinallum Library, Terang Library, Timboon Library, Port Campbell Visitor Information Centre and on Council's website.

Any person affected by the proposed Local Law No. 3 (2016) may make a written submission relating to the proposed Local Law No. 3 under Section 223 of the *Local Government Act 1989*. Written submissions must be received by 5.00 pm on Monday 27 June 2016 and should be addressed to the Chief Executive Officer. In their written submission, a person may also request to be heard by Council in support of their submission, prior to Council considering the proposed Meeting Procedures Local Law No. 3 (2016).

Financial and Resource Implications

The cost of obtaining legal advice, advertising and promotion of the proposed Meeting Procedures Local Law No. 3 (2016) are within the allocated budget of \$5,000.

Options

Council may decide to endorse the proposed Meeting Procedures Local Law No. 3 (2016) for public consultation and advertising as presented, or with minor alterations. Alternatively, Council may decide to abandon the Local Law review process until the existing Processes of Municipal Government Local Law No.3 (2009) sunsets in 2019.

Conclusion

The proposed Meeting Procedures Local Law No. 3 (2016) provides an important tool for Council to maintain the principles and practice of good governance through regulation of proceedings of Council and Special Committee meetings. Council's existing Processes of Municipal Government Local Law No.3 (2009) was adopted in 2009 and is due to sunset in 2019. It was identified that there were sufficient amendments required to the Local Law No. 3 (2009) to justify a review process prior to 2019.

RECOMMENDATION

That Council:

- 1. Commence the necessary statutory procedures in accordance with sections 91(1), 111 and 119 of the *Local Government Act 1989*, for the making of a new Meeting Procedures Local Law No.3 (2016).**
- 2. Give Notice in the Government Gazette and newspapers generally circulating within the municipal district stating the purpose and general purport of the proposed Meeting Procedures Local Law No.3 (2016).**

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3. Invite any affected person to make a submission relating to the proposed Meeting Procedures Local Law No.3 (2016) under Section 223 of the *Local Government Act 1989*, with the option to be heard by Council prior to making a final determination of the Local Law.
 4. Receive a report at a future Ordinary Meeting of Council advising the outcome of the community consultation and advertising process and to make a final determination of the proposed Meeting Procedures Local Law No.3 (2016).

Attachments

1. Local Laws No.3 Meeting Procedures Draft Community Impact Statement May 2016
2. Proposed Local Law No 3 Meeting Procedure 2016



Local Law Community Impact Statement

Proposed Meeting Procedures Local Law No. 3 (2016)

PART A: General Comments

Introduction

This Community Impact Statement is intended to provide information to the community about the Draft Meeting Procedures Local Law No. 3 (2016) (*proposed Local Law No. 3 2016*) and to assist any member of the public who may wish to make a submission to Council during the public consultation process required under the *Local Government Act 1989* (the Act)

The *proposed Local Law* was presented to the Ordinary Meeting of Council on 24 May 2016 at which Council endorsed the release of the draft for public exhibition for at least 28 days.

Background

Council's existing Local Law, entitled *Processes of Municipal Government Local Law No. 3*, was adopted by Council in 2009 and is due to expire in 2019. As a matter of good governance, it is considered timely to conduct a review of this Local Law to provide greater transparency of both purpose and process to meet the needs of current and future Councils. The review also reflects changes in the *Local Government Act 1989* and other relevant legislation.

The *Processes of Municipal Government Local Law No. 3 (2009)* will be revoked at the time of the adoption of the new *Meeting Procedures Local Law No. 3 (2016)*.

A Review Group, comprising the Mayor, Councillors, Chief Executive Officer, and Council officers was established to undertake a review of the existing *Local Law (2009)*. Councillors were briefed and opportunities were given to all Councillors to provide input into the review. The review process included benchmarking against the corresponding Local Laws of other Victorian councils to assess where Council's Local Law could be improved. Legal opinion has been obtained from Council's legal advisors to ensure the *proposed Local Law No.3 (2016)* is compliant with the Act.

Objectives

The objectives of the proposed *Local Law No. 3 (2016)* are to:

- a) provide for the election of the Mayor and election of a Deputy Mayor (if that position is agreed upon by the majority of Councillors);
- b) regulate the use of the Common Seal and prohibit unauthorised use of the Common Seal;
- c) regulate proceedings of Ordinary and Special meetings of Council, and other meetings conducted by or on behalf of Council where Council has resolved that the provisions of the Local Law are to apply;
- d) provide for the appointment of Councillors to Special Committee positions and external boards;
- e) promote and encourage community participation in the system of local government by providing mechanisms for community members to ask questions on relevant information;
- f) provide rules of conduct for those participating in or present at Council meetings and other meetings conducted by or on behalf of Council.

Overview of Proposed *Meeting Procedures Local Law No.3 (2016)*

The *Local Law No.3 (2016)* is being proposed to improve the format and content of the existing Local Law in order to enhance transparency and the understanding of meeting procedure processes by Councillors, officers and members of the community. The proposed *Local Law No. 3 (2016)* has been updated to be consistent with industry practice and more recent Local Laws of councils.

A detailed summary has been completed explaining these modifications and comments for each part of the proposed *Local Law No. 3 (2016)*.

PART B: Comments on proposed *Meeting Procedures Local Law No. 3 (2016)*

<p>Measures of success of proposed Local Law</p>	<ul style="list-style-type: none"> • The success of this proposed <i>Local Law No. 3 (2016)</i> will be best measured by the extent to which it enhances the governance framework and decision making processes of Council, including: <ul style="list-style-type: none"> ○ that Council meetings operate openly and transparently ○ that the overall objectives of the Local Law are met ○ that compliance with the Act is achieved.
<p>Existing legislation that might be used instead</p>	<ul style="list-style-type: none"> • There is no existing legislation that could be used instead of the proposed <i>Local Law No.3 (2016)</i>. • The proposed <i>Local Law No. 3 (2016)</i> has been prepared in accordance with the requirements of section 91(1) of the Act which requires Council to make a local law governing the conduct of Council meetings and Special Committee meetings, and to regulate the use of the Common Seal. Except as provided for in the Act and the proposed Local Law, the conduct of Council Meetings and Special Committee meetings is guided by Governance policies such as: <ul style="list-style-type: none"> ○ Public Participation at Council Meetings Policy ○ Committees of Council Policy ○ Councillor Code of Conduct.
<p>State legislation more appropriate</p>	<ul style="list-style-type: none"> • Not applicable. State legislation compels Council to make Local Laws governing the conduct of meetings of Council and Special Committees and regulating the use of the Common Seal.
<p>Overlap of existing legislation</p>	<ul style="list-style-type: none"> • Not applicable. It is not considered that the proposed Local Law No. 3 (2016) overlaps existing legislation, rather it operates in conjunction with the requirements of the Act.
<p>Overlap of planning scheme</p>	<ul style="list-style-type: none"> • There is no overlap with the Corangamite Shire Planning Scheme.

<p>Risk assessment</p>	<ul style="list-style-type: none"> • The development of the proposed <i>Local Law No. 3 (2016)</i> ensures compliance with the Act and adheres to the principles of good governance within Council. • Council does not believe there are any risks associated with the proposed <i>Local Law No. 3 (2016)</i> in view of the legislative approaches adopted, as described below. • Community consultation will be undertaken prior to the decision to make the proposed <i>Local Law No. 3 (2016)</i>.
<p>Legislative approach adopted</p>	<ul style="list-style-type: none"> • The <i>Local Law No. 3 (2016)</i> is necessitated by the provisions of the Act. • In relation to conduct of meetings, the proposed <i>Local Law No. 3 (2016)</i> adopts a medium impact regulatory approach. Whilst being largely prescriptive, the proposed Local Law retains a level of discretion which is considered appropriate to facilitate the orderly conduct of meetings. • In relation to the election of the Mayor, the proposed <i>Local Law No. 3 (2016)</i> adopts a high impact regulatory approach that is highly prescriptive with no discretionary process. This is considered appropriate as it provides certainty and transparency to candidates and the community and ensures elections are conducted in a fair and equitable manner. • In relation to use of the Common Seal, the proposed <i>Local Law No. 3 (2016)</i> adopts a high impact regulatory approach that is considered appropriate as it provides clear accountability for appropriate use and safekeeping of the Council seal. • The proposed <i>Local Law No. 3 (2016)</i> has been drafted in accordance with the Act.
<p>Restriction of competition</p>	<ul style="list-style-type: none"> • There are no implications for the National Competition Policy.
<p>Penalties</p>	<ul style="list-style-type: none"> • Penalties that apply under the proposed <i>Local Law No. 3 (2016)</i> are set out under Part 11, clause 69.
<p>Permits & fees</p>	<ul style="list-style-type: none"> • There are no permits established by and no fees payable under the proposed Local Law.
<p>Comparison with neighbouring and like Councils</p>	<ul style="list-style-type: none"> • The proposed <i>Local Law No. 3 (2016)</i> has been benchmarked against other Victorian councils' Local Laws. The proposed <i>Local Law No. 3 (2016)</i> is not substantially different from the meeting procedure local laws of other Victorian councils.
<p>Charter of Human Rights</p>	<ul style="list-style-type: none"> • The <i>Charter of Human Rights and Responsibilities Act 2006</i> (the Charter) contains twenty basic rights that promote and protect the values of freedom, respect, equality and dignity. Councils must not knowingly and disproportionately limit these rights and must always consider them when making laws, developing policies and delivering services. • The proposed <i>Local Law No. 3 (2016)</i> is considered to be compatible with the Charter.

<p>Consultation</p>	<ul style="list-style-type: none"> • The proposed <i>Local Law No. 3 (2016)</i> has been reviewed in consultation with Councillors, members of Council staff and Council’s legal advisors. • The proposed <i>Local Law No. 3 (2016)</i> is subject to a period of public consultation in accordance with sections 119(2) and 223 of the Act. • Any person affected by the proposed <i>Local Law No. 3 (2016)</i> may make a written submission relating to the proposed Local Law under section 223 of the Act. Written submissions must be received by 5pm on Monday 27 June 2016 addressed to Andrew Mason, Chief Executive Officer, Corangamite Shire Council, PO Box 81, Manifold Street, Camperdown, Victoria 3260. • In their written submission, a person may also request to be heard by Council in support of their submission, prior to Council considering the proposed Local Law. • For more information on the proposed <i>Local Law No.3 (2016)</i> contact Andrew Mason, Chief Executive Officer, on 5593 7113.
<p>Process</p>	<ul style="list-style-type: none"> • In accordance with section 119 of the <i>Local Government Act 1989</i>, Council is required to give notice in the Victoria Government Gazette of its intention to create a Local Law stating: <ul style="list-style-type: none"> ○ The purpose and general purport of the proposed Local Law. ○ A copy of the proposed Local Law may be obtained from the Council office. ○ Any person affected by the proposed law may make a submission under section 223 of the <i>Local Government Act 1989</i>. • Notice must also be published in newspapers circulating in the area and on Council’s website. Council must provide at least 28 days after the date notice is published for submissions to be received. • Once submissions are received, Council will consider the submissions and resolve to either: <ul style="list-style-type: none"> ○ Bring the Local Law into operation as drafted; ○ Bring the Local Law into operation subject to amendment; or ○ If the amendments are deemed significant enough, give notice again and provide further opportunity for submissions to be received on the amended version.
<p>Submissions</p>	<ul style="list-style-type: none"> • This section will be completed following the section 223 advertising process and community consultation.

PART C: Comments on specific parts or provisions of the proposed *Meeting Procedures Local Law No. 3 (2016)*

Table 1 below summarises the major content changes addressed in the proposed *Meeting Procedures Local Law No. 3 (2016)*:

Part, clause(s) or section of part of Local Law	Outcome
Structure of document	<ul style="list-style-type: none"> • The proposed <i>Local Law No. 3 (2016)</i> has been re-ordered and re-numbered for better flow and easier navigation. • The following table does not comment on minor alterations or grammatical changes.
A: Introduction, including Title, Objectives and Definitions	<ul style="list-style-type: none"> • Objectives updated to include provision for: <ul style="list-style-type: none"> ○ election of Deputy Mayor, if that position is agreed by the majority of Councillors ○ appointment of Councillors to Special Committees and external Boards ○ promotion and encouragement of community participation in Council meetings and other meetings conducted by or on behalf of Council ○ rules of conduct for those participating • Definitions updated and/or amended to improve understanding of the terms contained in the proposed Local Law.
B: Election of Mayor and Deputy Mayor	<ul style="list-style-type: none"> • Amended to include provision for election of a Deputy Mayor, if that position is agreed by a majority of Councillors • Procedure for conducting election of Mayor has been reworded and process clarified in line with current practice and industry standards. • The election procedure has been moved from the Schedule to the Part B of the proposed Local Law.
C: Common Seal	<ul style="list-style-type: none"> • No change.
D: Council's Office Holders	<ul style="list-style-type: none"> • Provides for appointment and removal of Councillors to Special Committees and external Boards
E: Meetings Procedure	
Part 1: Notices of Council Meetings and Delivery of Agendas	<ul style="list-style-type: none"> • The procedure for Calling Ordinary Meetings has moved from the Schedule to Part 1 • Inclusion of a procedure for Council adoption of a calendar of Ordinary Meetings for the year ahead • Inclusion of information about calling Special Meetings of Council • Refers to publishing notice of meetings on Council website and meetings being open or closed to members of the public in accordance with the Act.

Part, clause(s) or section of part of Local Law	Outcome
Part 2: Quorums	<ul style="list-style-type: none"> • Now describes a quorum as the majority rather than four (4) Councillors, thus negating a future amendment if elected member numbers are altered by Ministerial direction • Addresses the need for adjournment if a quorum cannot be maintained during a Council meeting • Provides a procedure in the case of a lack of a quorum due to conflicts of interests • Includes requirement for the Chief Executive Officer or an Authorised Officer to give notice of details of the adjournment to each Councillor.
Part 3: Conduct and Business of Meetings	<ul style="list-style-type: none"> • Procedures now apply to Special Council Meetings as well as Ordinary and Special Committee meetings • Makes provision for the inclusion of Other Business on the Agenda • Introduces a procedure for use of a Councillors' Notice of Motion Form • Introduces new clauses relating to the Order of Business • Confirms that the Mayor must preside as Chairperson at all Council Meetings if present • Provides for the appointment of an Acting Chair in the Mayor's absence, who may be the immediate Past Mayor or the Deputy Mayor if one is elected • Inclusion of a procedure to address Councillor leave of absence and apologies.
Part 4: Motions and Debate	<ul style="list-style-type: none"> • Part 4 has been extensively re-worded to provide clarity and transparency around the process for Motions and Debate. A number of clauses describe a variety of circumstances and requirements relating to moving and considering Motions and Amendments to Motions. Changes are consistent with industry practice • Speaking times have been specified for the amender and seconder of Motions • Clause 40 provides appropriate methods of addressing the Chair, Councillors and Council staff • Clause 41 provides a detailed procedure relating to Foreshadowing Motions • Clause 42 makes provision for a Councillor to ask a question concerning or arising out of a Motion or an Amendment, describes the process for asking such a question, and gives the Chairperson the right to disallow a question which does not specifically relate to the Motion or Amendment or is considered irrelevant by the Chairperson • Clause 43 provides a procedure in the event that a Motion is lost.
Part 6: Procedural Motions	<ul style="list-style-type: none"> • Procedural Motions require to have a seconder. Refers to the table in Schedule 1 for types of Procedural Motions.

Part, clause(s) or section of part of Local Law	Outcome
Part 7: Points of Order	<ul style="list-style-type: none"> • Describes the grounds for Points of Order. Wording is consistent with current and industry practice.
Part 8: Voting	<ul style="list-style-type: none"> • Part 8 has been extensively re-worded to provide clarity and transparency around the procedure for Voting and Divisions and is consistent with industry practice • Includes procedure relating to adoption and revocation of policies.
Part 9: Rescinding Council Resolutions	<ul style="list-style-type: none"> • Part 9 has been re-worded to be consistent with current and industry practice • Describes a procedure for rescinding Resolutions of Council • Provides conditions if Motion for Rescission is lost or not moved at the Council Meeting at which it is listed.
Part 10: Minutes	<ul style="list-style-type: none"> • Part 10 has been re-worded to be consistent with current and industry practice • Includes detail of required content of Council Minutes • Includes procedures for signing and storage of Minutes • Includes procedures for recording meetings by Council subject to Council resolution • Includes requirement for members of the public to obtain consent to operate recording equipment and introduces a penalty for recording meetings without permission.
Part 11: Conduct at Council Meetings	<ul style="list-style-type: none"> • Part 11 has been re-worded to be consistent with industry practice and legislative changes • Includes a clause relating to the requirement for Councillors to sign a declaration to abide by the Councillor Code of Conduct • Provides for suspension of a Councillor from a Council Meeting • Provides a range of penalties for conduct offences by Councillors and members of the public.
Part 12: Suspension of Standing Orders	<ul style="list-style-type: none"> • This part has been re-worded to be consistent with current and industry practice.
Part 13: Public Question Time and Public Representations	<ul style="list-style-type: none"> • Refers to application of Council policies and procedures to Part 13.
Part 14: Miscellaneous	<ul style="list-style-type: none"> • Includes a clause which refers to the Victorian Parliament Standing Orders and Rules of Practice for procedures not specifically provided in the proposed Local Law • Includes provision for the Chief Executive Officer to respond through the Chairperson, to criticism of Council staff by a Councillor at a Council meeting.
Part 15: Special Committees	<ul style="list-style-type: none"> • Includes clauses which generally and specifically apply to Special Committees.

Part, clause(s) or section of part of Local Law	Outcome
Part F and G: Certification of Local Law No.3 and Council Adoption	<ul style="list-style-type: none"> No changes.
Schedule 1: Procedural Motions	<ul style="list-style-type: none"> Formal Motions have been re-named Procedural Motions Other amendments to be consistent with current and industry practice.

Table 1

Table 2 provides cross references for the clauses in the existing *Local Law (2009)* to the proposed *Local Law (2016)*.

New Clause	Old Clause
1. Title	1. Title
2. Authorising Provision	n/a – new clause
3. Objectives	2. Objectives
4. Commencement and end dates	3. Commencement
5. Revocation of Local Law no.3	4. Revocation of Local Law
6. Definitions	6. Definitions
Part B – Election of Mayor and Deputy Mayor	Schedule 1, 7a)-c) – Election of Mayor
Part C – Council’s Common Seal	Part 4, 26, 1)-5) – The Common Seal
Part D – Council’s Office Holders	n/a – new clause
Part E – Meetings Procedure	
Part 1: Notices of Council Meetings and Delivery of Agendas Ordinary Meetings	
11. Calling Ordinary Meetings	Schedule 1- Responsibilities of the Chief Executive Officer, 1. & 2.
12. Special Meetings of the Council	n/a – new clause
13. Special Committee Meetings	Schedule 1- Responsibilities of the Chief Executive Officer, 1. & 2.

New Clause	Old Clause
14. Publication of Council Meeting Dates	n/a – new clause
15. Meetings to be open to the public	n/a – new clause
Part 2: Quorums	
16. Council meetings	Part 3, 8. - Quorum
Part 3: Conduct and Business of Meetings	
17. Business at meetings	Part 3, 9. - Business at meetings
18. Councillors may propose Notices of Motion	13. – Form of motions
19. Order of Business	n/a – new clause
20. Change to Order of Business	n/a – new clause
21. Chairperson	n/a – new clause
22. Absence of Chairperson	n/a – new clause
23. Leave of Absence and Apologies	n/a – new clause
24. Interests and Conflicts of Interest	Part 3, 10.1 & 10.2 – Disclosure of Conflict of Interest
Part 4: Motions and Debate	
25. Introducing a Motion at a Council Meeting	Part 3, 14. – Procedures for Motions and Amendments
26. Unacceptable Motions at a Council Meeting	Part 3, 13. – Form of motions
27. Moving a motion at a Council Meeting	Part 3, 14. – Procedures for Motions and Amendments
28. Right of Reply	Part 3, 15. – Debate on Motions and Amendments
29. Moving an amendment to a Motion	Part 3, 14. – Procedures for Motions and Amendments
30. Who may Propose an Amendment to a Motion	Part 3, 14 - Procedures for Motions and Amendments

New Clause	Old Clause
31. How many Amendments may be Proposed	Part 3, 14 - Procedures for Motions and Amendments
32. An Amendment to a Motion once Carried	Part 3, 15. – Debate on Motions and Amendments
33. Withdrawal of Motions	Part 3, 14 - Procedures for Motions and Amendments
34. Separation of Motions	Part 3, 15. – Debate on Motions and Amendments
35. Priority of Address	Part 3, 15. – Debate on Motions and Amendments
36. Motions in Writing	n/a – new clause
37. Repeating Motion and/or Amendment of Motion	Part 3, 15. – Debate on Motions and Amendments
38. Debate must be relevant to the Motion	Part 3, 15. – Debate on Motions and Amendments
39. Speaking Times	Part 3, 19. – Time Limits for Debate
40. Addressing the Council Meeting	n/a – new clause
41. Foreshadowing Motions	n/a – new clause
42. Right to Ask Questions	n/a – new clause
43. Lost Motions	n/a – new clause
Part 6: Procedural Motions	
44. Procedural Motions	Part 3. 17. – Formal Motions
Part 7: Points of Order	
45. When does a Point of Order Occur	Part 3. 18. – Points of Order
46. Chairperson to Decide	Part 3. 18. – Points of Order
47. Chairperson may Suspend Standing Orders to Consider	Part 3. 25. – Suspension of Standing Orders
48. Dissent from Chairperson’s Ruling	Part 3. 22. – Chairperson’s Ruling

New Clause	Old Clause
49. Procedure for Point of Order	Part 3. 18. – Points of Order
50. Valid Points of Order	Part 3. 18. – Points of Order
Part 8: Voting	
51. How a motion is Determined 52. Casting Vote 53. By Show of Hands 54. Procedure for Division 55. No Discussion Once Declared	Part 3. 20. - Divisions
Part 9: Rescinding Council Resolutions	
56. Rescission of Council Resolutions	Part 3. 16. - Revocation and Amendment
57. If Lost 58. If Not Moved 59. May be Moved by any Councillor	Part 3. 16. - Revocation and Amendment
Part 10: Minutes	
60. Confirmation of Minutes 61. No debate on Confirmation of Minutes 62. Deferral of Confirmation of Minutes	Part 3. 11. - Confirmation of the Minutes of a Meeting
63. Records of Council Meetings	n/a – new clause
64. Recording of Meetings	n/a – new clause
Part 11: Conduct at Council Meetings	
65. Behaviour of Councillors	Part 3. 12. - Addressing the Meeting
66. Conduct of Visitors at Meetings 67. Chairperson May Remove	Part 3. 24. – Conduct of Visitors at Meetings
68. Suspensions	n/a – new clause
69. Offences	Part 5. 27. – Offences and Penalties
70. Chairperson may adjourn disorderly Council Meeting 71. Removal from Chamber	Part 5. 27. – Offences and Penalties
72. The Chairperson’s Duties and Discretions	Part 3. 12. – Addressing the Meeting Part 5. 27. – Offences and Penalties

New Clause	Old Clause
Part 12: Suspension of Standing Orders	
73. Suspension of Standing Orders	Part 3. 25. – Suspension of Standing Orders
Part 13: Public Question Time and Public Representations	
Public Question Time and Public Representations	n/a – new clause
Part 14: Miscellaneous	
74. Procedure not Provided in Local Law	n/a – new clause
75. Criticism of Members of Council Staff	Part 3. 23. – Criticism of Council Staff
Part 15: Special Committees	
76. Application Generally 77. Application Specifically	n/a – new clauses
PART F: Certification of Local Law No.3	Part 6 - Certification of Local Law No. 3
PART G: Council Adoption	Part 7 – Council Adoption
Schedule 1: Procedural Motions	Schedule 2 – Formal Motions

Table 2

PART D: Conclusion and further information

Conclusion

The proposed *Meeting Procedures Local Law No.3 (2016)* is the result of a comprehensive review of the existing Local Law No. 3. The proposed Local Law incorporates a major revision of both content and format to enhance the understanding of council and special meeting procedures by Councillors, Officers and members of the community and respond to legislative changes since 2009.

In accordance with the process for adopting a Local Law, Council is required to give notice of its intention to establish a Local Law for at least 28 days before considering any feedback received from the community and finalising the adoption of the proposed Local Law.

A subsequent report will be prepared for Council at the conclusion of the public submission period at which time Council may resolve to amend the proposed *Meeting Procedures Local Law No.3 (2016)* having considered submissions. If the amendments are significant, Council may be obliged to go through the public consultation period again. Alternatively, if there are no amendments or the amendments are minor, Council may resolve to bring the *Meeting Procedures Local Law No.3 (2016)* into operation, effective immediately.

Notice of this resolution will then be given in the Victoria Government Gazette and local newspapers.

Further Information

People seeking further information on Corangamite Shire Council's proposed *Meeting Procedures Local Law No.3 (2016)* may contact:

Andrew Mason
Chief Executive Officer
Corangamite Shire Council
5593 7100

Copies of the proposed *Meeting Procedures Local Law No.3 (2016)* and the relevant Community Impact Statement are available from Council's website www.corangamite.vic.gov.au and from the Corangamite Shire Civic Centre which is open 8.30am – 5pm Monday to Friday.

Copies of the proposed *Meeting Procedures Local Law No.3 (2016)* and the Community Impact Statement are also available for viewing at libraries located throughout Corangamite Shire.



**CORANGAMITE
SHIRE**

MEETING PROCEDURES LOCAL LAW 2016

Local Law No.3



**CORANGAMITE
SHIRE**

Corangamite Shire Council

Local Law No. 3: Meeting Procedures 2016

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A: Introduction

1. Title

This Local Law will be known as the “Meeting Procedures Local Law No. 3, 2016.”

2. Authorising Provision

The Meeting Procedures Local Law No 3, 2016 is made in accordance with Part 5 of the *Local Government Act 1989* (the Act).

This Local Law is intended to be consistent with the Act, particularly Part 4. In the event of any inconsistency, the provisions of the Act will prevail.

3. Objectives

- 3.1. provide for the election of the Mayor and Deputy Mayor (if that position is agreed upon by the majority of Councillors);
- 3.2. regulate the use of the Common Seal and prohibit unauthorised use of the Common Seal;
- 3.3. regulate proceedings of Ordinary and Special meetings of Council, and other meetings conducted by or on behalf of Council where Council has resolved that the provisions of the Local Law are to apply;
- 3.4. provide for the appointment of Councillors to Special Committee positions and external boards;
- 3.5. promote and encourage community participation in the system of local government by providing mechanisms for community members to ask questions on relevant information;
- 3.6. provide rules of conduct for those participating in or present at Council meetings and other meetings conducted by or on behalf of Council.

4. Commencement and End Dates

- 4.1. The Meeting Procedures Local Law No. 3, 2016 commences on [date]
and
- 4.2. ends on the 10th anniversary of the day on which it commenced operation.

5. Revocation of Local Law No. 3

On the commencement of the Meeting Procedures Local Law No 3, 2016, Council’s Processes of Municipal Government 2009 Local Law No.3 is revoked.

6. Definitions

In the Meeting Procedures Local Law No 3, 2016:

“Act” means the Local Government Act 1989;

“Agenda” means the document setting out the business to be transacted at a Council Meeting and includes the reports and business papers for that business;

“Assembly of Councillors” has the same meaning as in the Act;

- “Authorised Officer” means a member of Council staff who is authorised by Council to carry out specific functions under this Local Law;
- “Chamber” means any room where Council holds a Council Meeting;
- “Chairperson” means the Chairperson of a Council meeting and includes an acting, temporary and substitute Chairperson;
- “Chief Executive Officer” means the Chief Executive Officer of the Council or any person acting in that position;
- “Common Seal” means the Common Seal of Council which is a device which formally records the collective will of Council;
- “Council” means the Corangamite Shire Council;
- “Council Meeting” includes an Ordinary Meeting, a Special Meeting, a Special Committee Meeting, but does not include an Assembly of councillors;
- “Councillor” means a Councillor of the Council and for the purposes of this Local Law includes any member of a Special Committee;
- “Division” means a formal count of those for and those against a motion generally to remove any doubt as to whether the motion is supported or opposed;
- “Majority” in relation to votes or Councillors means the number of votes of Councillors constituting more than half of the total number;
- “Mayor” means the Mayor of the Council;
- “Minutes” means the record of proceedings of a Meeting;
- “Municipal District: means the municipal district of Council;
- “Notice of Motion” means a notice setting out the text of a motion which it is proposed to move at the next relevant Council Meeting;
- “Notice of Rescission” means a Notice of Motion to rescind a resolution made by Council;
- “Offence” means an act or default in breach of this Local Law;
- “Officer” means an employee of the Council;
- “Ordinary Meeting” means any meeting of Council which is not a Special Meeting or a meeting of a Special Committee;
- “Penalty Units” mean penalty units prescribed by the *Sentencing Act 1991* for local laws;
- “Procedural Motion” means a motion which relates to the conduct of the meeting itself;
- “Special Committee” means a special committee established by Council under section 86 of the Act;

“Special Committee Meeting” means a meeting of a Special Committee established by Council, convened and held in accordance with section 87 of the Act;

“Special Council Meeting” means a meeting of Council convened and held in accordance with section 84 of the Act;

“Suspension of Standing Orders” means the suspension of the provisions of this Local Law to facilitate full discussion on an issue without formal constraints

B: Election of Mayor and Deputy Mayor

7. Electing the Mayor at a Council Meeting

- 7.1. A Mayor must be elected in accordance with section 71 of the Act.
- 7.2. The Chief Executive Officer must open the meeting at which the Mayor is to be elected, and preside until the meeting elects a temporary Chairperson.
- 7.3. The temporary Chairperson must invite nominations for the office of Mayor which must be seconded.
- 7.4. A Councillor may nominate themselves for the office of Mayor which must be seconded.
- 7.5. Where a Councillor is nominated by another Councillor for the office of Mayor, the nominee must be provided with the opportunity to either accept or decline the nomination.
- 7.6. Voting is by show of hands.
- 7.7. Nominees will be offered an opportunity to address fellow Councillors prior to a vote, for up to five (5) minutes each.
- 7.8. If there is only one (1) nomination, that nomination must still go to a vote.
- 7.9. If there are two (2) nominations, the Councillors present at the Meeting must vote for one (1) of the nominees.
- 7.10. In the event of a nominee receiving a Majority of the votes, that nominee is elected as Mayor.
- 7.11. If there are three (3) or more nominations, the Councillors present at the Meeting must vote for one (1) of the nominees.
- 7.12. The nominee with the lowest number of votes is a defeated nominee and voting is repeated until there are two (2) remaining nominees.
 - 7.12.1. If there is a tied vote between two or more nominees who receive the lowest number of votes, Councillors must vote for the tied nominees to determine the defeated nominee.
- 7.13. A final vote is taken with the remaining two (2) nominees and in the event of a nominee receiving a Majority of the votes, that nominee is elected as Mayor.
- 7.14. In the event of two (2) nominees having an equal number of votes, the office of Mayor will be determined by lot.
- 7.15. If a lot is conducted, the Chief Executive Officer will have the conduct of the lot and the following provisions will apply:
 - 7.15.1. each nominee will draw one (1) lot;
 - 7.15.2. the order of drawing lots will be determined by the alphabetical order of the surnames of the nominees who received an equal number of votes, except that if two (2) or more such nominees' surnames are identical, the order will be determined by the alphabetical order of the nominees' first names;
 - 7.15.3. a white and black marble must be placed in a receptacle;

7.15.4. the nominee who draws the black marble must be declared the defeated nominee;

7.15.5. the nominee who draws the white marble must be duly elected as Mayor.

8. Electing the Deputy Mayor at a Council Meeting

- 8.1. Council may choose to elect a Deputy Mayor, if agreed by a majority of Councillors.
- 8.2. A Deputy Mayor, is to be elected by way of the same procedure as specified in clause 7.

D: Council's Office Holders

10. Appointment of Councillors to Special Committees and Boards

Once every calendar year, the Council must resolve to:

- 10.1. allocate Councillors to nominated Special Committees or board positions; and
- 10.2. remove Councillors from Special Committees or board positions.

E: Meetings Procedure

Part 1: Notices of Council Meetings and Delivery of Agendas

11. Calling Ordinary Meetings

- 11.1. Council must fix the date, time and place of all Ordinary Meetings for the year at the Council Meeting held in November of the previous year.
- 11.2. Council may by resolution change the date, time and place of any Ordinary Meeting which has been fixed and must provide notice of the change to the public at least seven (7) days before the Ordinary Meeting.
- 11.3. An Agenda for an Ordinary Meeting must be delivered to every Councillor at least 48 hours before an Ordinary Meeting.
- 11.4. An Agenda of an Ordinary Meeting must be available to the public at least 48 hours before the Ordinary Meeting.
- 11.5. If as a result of an emergency an Agenda is not provided at least 48 hours before an Ordinary Meeting, the Chief Executive officer must record in the minutes of the Meeting the nature of the emergency and the reason for an Agenda not being provided 48 hours before the meeting.

12. Special Meetings of the Council

- 12.1. Special Meetings of the Council will be called and held in accordance with the Act.
- 12.2. A notice of a Special Meeting and Agenda must be delivered to every Councillor at least 48 hours before the Special Meeting. A period less than 48 hours may, however, be justified if exceptional circumstances exist.

13. Special Committee Meetings

Special Committee Meetings will be called and held in accordance with the Act.

14. Publication of Council Meeting Dates

- 14.1. Council must publish the public notice of all Council Meetings on the Council's website.

15. Meetings to be Open to the Public

Any meeting of the Council or a Special Committee must be open to members of the public unless Council resolves that the meeting be closed to members of the public in accordance with sections 89 (2) and (3) of the Act.

Part 2: Quorums

16. Council Meetings

- 16.1. The quorum for Ordinary and Special Meetings is the presence of a Majority of the full Council.
- 16.2. The quorum for Special Committee Meetings is the presence of a Majority of the members of the Special Committee.
- 16.3. If after 30 minutes from the scheduled starting time of any Council Meeting, a quorum cannot be obtained:
 - 16.3.1. those Councillors present; or
 - 16.3.2. if there are no Councillors present, the Chief Executive Officer; or
 - 16.3.3. in the absence of the Chief Executive Officer, an Authorised Officer;must adjourn the Council Meeting for a period within seven (7) days from the date of adjournment.
- 16.4. If during any Council Meeting or any adjournment of the Council Meeting, a quorum cannot be maintained:
 - 16.4.1. those Councillors present; or
 - 16.4.2. if there are no Councillors present, the Chief Executive Officer; or
 - 16.4.3. in the absence of the Chief Executive Officer, an Authorised Officer;must adjourn the Council Meeting for a period not exceeding seven (7) days from the date of adjournment.
- 16.5. If a quorum cannot be achieved or maintained due to the disclosure of conflicts of interest of Councillors, the Chief Executive Officer will move onto to the next item of business, and defer the item in respect of which the quorum cannot be achieved, to the following Council Meeting or if necessary, for a length of time to enable dispensation for the affected Councillors to be obtained from the Minister administering the Act.
- 16.6. The Chief Executive Officer, or an Authorised Officer, must give notice to each Councillor of the date, time and place to which the Council Meeting stands adjourned and of the business remaining to be considered.

Part 3: Conduct and Business of Meetings

17. Business at Meetings

No business can be dealt with at an Ordinary Council Meeting, Special Council Meeting or Special Committee Meeting unless:

- 17.1. it is contained in the agenda, or
- 17.2. the majority of Councillors at the meeting vote in favour of a matter being dealt with as Urgent Business by resolution of Council and only then if it:
 - 17.2.1. relates to or arises out of a matter which has arisen since distribution of the Agenda; and
 - 17.2.2. cannot safely or reasonably be deferred until the next Ordinary Meeting
- 17.3. the Agenda for an Ordinary Meeting makes provision for Other Business, in which case the Other Business to be transacted will be:
 - 17.3.1. at the discretion of the Chairperson; and
 - 17.3.2. provided to the Chairperson before the commencement of the meeting; and
 - 17.3.3. must be of broad interest to the community or be of strategic significance; and
 - 17.3.4. must be approved by the majority of Councillors present.

18. Councillors may Propose Notices of Motion

- 18.1. Prior to a Council Meeting, Councillors wanting to include a matter on the Agenda, must complete a Councillor's Notice of Motion Form.
- 18.2. A Notice of Motion form must be signed by the Councillor and be lodged with the Chief Executive Officer to allow sufficient time for him or her to give each Councillor notice of such Notice of Motion and to allow sufficient time for the Notice of Motion to be put on the Agenda for the next Council Meeting.
- 18.3. The Chief Executive Officer may reject any Notice of Motion which is vague or unclear in intention but must:
 - 18.3.1. give the Councillor who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so; and
 - 18.3.2. notify in writing the Councillor who lodged it of the rejection and reasons for the rejection.
- 18.4. The full text of any Notice of Motion accepted by the Chief Executive Officer must be included in the material accompanying the Agenda. The CEO may provide additional information or clarification on the matter.
- 18.5. Except by leave of Council, each Notice of Motion before any Council Meeting must be considered in the order in which they were received by the Chief Executive Officer.

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- 18.6. If a Councillor who has given a Notice of Motion is absent from the Council Meeting or fails to move the motion when called upon by the Chairperson, any other Councillor may move the motion.
- 18.7. If a Notice of Motion is not moved at the Council Meeting at which it is listed, it lapses.

19. Order of Business

The order of business at any Council Meeting is to be determined by the Chief Executive Officer so as to facilitate and maintain open, efficient and effective processes of government

20. Change to Order of Business

Once an Agenda has been sent to Councillors, the order of business for that Council Meeting may be altered with the consent of Council.

21. Chairperson

- 21.1. The Mayor must preside at all Council Meetings at which he or she is present, in the role of Chairperson.

22. Absence of Chairperson

- 22.1. If the Mayor is unable to attend a Council Meeting for any reason the immediate Past Mayor (or Deputy Mayor if elected) will be appointed as Acting Chair.
- 22.2. If the Mayor is required to vacate the chair during a Council Meeting (whether on account of a conflict of interest or otherwise), the immediate Past Mayor (or Deputy Mayor if elected) will be appointed as temporary Chair for the period of the Mayor's absence.
- 22.3. In the event the immediate Past Mayor (or Deputy Mayor if elected) is absent, the Councillors must elect an Acting or temporary Chairperson.

23. Leave of Absences and Apologies

- 23.1. If a Councillor plans to be absent from three (3) or more Council Meetings, the Councillor should request a leave of absence by giving notice to the Chief Executive Officer.
- 23.2. Council may by resolution grant a leave of absence for a Councillor.
- 23.3. Conditions for a Councillor's leave of absence is in accordance with the Act.
- 23.4. Councillors unable to attend a Council Meeting must give the Chief Executive Officer notice of an apology prior to the Council Meeting.
- 23.5. If a Councillor arrives following the commencement of the Council Meeting, leaves a Council Meeting and/or returns to the Meeting, the minutes shall record the Councillor's name and time of the arrival or departure.

24. Interests and Conflicts of Interest

A Councillor must disclose any interest or conflict of interest in accordance with the Act.

Any conflict of interest disclosed must be recorded in the Minutes of the Council Meeting.

Part 4: Motions and Debate

25. Introducing a Motion at a Council Meeting

Before a motion at a Council Meeting is moved, a Councillor may introduce it by indicating, in not more than two (2) minutes:

- 25.1. its intent; or
- 25.2. the desired outcome, if it is passed.

26. Unacceptable Motions at a Council Meeting

Any motion which is determined by the Chairperson at a Council Meeting to be:

- 26.1. defamatory;
- 26.2. objectionable in language or nature;
- 26.3. vague or unclear in intention;
- 26.4. outside the powers of Council; or
- 26.5. irrelevant to the item of business on the Agenda and has not been admitted as Urgent Business, or purports to be an amendment but is not;

must not be accepted by the Chairperson.

27. Moving a Motion at a Council Meeting

The procedure for moving any motion is:

- 27.1. the mover must state the motion and be given an opportunity to introduce the motion in accordance with clause 25;
- 27.2. the motion must be seconded by a Councillor other than the mover;
- 27.3. if a motion is not seconded, the motion lapses for want of a seconder;
- 27.4. If a motion is moved and seconded the Chairperson may ask:

“Is the motion opposed?”

If no Councillor indicates opposition, the Chairperson will give each Councillor an opportunity to speak to the motion. Each Councillor may only speak once and for not more than three (3) minutes, unless the Chairperson offers a further opportunity to do so. If a Councillor indicates opposition, then the Chairperson must call on the mover to address the Council Meeting;

- 27.5. after the mover has addressed the meeting, the seconder may address the Council Meeting, or the seconder may reserve his or her right to speak later in the debate;
- 27.6. after the seconder has addressed the Council Meeting (or after the mover has addressed the Council Meeting if the seconder does not address the Council Meeting), the Chairperson must invite debate by calling on any Councillor who wishes to speak to the motion. If after the mover has addressed the Council Meeting, the Chairperson has invited debate and no Councillor speaks to the motion, then the Chairperson must put the motion to the vote.

28. Right of Reply

- 28.1. The mover of a motion has a right of reply to matters raised during debate.
- 28.2. After the right of reply has been taken, the motion must immediately be put to the vote without any further discussion or debate.

29. Moving an Amendment to a Motion

- 29.1. Subject to clause 29.2, a motion which has been moved and seconded may be amended by leaving out or adding words. Any added words must be relevant to the subject of the motion.

29.2. A motion to confirm a previous resolution of Council cannot be amended.

30. Who may Propose an Amendment to a Motion

An amendment to a motion may be proposed or seconded by any Councillor, except the mover or seconder of the original motion.

31. How Many Amendments May be Proposed

- 31.1. Any number of amendments may be proposed to a motion but only one (1) amendment may be accepted by the Chairperson at any one time.
- 31.2. No second or subsequent amendment, whether to the motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with.

32. An Amendment to a Motion Once Carried

- 32.1. If the amendment to a motion is carried, the motion as amended then becomes the motion before the Council Meeting.
- 32.2. Subject to clause 32.3 once the amended motion is before Council, the debate can resume from where it left off.
- 32.3. A Councillor who has already spoken on the original motion must not speak again on the amended motion unless the amended motion is so substantially different to the original motion so as change the debate.

33. Withdrawal of Motions

- 33.1. Before any motion is put to the vote, it may be withdrawn by the mover and seconder at their request.

34. Separation of Motions

- 34.1. The Chairperson may decide to put any motion to the vote in several parts.
- 34.2. Where a motion contains more than one (1) part, a Councillor may request the Chairperson to put the motion to the vote in separate parts.

35. Priority of Address

In the case of competition for the right to speak, the Chairperson must decide the order in which the Councillors concerned will be heard.

36. Motions in Writing

- 36.1. The Chairperson may require that a complex or detailed motion be in writing.
- 36.2. Council may suspend Standing Orders while the motion is being written or Council may defer the matter until the motion has been written, allowing the Council Meeting to proceed uninterrupted.

37. Repeating Motion and/or Amendment of Motion

The Chairperson may request the person taking the minutes of the Council Meeting to read the motion or amendment to the Council Meeting before the vote is taken.

38. Debate Must be Relevant to the Motion

- 38.1. Debate must always be relevant to the motion before the Chair, and if not, the Chairperson must request the speaker to confine debate to the motion.
- 38.2. If, after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the Chairperson may direct the speaker to be seated and not speak further in respect of the motion then before the Chair.
- 38.3. A speaker to whom a direction has been given under clause 38.2 must comply with that direction.

39. Speaking Times

A Councillor must not speak longer than the time set below, unless granted an extension by the Chairperson:

- 39.1. the mover of a motion or an amendment which has been opposed: five (5) minutes;
- 39.2. the amender of a motion that has been opposed: five (5) minutes;
- 39.3. the seconder of the motion: three (3) minutes;
- 39.4. any other Councillor: three (3) minutes; and
- 39.5. the mover of a motion exercising a right of reply: two (2) minutes.

40. Addressing the Council Meeting

If the Chairperson so determines:

- 40.1. any person addressing the Chair may refer to the Chairperson as:
 - Mayor; or
 - Madam Mayor; or
 - Mr Mayor; or
 - Chair; or
 - Madam Chair; or
 - Mr Chair;
 - as the case may be.

40.2. all Councillors other than the Mayor, must be addressed as:

Councillor(surname).

40.3. all members of Council staff must be addressed as:

Mr, Ms, or Mrs(surname) as determined by the officer
or by their official title.

41. Foreshadowing Motions

- 41.1. At any time during debate a Councillor may foreshadow a motion so as to inform Council of his or her intention to move a motion at a later stage in the Council Meeting, but this does not extend any special right to the foreshadowed motion.
- 41.2. A motion foreshadowed may be prefaced with a statement that in the event of a particular motion before the Chairperson being resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- 41.3. The Chief Executive Officer or person taking the minutes of the Council Meeting is expected to record foreshadowed motions in the minutes, if sufficient detail of the foreshadowed motion is provided at the Council Meeting.
- 41.4. A foreshadowed motion may be considered directly after the debate and resolution of the original motion being considered. Additional motions not foreshadowed are to be considered in another section of the Agenda, (e.g. Other Business or Urgent Business).

42. Right to Ask Questions

- 42.1. Subject to clause 42.6, a Councillor may, at any time when no other Councillor is speaking, ask any question concerning or arising out of the motion or amendment before the Chairperson.
- 42.2. Questions are not to be asked between moving and seconding a motion, except to seek clarification on the motion moved.
- 42.3. Councillors must be seated after asking the questions and during any reply.
- 42.4. All questions must be directed to the Chairperson or to another Councillor through the Chairperson. The Chairperson, as he or she deems necessary, may direct any questions to the Chief Executive Officer, to answer or refer to the appropriate officer for response.
- 42.5. Questions are not to be asked after the right of reply and before the motion being voted upon.
- 42.6. The Chairperson has the right to disallow any question that does not specifically relate to the motion or amendment directly before it and to disallow any questions should they, in the reasonable opinion of the Chairperson, be considered irrelevant.

43. Lost Motions

If a motion is lost without a subsequent motion then being carried, it will not be automatically determined that the outcome is contrary to the lost motion. Councillors should therefore move a motion detailing further requirements or actions after any motion is lost.

Part 5: Procedural Motions

44. Procedural Motions

- 44.1. Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the Chairperson.
- 44.2. Procedural motions require a seconder.
- 44.3. Notwithstanding any other provision in this Local Law, procedural motions must be dealt with in accordance with the table in Schedule 1.

Part 6: Points of Order

45. When Does a Point of Order Occur

A point of order is taken when a Councillor officially draws the attention of the Chairperson of a Council Meeting to an alleged irregularity in the proceedings in accordance with clause 49.

46. Chairperson to Decide

The Chairperson must decide all points of order by stating the provision, rule, practice or precedent which he or she considers applicable to the point raised without entering into any discussion or comment.

47. Chairperson may Suspend Standing Orders to Consider

- 47.1. The Chairperson may suspend standing orders of the Council Meeting to consider a point of order but otherwise must rule on it as soon as it is raised.
- 47.2. All other questions before Council are suspended until the point of order is decided.
- 47.3. A Councillor may take a point of order by stating briefly the matter which is the subject of the point of order and if related to this Local Law by stating the clause or clauses that relate thereto.

48. Dissent from Chairperson's Ruling

- 48.1. A Councillor may move that the Council Meeting disagree with the Chairperson's ruling on a point of order, by moving:

“That the Chairperson's ruling (setting out that ruling or part of that ruling) be dissented from”
- 48.2. When a motion in accordance with this clause is moved and seconded, the Chairperson must leave the Chair and a temporary Chairperson is appointed to take his or her place in accordance with clause 22.
- 48.3. The temporary Chairperson must invite the mover to state the reasons for his or her dissent and the Chairperson may then reply.
- 48.4. The temporary Chairperson must put the motion in the following form:

“That the Chairperson's ruling be dissented from:”
- 48.5. If the vote is in the negative, the Chairperson resumes the Chair and the Council Meeting proceeds.
- 48.6. If the vote is in the affirmative, the Chairperson must then resume the Chair, reverse or vary (as the case may be) his or her previous ruling and proceed.
- 48.7. The defeat of the Chairperson's ruling is in no way a motion of censure or no confidence in the Chairperson, and should not be so regarded by the Council Meeting.

49. Procedure for Point of Order

A Councillor raising a point of order must:

- 49.1. state the point of order; and
- 49.2. state any section, clause, paragraph or provision relevant to the point of order;
before resuming his or her seat.

50. Valid points of order

A point of order may be raised in relation to:

- 50.1. a motion, which, under clause 26 should not be accepted by the Chairperson;
- 50.2. a question or procedure; or
- 50.3. any act of disorder;
- 50.4. rising to express a difference of opinion or to contradict a speaker is not a point of order.

Part 7: Voting

51. How a Motion is Determined

To determine a motion before a Council Meeting, the Chairperson must first call for those in favour of the motion and then those opposed to the motion, and must then declare the result to the Council Meeting.

52. Casting Vote

In the event of a tied vote, the Chairperson must exercise the casting vote in accordance with the Act.

53. By Show of Hands

Unless Council resolves otherwise, voting on any matter is by show of hands.

54. Procedure for a Division

- 54.1. Immediately after any question is put to a Council Meeting and before the next item of business has commenced, a Councillor may call for a division.
- 54.2. When a division is called for, the vote already taken must be treated as set aside and the division shall decide the question, motion or amendment.
- 54.3. When a division is called for, the Chairperson must:
 - 54.3.1. ask each Councillor wishing to vote in the affirmative to raise their hands, and then announce the names of these Councillors; and
 - 54.3.2. then ask each Councillor wishing to vote in the negative to raise their hands, and then announce the names of these Councillors.
- 54.4. The Chief Executive Officer or any Authorised Officer must record the names of those Councillors voting in the affirmative and in the negative, in the minutes of the meeting.
- 54.5. No Councillor is prevented from changing his or her original vote on the division, and the voting by division will determine whether the motion or amendment is carried or lost.
- 54.6. The Chairperson must announce the result of the vote immediately after the division is taken.

55. No Discussion Once Declared

Once a vote on a motion has been taken, no further discussion relating to the motion is allowed unless the discussion involves:

- 55.1. a Councillor requesting, before the next item of business is considered, that his or her opposition to a resolution be recorded in the minutes;
- 55.2. foreshadowing a Notice of Rescission where a resolution has just been made; and or a positive motion where a resolution has just been rescinded; or
- 55.3. foreshadowing a Notice of Rescission in which case what is foreshadowed must be noted in the minutes of the Council meeting.

Part 8: Rescinding Council Resolutions

56. Rescission of Council Resolutions

Resolutions of Council may be rescinded by following the procedures below:

- 56.1. A Councillor may propose a Notice of Rescission provided:
 - 56.1.1. the resolution proposed to be rescinded has not been acted on; and
 - 56.1.2. the Notice of Rescission must be received in writing to the Chief Executive Officer setting out:
 - 56.1.2.1. the resolution to be rescinded; and
 - 56.1.2.2. the meeting and date when the resolution was carried.
- 56.2. A Council officer may recommend rescission in their report to Council.
- 56.3. A resolution will be deemed to have been acted on if:
 - 56.3.1. its contents have, or substance has been formally communicated to, a person whose interests are materially affected by it; or
 - 56.3.2. a statutory process has been commenced so as to vest enforceable rights in or obligations on Council or any other person.
- 56.4. The Chief Executive Officer or an appropriate member of Council staff must defer implementing a resolution which:
 - 56.4.1. has not been acted on; and
 - 56.4.2. is the subject of a Notice of Rescission which has been delivered to the Chief Executive Officer in accordance with clause 56.1.2;unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

57. If Lost

If a Motion for Rescission is lost, a similar motion may not be put before Council for at least two (2) months from the date it was last lost, unless Council resolves that the Notice of Motion be re-listed at a future Council Meeting.

58. If Not Moved

If a Motion for Rescission is not moved at the Council Meeting at which it is listed, it lapses.

59. May be Moved by any Councillor

A Motion for Rescission listed on an Agenda may be moved by any Councillor present but may not be amended.

60. When Not Required

- 60.1. A Motion for Rescission is not required where Council wishes to change policy.
- 60.2. Any intention to change a Council policy must be included as a recommendation by Officers in their report to Council.

-
- 60.3. If there is a recommendation for Council to adopt a new policy, the previous version of that policy must be revoked by resolution of Council.

Part 9: Minutes

61. Confirmation of Minutes

At every Council Meeting, the minutes of the preceding Council Meeting must be dealt with as follows:

- 61.1. a copy of the minutes must be given to each Councillor no later than 48 hours before the next Council Meeting;
- 61.2. if no Councillor indicates opposition, the minutes must be declared to be confirmed;
- 61.3. if a Councillor indicates opposition to the minutes:
 - 61.3.1. he or she must specify the item(s) to which he or she objects;
 - 61.3.2. the objected item(s) must be considered separately in the order in which they appear in the minutes and in accordance with clause 26;
 - 61.3.3. after all objections have been dealt with, the Chairperson ultimately asks: "That the minutes be confirmed"

or

That the minutes as amended, be confirmed"

and he or she must put the question to the vote accordingly.
- 61.4. a resolution of Council must confirm the minutes and the minutes must, if practicable, be signed by the Chairperson of the Council Meeting at which they have been confirmed.
- 61.5. the confirmed minutes must be:
 - 61.5.1. placed in a bound book in chronological order and placed in a secure area until sent to the Public Record Office of Victoria; or
 - 61.5.2. stored electronically and backup copies retained securely in accordance with Council procedures.
- 61.6. the Chief Executive Officer (or other person authorised by the Chief Executive Officer to attend the Council Meeting and to take the minutes of such meeting) must keep minutes of each Council meeting and those minutes must record:
 - 61.6.1. the date, time and nature of the Council Meeting;
 - 61.6.2. the names of the Councillors present and the names of any Councillors who apologised in advance for their non-attendance;
 - 61.6.3. the names of members of Council staff present;
 - 61.6.4. any disclosure of an interest or a conflict of interest made by a Councillor;
 - 61.6.5. arrivals and departures (including temporary departures) of Councillors and Council staff during the course of the Council Meeting;

-
- 61.6.6. each motion, amendment moved and foreshadowed motions (including motions and amendments that lapse for the want of a seconder);
 - 61.6.7. the vote cast by each Councillor upon a division;
 - 61.6.8. the vote cast by any Councillor who has requested that his or her vote be recorded in the minutes;
 - 61.6.9. questions upon notice;
 - 61.6.10. the failure of a quorum;
 - 61.6.11. any adjournment of the Council Meeting and the reasons for that adjournment; and
 - 61.6.12. the time at which Standing Orders were suspended and resumed.

62. No Debate on Confirmation of Minutes

No discussion or debate on the confirmation of minutes is permitted except where their accuracy as a record of proceedings of the meeting to which they relate is questioned.

63. Deferral of Confirmation of Minutes

Council may defer the confirmation of minutes until later in the Council Meeting or until the next Council Meeting if considered appropriate.

64. Records of Council Meetings

Records should be kept of Council Meetings in accordance with the Act and clause 61.5.

65. Recording of Meetings

- 65.1. If Council resolves that the proceedings of a Council Meeting be recorded or broadcast, the Chief Executive Officer (or other person authorised by the Chief Executive Officer) must record or broadcast on suitable recording equipment all of the proceedings of the Council Meeting.
- 65.2. Subject to clause 65.1, a person must not operate any recording equipment at any Council Meeting without first obtaining the consent of Council or the Chairperson (as the case may be). Such consent may at any time during the course of such meeting be revoked by Council or the Chairperson (as the case may be).

Penalty: 5 Penalty Units

Part 10: Conduct at Council Meetings

66. Behaviour of Councillors

- 66.1. Having made a signed declaration stating they will abide by the Councillor Code of Conduct, Councillors must at all times observe the Councillor Code of Conduct.
- 66.2. A Councillor must not in any debate make any defamatory, indecent, abusive, offensive or disorderly statement or comment.
- 66.3. If such a statement is made, the Chairperson may require the Councillor to withdraw it and if that is required the Councillor concerned must immediately and unreservedly do so.
- 66.4. A Councillor must not be interrupted except by the Chairperson or upon a point of order being taken.
- 66.5. Except in cases of sickness or physical disability, a Councillor at any Meeting must stand when speaking.
- 66.6. The Chairperson may remain seated when speaking at any Meeting and he or she may speak on any matter under discussion.

67. Conduct of Visitors at Meetings

- 67.1. Visitors at a Meeting must not interject or take part in the debate.
- 67.2. Silence must be preserved by the gallery (other than by a person in the gallery who is invited to address the Meeting) at all times during a Meeting.
- 67.3. Any member of the public addressing Council must extend due courtesy and respect to Council and the processes under which it operates and must take direction from the Chairperson whenever called on to do so.

68. Chairperson may Remove

The Chairperson may order and cause the removal of any person, including a Councillor, who disrupts any Council Meeting or fails to comply with a direction.

69. Suspensions

Council may suspend from a portion of the Council Meeting, or for the balance of the Council Meeting, any Councillor whose actions have disrupted the business of Council at that Council Meeting, and have impeded its orderly conduct.

70. Offences

It is an Offence for:

- 70.1. a Councillor to not withdraw an expression considered by the Chairperson to be offensive or disorderly and apologise when called on twice by the Chairperson to do so;

Penalty: 2 Penalty Units

- 70.2. any person, not being a Councillor, who is guilty of any improper or disorderly conduct, to not leave the room when requested by the Chairperson to do so;

Penalty: 5 Penalty Units

- 70.3. any person to fail to comply with a direction of the Chairperson in relation to the conduct of the Council Meeting and the maintenance of order; or

Penalty: 2 Penalty Units

- 70.4. a Councillor to refuse to leave the Chamber on suspension.

Penalty: 5 Penalty Units

71. Chairperson may adjourn disorderly Council Meeting

If the Chairperson is of the opinion that disorder at the Council table or in the gallery makes it desirable to adjourn the Council Meeting, he or she may adjourn the Council Meeting to a later time on the same day or to some later day as he or she thinks proper.

72. Removal from Chamber

The Chairperson, or Council, in the case of a suspension, may ask the Chief Executive Officer or a member of the Victoria Police to remove from the Chamber any person who acts in breach of this Local Law and whom the Chairperson has ordered to be removed from the gallery under clause 70 of this Local Law or whom Council has suspended under clause 69 of this Local Law.

73. The Chairperson's Duties and Discretions

In addition to the duties and discretions provided in this Local Law, the Chairperson:

- 73.1. must not accept any motion, question or statement which is derogatory, or defamatory of any Councillor, member of Council staff, or member of the community; and
- 73.2. must call to order any person who is disruptive or unruly during any Council Meeting.

Part 11: Suspension of Standing Orders

74. Suspension of Standing Orders

- 74.1. The suspension of Standing Orders should be used to enable full discussion of any issue without the constraints of formal meeting procedures. Its purpose is to enable the formalities of meeting procedures to be temporarily disposed of while an issue is discussed.
- 74.2. Council may decide to suspend the Council Meeting to discuss the issues surrounding an item on the Agenda, or to facilitate a break in proceedings between ordinary and confidential items. Council may discuss in the Council Chamber or move to another room to discuss in private.
- 74.3. The suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of Council. An appropriate motion would be:
- “That standing orders be suspended to enable discussion on...”
- 74.4. Once the discussion has taken place and before any motions can be put, the resumption of Standing Orders will be necessary. An appropriate motion would be:
- “That standing orders be resumed”.

Part 12: Public Question Time and Public Representations

From time to time Council may adopt policies and procedures which allow for public submissions to be made and for questions from the public to be asked at Council Meetings. In the event that Council has resolved to adopt such policies or procedures, the processes outlined within them will be applied by the Chairperson.

Part 13: Miscellaneous

75. Procedure Not Provided in Local Law

In all cases not specifically provided for by this Local Law, resort must be had to the Standing Orders and Rules of Practice of the Upper House of the Victorian Parliament (so far as the same are capable of being applied to Council proceedings).

76. Criticism of Members of Council Staff

- 76.1. A Councillor who proposes to express criticism of an officer or Council staff at a Meeting, must raise the matter by no later than six (6) hours before the Meeting with the Chief Executive Officer and the Chief Executive Officer must respond to that Councillor before the meeting.
- 76.2. The Chief Executive Officer may make a brief statement at a Council Meeting in respect of any statement by a Councillor made at the Council Meeting criticising him or her or any member of Council staff.
- 76.3. A statement under clause 76.2 must be made by the Chief Executive Officer, through the Chairperson, as soon as is practicable after the Councillor who made the statement has resumed his or her seat.

Part 14: Special Committees

77. Application Generally

If Council establishes a Special Committee, for the purposes of this Local Law, a reference in this Local Law to:

- 77.1. a Councillor is to be read as a reference to a member of the Special Committee;
- 77.2. the Mayor is to be read as a reference to the Chairperson of the Special Committee.

78. Application specifically

Notwithstanding clause 77, if Council establishes a Special Committee:

- 78.1. Council may; or
- 78.2. the Special Committee may, with the approval of Council, resolve that any provision(s) of Parts 1 -11 is or are (as appropriate) not to apply, with the exclusion of provisions relating to Conflicts of Interest, which must be complied with, whereupon that provision or those provisions shall not apply until Council resolves, or the Special Committee with the approval of Council resolves, otherwise.

F: Certification of Local Law No. 3

This is to certify that the above writing contained on 35 pages of paper is a true copy of the Local Law of the Corangamite Shire Council and that we have informed ourselves of the legislative requirements necessary to giving validity to such Local Law and as to our observance and belief that such requirements have been fulfilled.

We further certify that such Local Law came into force on the [date].



G: Council Adoption

The Common Seal of)
Corangamite Shire Council)
was affixed in the presence of)

.....
Chief Executive Officer

.....
Date

Notices of the proposal to make and of the making of this Local Law were included in the Victorian Government Gazette dated _____*.

Public Notice of the proposal to make and confirmation for the making of this Local Law were included on the Shire's website and Western District Newspapers the week commencing _____*.

A copy of this Local Law was sent to the Minister for Local Government on _____*.

*** To be completed when adopted by Council**

Schedule 1

Procedural Motion	Form	Mover and Seconder	Matter in respect of which motion may be moved	When motion prohibited	Effect if carried	Effect if lost	Debate permitted on motion
1. Adjournment of debate to later hours and/or date	That this matter be adjourned to *am/pm and/or *date	Any Councillor or Special Committee Member who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	Any matter	(a) During the election of a Chairperson; (b) When another Councillor is speaking	Motion and amendment is postponed to the stated time and/or date	Debate continues unaffected	Yes

AGENDA - ORDINARY MEETING OF COUNCIL 24 MAY 2016



Procedural Motion	Form	Mover and Seconder	Matter in respect of which motion may be moved	When motion prohibited	Effect if carried	Effect if lost	Debate permitted on motion
2. Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor or Special Committee Member who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	Any matter except: (a) election of a chairperson (b) a matter in respect of which a call of the Council has been made for that Meeting	(a) During the election of a Chairperson; (b) When another Councillor or Member is speaking; (c) When the matter is one in respect of which a call of the Council has been made for that meeting in accordance with Section 85 of the Act; or (d) When the motion would have the effect of causing Council to be in breach of a legislative requirement	Motion and any amendment postponed but may be resumed at any later Council Meeting if on the Agenda	Debate continues unaffected	Yes
3. Adjournment of Meeting to later hour or date	That the Meeting be adjourned to *am/pm and/or *date	Any member	Any Meeting	(a) During the election of a Chairperson (b) When another member is speaking	Meeting adjourns immediately until the stated time and/or date	Debate continues unaffected	No

AGENDA - ORDINARY MEETING OF COUNCIL 24 MAY 2016



Procedural Motion	Form	Mover and Seconder	Matter in respect of which motion may be moved	When motion prohibited	Effect if carried	Effect if lost	Debate permitted on motion
4. The closure	That the motion be now put	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	Any matter	During nominations for Chairperson	Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate of this motion, subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion	Debate continues unaffected	No

AGENDA - ORDINARY MEETING OF COUNCIL 24 MAY 2016



Procedural Motion	Form	Mover and Seconder	Matter in respect of which motion may be moved	When motion prohibited	Effect if carried	Effect if lost	Debate permitted on motion
5. Laying question on the table	That the question lie on the table	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	Any matter	<p>(a) During the election of a Chairperson;</p> <p>(b) During a Council Meeting which is a call of the Council has been made for that meeting in accordance with section 85 of the Act; or</p> <p>(c) When the motion would have the effect of causing Council to be in breach of a legislative requirement</p>	<p>Motion and amendment is not further discussed or voted on until:</p> <p>(a) Council resolves to take the question from the table at the same Council Meeting; or</p> <p>(b) The matter is placed on a subsequent Agenda and Council resolves to take the question from the table</p>	Debate continues unaffected	No

AGENDA - ORDINARY MEETING OF COUNCIL 24 MAY 2016



Procedural Motion	Form	Mover and Seconder	Matter in respect of which motion may be moved	When motion prohibited	Effect if carried	Effect if lost	Debate permitted on motion
6. Previous question	That the question be not now put	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	Any matter except: (a) election of a chairperson (b) a matter in respect of which a call of the Council has been made for that Meeting	(a) During the election of a Chairperson; (b) When another Councillor is speaking; (c) When the matter is one in respect of which a call of the council has been made for that Council Meeting in accordance with section 85 of the Act; (d) When an amendment is before Council; or (e) When a motion would have the effect of causing Council to be in breach of a legislative requirement	(a) No vote or further discussion on the motion until it is placed on a subsequent Agenda for a later meeting; and (b) Proceed to next business	Motion (as amended up to that time) put immediately without further amendment or debate	Yes

AGENDA - ORDINARY MEETING OF COUNCIL 24 MAY 2016



Procedural Motion	Form	Mover and Seconder	Matter in respect of which motion may be moved	When motion prohibited	Effect if carried	Effect if lost	Debate permitted on motion
7. Proceeding to next business	<p>That the meeting proceed to the next business</p> <p>Note: This motion:</p> <p>(a) may not be amended;</p> <p>(b) may not be debated; and</p> <p>(c) must be put to the vote as soon as seconded</p>	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	<p>Any matter except:</p> <p>(a) election of a chairperson</p> <p>(b) a matter in respect of which a call of the Council has been made for that Meeting</p>	<p>a) During the election of a Chairperson;</p> <p>(b) When another Councillor is speaking;</p> <p>(c) When the matter is one in respect of which a call of the council has been made for that Council Meeting in accordance with section 85 of the Act; or</p> <p>(d) When a motion would have the effect of causing Council to be in breach of a legislative requirement</p>	<p>If carried in respect of:</p> <p>(a) An amendment, Council considers the motion without reference to the amendment;</p> <p>(b) A motion – no vote or further discussion on the motion until it is placed on an Agenda for a later Council Meeting</p>	<p>Debate continues</p> <p>Unaffected</p>	No

10.2 Essential Safety Measures Policy Review 2016

Author: Jane Hinds, Property Officer

File No: D16/294

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

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

Author - Jane Hinds

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

Summary

The Essential Safety Measures Policy aims to ensure that essential safety standards in Council owned and occupied buildings are maintained and comply with the appropriate regulation, legislation or Australian Standards. The policy has been reviewed and updated with only a minor amendment.

Introduction

The Essential Safety Measures Policy is a policy designed to ensure that Council owned or occupied buildings meet the requirements of the National Construction Code.

The framework of Essential Safety Measures provision should assist Council to reduce its exposure to risk and to provide for the safety of people in a building or place of public entertainment.

Issues

Essential safety measures are the fire, life safety and health items installed or constructed in a building to ensure adequate levels of fire safety and protection, over the life of the building.

Council has the overall responsibility for the maintenance of essential safety measures to ensure that Council owned or occupied buildings meet the requirements of the National Construction Code. Table 1 details the essential safety measure requirements applicable to current Council owned or occupied buildings.

Essential Safety Measure	BCA Provisions for Determining Standard of Performance	Nature and/ or Frequency of Test or Inspection
Means of Egress		
Paths of travel to exits	D1.6	Inspection every three months to ensure there are no obstructions and no alterations
Discharge from exits (including paths of travel from open spaces to the public roads to which they are connected)	D1.7, D1.9 to D1.11, D2.12 G4.3, G4.6, G4.7	Inspection every three months to ensure there are no obstructions and no alterations
Signs		
Exit signs (including direction signs)	Specification D1.12	Every 6 months to AS2293.2-1995
Lighting		
Emergency lighting	E4.2, E4.4	Every 6 months to AS / NZS 2293.2-1995
Fire Fighting Services and Equipment		
Fire hose reel systems	E1.4	As per AS 1851-2012
Portable fire extinguishers	E1.6	As per AS 1851-2012
Fire hydrants system (including on-site pump set and fire service booster connection)	E1.3	As per AS 1851-2012

Table 1 Essential Safety Measure Requirements

The table has been reviewed against Council's owned and occupied buildings and by the Council's Municipal Building Surveyor. As part of the 2016 review the following amendment is proposed:

- Remove the Essential Safety Measures from the policy which do not apply to Council owned or occupied buildings, for instance Building Fire Integrity.

Essential safety measure maintenance involves identification of relevant passive and active safety measures as required by the National Construction Code, periodic checks and inspections in accordance with relevant Australian Standards, and proper documentation and records of annual reports. All electrical and emergency inspections and maintenance carried out at the building is recorded in a log book. The purpose of the log book is to keep relevant essential safety measures records within the one location for review by the Municipal Building Surveyor or in the event of an emergency. All other documentation relating to essential safety measures are integrated into Council's records management system.

Policy and Legislative Context

The Essential Safety Measures Policy is a Council policy that has been reviewed in accordance with Council's Policy Development Framework.

The Essential Safety Measures policy ensures that all Council owned and occupied buildings, other than a house or outbuilding comply with the appropriate regulation, legislation or Australian Standards.

The policy is consistent with relevant legislation including the *Building Act 1993*. This policy should be read along with this Act and other relevant legislation as referred to within the body of the document.

The *Building Act* and its regulations impose obligations on landlords to provide and maintain Essential Safety Measures, therefore placing overall responsibility of Council owned or occupied buildings on Council, to ensure the premises are compliant. This responsibility is outlined within Council's Property Leasing Policy.

The Essential Safety Measures Policy is also in keeping with the commitments in the Council Plan 2013-2017:

Council will demonstrate high levels of ethical behaviour and corporate governance standards. We will make budgetary decisions that are reflective of our financial circumstances. We will advocate for and with the community to achieve outcomes

We will maintain a focus on the importance of our assets and infrastructure to underpin service delivery. We will implement processes that ensure our infrastructure continues to meet the requirements of our community.

Internal / External Consultation

The Essential Safety Measures Policy is an existing policy that has been reviewed internally by Council's Facilities and Recreation department, the Municipal Building Surveyor and senior officers.

Financial and Resource Implications

As part of Council's annual electrical test and tag contract, Kandu Preventative Maintenance have been contracted to undertake the means of egress, signs and lighting, essential safety measure inspections since 2013. Council allocates \$16,500 as a part of its recurrent budget for the provision of these periodical inspections and maintenance of the defective units.

Fire Equipment Maintenance Services, in conjunction with the local CFA Bridges have been contracted since 2005 to conduct six monthly fire equipment and extinguishers inspections. The allocation of this amount is absorbed through the building facilities annual maintenance budget allocation.

Options

Council may choose to adopt the reviewed Essential Safety Measures Policy as prepared, with amendments, or choose not to adopt the policy.

Conclusion

The Essential Safety Measures Policy review is a necessary update of Council's policy, which reflects the need to ensure that Council owned and occupied buildings meet the requirements of the National Construction Code.

RECOMMENDATION

That Council:

- 1. Revokes the previous Essential Safety Measures Policy dated May 2013.**
- 2. Adopts the Essential Safety Measures Policy dated May 2016.**

Attachments

1. Essential Safety Measures Policy



**CORANGAMITE
SHIRE**

Essential Safety Measures

Corangamite Shire

May 2016

Council Policy

Essential Safety Measures Policy

Introduction

The Essential Safety Measures Policy is designed to ensure that Council owned or occupied buildings meet the requirements of the National Construction Code.

The framework of Essential Safety Measure provision should assist Council to reduce its exposure to risk and provide guidance to Council officers on how the regulation is to be administered. The Essential Safety Measures Policy is consistent with the Council Plan 2013-2017:

Council will demonstrate high levels of ethical behaviour and corporate governance standards. We will make budgetary decisions that are reflective of our financial circumstances. We will advocate for and with the community to achieve outcomes

We will maintain a focus on the importance of our assets and infrastructure to underpin service delivery. We will implement processes that ensure our infrastructure continues to meet the requirements of our community.

Purpose

The purpose of this policy is to establish a framework to ensure that essential safety standards in Council owned and occupied buildings is maintained and complies with the appropriate regulation, legislation or Australian Standards.

Scope

This policy is applicable to all Council owned and occupied buildings, other than a house or outbuilding.

Definitions

'Act' - The *Building Act 1993* is the primary legislation relating to the construction of buildings and the enforcement of building standards in the State of Victoria.

'Essential Safety Measure'- An essential safety measure, for the purpose of the Regulation, is provided for the safety of people in a building or place of public entertainment. This definition of essential safety measure encompasses the industry practice of referring to all safety measures, essential services, safety fittings, and equipment under the one definition of essential safety measures.

'Regulations' - The Building Regulations are the statutory legislation relating to the administrative requirements for the construction of buildings in the State of Victoria. The Regulations require the building owner to maintain all safety fittings, equipment and safety features as well as those items listed as essential safety measures.

National Construction Code of Australia (NCC) – The NCC is an initiative of the Council of Australian Governments (COAG) developed to incorporate all on-site construction requirements. The NCC comprises the Building Code of Australia (BCA), Volume One and Two; and the Plumbing Code of Australia (PCA), as Volume Three.

Building Code of Australia (BCA) - The BCA provides the technical provisions for the construction of buildings in Victoria and is adopted by law in the Building Regulations. Where referred the most current BCA is to be adopted.

‘Maintenance’ - This is a requirement that any Essential Safety Measure installed or built into a building be maintained in a state and to a level to fulfil the purpose of which they are provided.

References

Local Government Act 1989

The Building Act 1993

Essential Safety Measures Maintenance Manual (4th Edition) Building Commission

Victorian Building Authority, Practice Note 2016-23, February 2016

Policy Detail

Council has the overall responsibility for the maintenance of essential safety measures to ensure that Council owned or occupied buildings meet the requirements of the National Construction Code as per Table 1 below. This table captures the essential safety measure requirements applicable to current Council owned and managed buildings. To view the full list reference should be made to the Victorian Building Authority.

Essential Safety Measure	BCA Provisions for Determining Standard of Performance	Nature and/ or Frequency of Test or Inspection
Means of Egress		
Paths of travel to exits	D1.6	Inspection every three months to ensure there are no obstructions and no alterations
Discharge from exits (including paths of travel from open spaces to the public roads to which they are connected)	D1.7, D1.9 to D1.11, D2.12 G4.3, G4.6, G4.7	Inspection every three months to ensure there are no obstructions and no alterations
Signs		
Exit signs (including direction signs)	Specification D1.12	Every 6 months to AS2293.2-1995
Lighting		
Emergency lighting	E4.2, E4.4	Every 6 months to AS / NZS 2293.2-1995
Fire Fighting Services and Equipment		
Fire hose reel systems	E1.4	As per AS 1851-2012
Portable fire extinguishers	E1.6	As per AS 1851-2012
Fire hydrants system (including on-site pump set and fire service booster connection)	E1.3	As per AS 1851-2012

Table 1 Essential Safety Measure Requirements

By conducting the required inspections this will ensure:

- That systems and procedures are implemented to ensure the monitoring and recording of essential safety measures at intervals determined by the legislative requirements
- That all essential safety measures maintenance records, logs and inspection/remedial works documentation are regularly updated and filed for easy access and be available for review by the relevant authority
- That all reasonable and justifiable recommendations made by essential safety measures maintenance contractors are acted upon in a timely manner so as to ensure the essential services function as designed are not compromised
- That an annual essential safety measures report on the buildings essential safety measure is undertaken and a signed audit report is completed for each building owned or occupied by Council.

Council will engage suitably qualified persons to perform all required inspections and tests on the following essential safety measures, strictly in accordance with the relevant Australian Standard or National Construction Code.

Review Date

This policy will be reviewed in 2018, or earlier as required by changed circumstances including changes to the legislation and policies of Corangamite Shire, the Victorian Government and its agencies or Federal Government and its agencies.

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

10.3 Hard Court Maintenance Policy

Author: Angela Northcott, Recreation Development Officer

File No: D16/295

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

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

Author - Angela Northcott

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

Summary

This report recommends Council adopt the Hard Court Maintenance policy which provides direction to Council and community groups regarding the provision of funding for maintenance and upgrade responsibilities for both competitive netball and tennis courts throughout the Shire.

Introduction

Council's Hard Court Maintenance policy aims to establish maintenance and upgrade responsibilities for hard court facilities and related infrastructure located in the Corangamite Shire.

Issues

Responsibility for the management of the hard court surfaces and related infrastructure will continue to rest with the relevant recreation reserve committee, tennis association or tennis club.

Insurance arrangements for hard court surfaces and associated infrastructure will continue to be in accordance with land owner responsibilities (i.e. Council or Crown) and will involve organisational insurance where those courts are used by an independent club or association.

A number of hard court surfaces in the Corangamite Shire have been renewed over the past seven years. An audit of hard court facilities is proposed to be undertaken to ensure investment in the facilities is warranted and funds can be directed to those based on condition and need.

In addition, the audit will identify related infrastructure such as fencing and shelters that may require resources to maintain or upgrade as a priority.

The policy has been reviewed with only minor changes recommended including:

- Council will consider allocation of funding as a part of its annual budget development.
- Inclusion of hard court related infrastructure for consideration of resource allocation for maintenance and upgrades.

Policy and Legislative Context

The Hard Court Maintenance policy is a Council policy that has been reviewed in accordance with Council's Policy Development Framework.

Internal / External Consultation

The Hard Court Maintenance policy is an existing policy that has been reviewed internally by Council's Facilities and Recreation team and senior officers.

Financial and Resource Implications

Council will consider in its five year capital works plan, dollar for dollar financial assistance for the maintenance or upgrade of hard court surfaces and related infrastructure located on Council owned or managed land or on land identified by Council as a township reserve.

Hard court surfaces located on other Crown land or public reserves will be eligible to apply to Councils' Facility Grant Program for funding assistance on a dollar for dollar basis.

In past budgets, Council has included an allocation of \$20,000 for hard court upgrades, with a similar allocation proposed as a part of Council's 2016-2017 budget.

Council officers will assist committees, associations or individual clubs in gaining State Government grants for upgrade projects.

Options

Council can opt to endorse the Hard Court Maintenance policy as proposed, or choose to make amendments to the policy.

Conclusion

The proposed policy details Council's commitment to maintaining hard court facilities and related infrastructure throughout the Shire. The policy provides direction in provision of funding for maintenance and upgrade responsibilities for both competitive netball and tennis courts for the use of recreation throughout the Shire.

RECOMMENDATION

That Council:

1. **Revokes the Hard Court Maintenance Policy dated May 2013.**
2. **Adopts the Hard Court Maintenance Policy dated May 2016.**

Attachments

1. Hard Court Maintenance Policy May 2016



**CORANGAMITE
SHIRE**

Hard Court Maintenance Policy

Corangamite Shire

May 2016

Council Policy



Hard Court Maintenance Policy

Introduction

Sport and recreation play an important role in promoting a sense of community, social inclusion and community wellbeing. Suitable hard courts and related infrastructure are important assets that provide opportunities for participation in sports with high participation rates such as netball and tennis which in turn contributes to the social fabric of the community.

Purpose

The aim of this policy is to establish maintenance and upgrade responsibilities for hard court facilities located in Corangamite Shire.

Scope

This policy applies to hard court surfaces that are accessible by community members and are used for recreational or competition netball and/or tennis.

References

Corangamite Shire Municipal Public Health and Wellbeing Plan 2013-2017
Corangamite Shire Council Plan 2013-2017

Policy Detail

Council will consider as a part of its annual budget development and its five year capital works plan, dollar for dollar financial assistance for the maintenance or upgrade of hard court surfaces and associated infrastructure located on Council owned or managed land or on land identified by Council as a township reserve (including reserved funds for the resealing of Camperdown's Lakes Recreation Park courts).

Hard court surfaces located on other crown land or public reserves will be eligible to apply to Councils Facility Grants Program for funding assistance on a dollar for dollar basis.

Council Officers will assist committees, associations or individual clubs in gaining State Government grants for upgrade projects.

Responsibility for the management of the hard court surfaces and related infrastructure will continue to rest with the relevant recreation reserve committee, tennis association or tennis club.

Insurance arrangements for hard court surfaces and related infrastructure will continue to be in accordance with land owner responsibilities (i.e. Council or Crown) and will involve organisational insurance where those courts and associated infrastructure are used by an independent club or association.

Reference to linked Procedure or Guidelines

Netball Australian National Facilities Policy
Netball Victoria Compliance Fact Sheet

Review Date

May 2019

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

10.4 Recreation Give it a Go 2016

Author: Angela Northcott, Recreation Development Officer

File No: D16/293

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

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

Author - Angela Northcott

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

Summary

To give a detailed report of Recreation Give it a Go! 2016, including participation, community feedback and the benefits provided by the program.

Introduction

In 2016, Recreation Give it a Go! was again held with activities spread across a three week period. A review was conducted prior to 2016 to ensure the program was still delivering on objectives.

‘Recreation Give it a Go! aims to increase the number of Corangamite Shire residents involved in sport and recreation by encouraging people of all ages and abilities to be involved in and to promote fitness, health and social benefits of participation.’

A review of the event demonstrated that Recreation Give it a Go! continues to be an opportunity for new and existing clubs and organisations within the Corangamite Shire to further promote their services and activities and for new groups and/or events to be trialled for the local and wider community to get involved in an active or passive recreational activity.

Furthermore, it demonstrates the important role the event plays in being able to attract and retain members to clubs across the Shire. Recreation Give it a Go! provides a health and wellbeing outcome to Corangamite Shire residents and provides opportunities for individuals to get fit and healthy, in a safe and welcoming environment.

Strong sponsorship commitment in 2016 highlighted the positive brand and relationship that has been developed over a period of time.

In 2016, Recreation Give it a Go! was conducted from 19 February to 13 March 2016.

Issues

Recreation Give it a Go! is a key health and wellbeing initiative which delivers a range of physical, social and community benefits within our towns and Shire wide. Council funding being withheld until evaluation reports were received, participant survey sheets being encouraged to be returned by event directors, as well as the marketing and timing of the program were all considered as part of a review to improve the program.

Participation

Participation for 2016 included:

- over 62 activities
- 2,176 participants (from reported activities)
- 51 clubs/organisations (some clubs offered multiple activities).

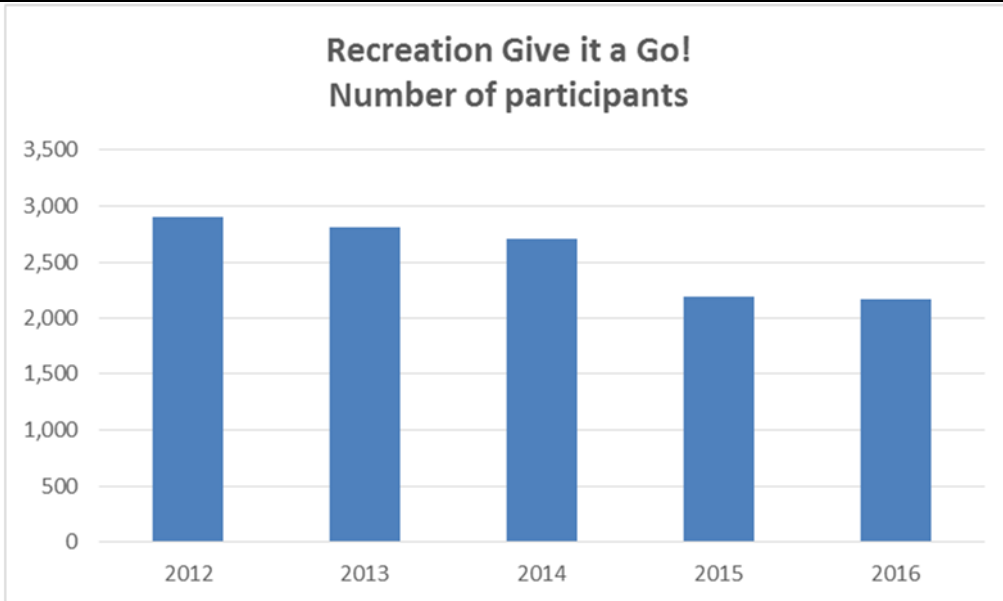
Results from the post event evaluation survey are highlighted below. Of the 56% of clubs that responded to the survey:

- 26% of clubs were new to the program
- 47% of Clubs said they have had new membership/participation from the program
- 94% of clubs indicated they would be interested in participating in the event again next year.

Comparison of participation in Recreation Give it a Go! over the past five years is as follows.

	2012	2013	2014	2015	2016
No. Events	63	66	82	76	62
No. Clubs/ Organisations	49	58	60	62	51
No. participants	2,905	2,811	2,704	2,192	2,176
% participants new to club	43%	43%	47%	41%	20%
% clubs involved for first year	16%	8%	10%	15%	26%
% clubs experiencing increase in membership	48%	72%	46%	61%	47%
% clubs responding	75%	66%	50%	65%	56%

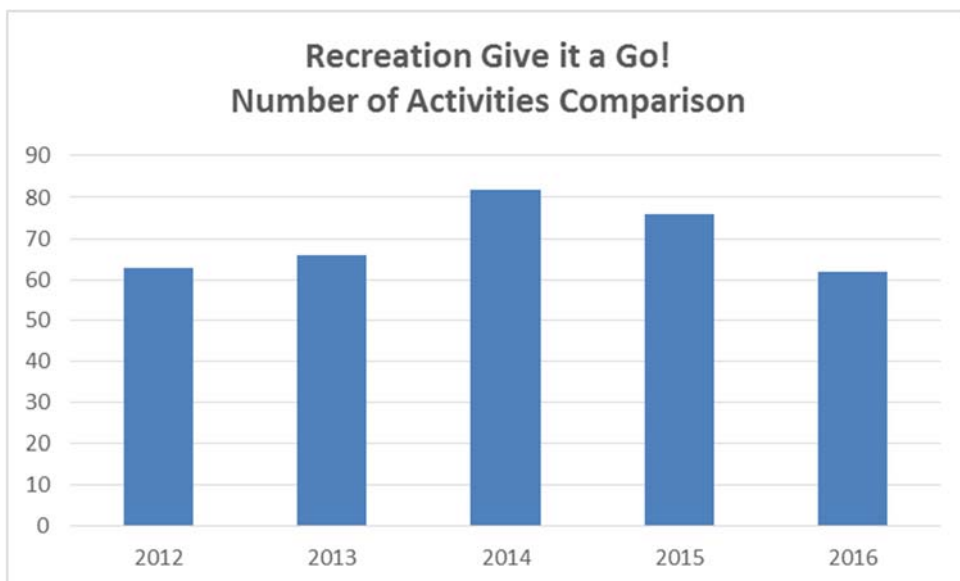
The percentage of clubs experiencing an increase in membership and new participants to the club has decreased, which could be attributed to the decrease in club evaluation response rates. It could also prompt an important review of engagement methods used by Council and the participating clubs. This may lead to new strategies such as a focus on women in sport in conjunction with the current State Government direction, as well as health and wellbeing outcomes such as reducing obesity which could be in collaboration with Heart of Corangamite network.



Participation continues to be an ongoing issue for clubs and organisations providing opportunities for residents of the Corangamite Shire and surrounds. The graph above indicates static participation which is a good result considering the number of activities conducted in 2016. There were 14 less activities conducted in 2016 than in 2015.

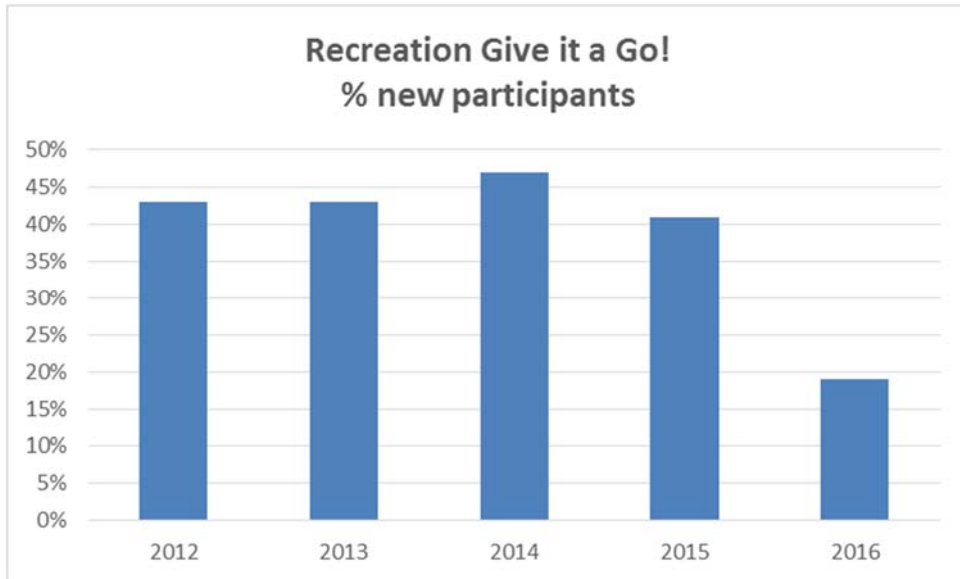
Several events were effected or cancelled due to poor weather in 2016 which had an impact on participation numbers. The cancelation of the Mt Leura Fun Run & Walk conducted by St Patrick’s School and Camperdown College, coupled with lower attendance rates at the South Western District Restoration Group Rally, had a significant impact on the number of participants in 2016.

However, the participation rates of Recreation Give it a Go! in 2016 have allowed Council to reconsider the program and it’s delivery.



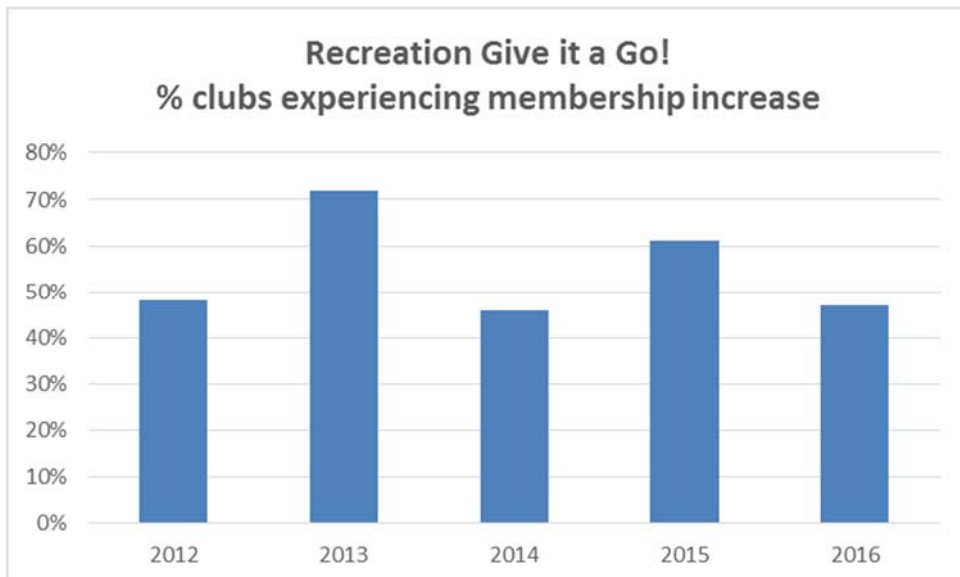
The number of activities in Recreation Give it a Go! has slightly decreased, following a five year high in 2014, however there is still a number of activities and 94% of clubs suggesting

that they would be interested in participating next year. This indicates that clubs continue to see value in participating in the event.



In 2016, there was a decrease in the number of new participants in activities which could be attributed to the decrease in the number of activities offered and the cancellation of events.

Pleasingly, nearly half (47%) of clubs/organisations who have participated in Recreation Give it a Go! are seeing an increase in membership as a result of participation in the program as per the graph below.



Reporting on the event with accurate data and securing post event evaluation surveys from participating clubs is an ongoing challenge. Whilst the depth of information required within the survey is minimal, the resources required from Council to seek the survey return is intensive. In 2016, Council again outlined the need for event organisers to return their completed post event surveys before funding would be provided.

Recreation Give it a Go! offers clubs the opportunity to increase their profile with the potential of attracting new members to their club. The program offers residents increased knowledge of what recreation options are available in their area and in most cases free access to try a new activity. The program aligns with Heart of Corangamite and encourages the wider community to participate in healthy lifestyle choices.

Recreation Give it a Go! was again conducted over a three week period. This has provided flexibility and accessibility to activities and has allowed residents to take part in a large number of activities.

Policy and Legislative Context

Recreation Give it a Go! aligns with the 2013-2017 Council Plan and the commitment to our communities wellbeing and lifestyle:

Corangamite Shire's communities are welcoming and provide support and a sense of belonging. Council will work to improve and enhance community health, wellbeing and connectedness.

Provide opportunities to improve and enhance the health and wellbeing of our community.

Provide and advocate for a range of services, facilities and support to our people to enable them to fully engage and participate in the community.

Recreation Give it a Go! aligns with a number of key actions in Council's Municipal Public Health and Wellbeing Plan, Positive Ageing Strategy, Early Years Plan and Recreation and Open Space Strategy.

Internal / External Consultation

Event evaluations for Recreation Give it a Go! 2016 were sought from all participating clubs with the following feedback and results received from 56% of the total clubs:

- 88% rated their activity moderately to highly successful.
- 91% stated Council support was adequate.
- The top four most successful forms of advertising were community newsletters, event program, newspapers (public notices) and the merchandise.
- 60% indicated their involvement was likely to result in increased participation in their club.

Other comments include:

- "We thank the Corangamite Shire for making possible \$150 to cover Give it a Go Bowls, the event was a success." (Lismore Bowls Club.)
- "I think it is a good idea & way of promoting your business/club/organisation" (Terang Fitness.)
- "We gave everyone a free lunch (with Council funding) prior to us starting the games". (Camperdown Bowls Club.)
- "Thank you for organising program. It is then really up to individual groups to further promote their event." (Camperdown Rotary Club Car Rally.)
- "Great opportunity to promote golf in Timboon." (Timboon Golf Club.)

Financial and Resource Implications

A budget of \$13,500 was allocated to this year's event. A sponsorship proposal was targeted at a number of external funding providers, with Cobden & District Community Bendigo Bank, Star Printing, WD News and Wannon Water again providing in-kind support. Terang Co-op & Dairy Australia (Legendairy) were major sponsors of the activity, providing a financial contribution of \$1,000 each to Recreation Give it a Go! 2016.

	2012	2013	2014	2015	2016
Total Budget	\$11,000	\$15,000	\$15,000	\$14,500	\$13,500
Expenditure % Club Support	60%	60%	60%	58%	46%
Expenditure % Marketing	40%	40%	40%	42%	54%

Recreation Give it a Go! relies on time resources from Council's Recreation staff and Communications team to facilitate the event. Planning commences in October and is finalised with this report in May each year.

As a part of Council's response to the Fairer Rates System or rate capping, Council has forecast a reduction in the expenditure allocated to this program with the intention that the program be modified. Council's draft 2016-2017 budget includes an allocation of \$5,000.

Options

Council has the option to receive the 2016 final evaluation for Recreation Give it a Go! Alternatively, Council can seek further information on the general operations of Council's Recreation Give it a Go! program for 2016.

Conclusion

Recreation Give it a Go! is a key health and wellbeing initiative which delivers a range of physical, social and community benefits within our towns and Shire wide.

Recreation Give it a Go! provides opportunities for new and existing clubs and organisations within the Corangamite Shire to further promote their services and activities. It also provides an opportunity for new groups and/or events to be trialled for the local and wider community to get involved in an active or passive recreational activity. It has provided a platform for Council to also promote fitness, health and social benefits of participation.

Local business also see benefits with an increase in willing sponsors who wish to be associated with the positive brand of Recreation Give it a Go! In addition, economic benefits for the community have been recognised through this program with participants enjoying meals at local food and beverage outlets after their activity.

The participation rates of Recreation Give it a Go 2016!, coupled with the financial pressures of rate capping, prompt a review and refocus of this program for 2017.

Council's continued contribution and support in sport and recreation is important in facilitating active partnerships with community clubs, groups, agencies and networks such as Heart of Corangamite and the business community via sponsorship and promotion. Most importantly it encourages and supports Corangamite Shire residents participating in an active and healthy lifestyle.

RECOMMENDATION

That Council receives the final evaluation of Recreation Give it a Go! 2016.

10.5 Swimming Pools Season Review 2015-2016

Author: Angela Northcott, Recreation Development Officer

File No: D16/92

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

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

Author - Angela Northcott

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

Summary

To report on the operations of Council's swimming pools for the 2015-2016 season, including attendances, programs, facility improvements and general operations.

Introduction

Council's swimming pools provide safe and accessible aquatic recreation facilities to serve local needs throughout the Shire. In August 2015, Ballarat YMCA was awarded the contract for the management of the six outdoor pools for the period 1 October 2015 to 31 March 2017.

The 2015-2016 season commenced in late November 2015 and concluded in mid-March 2016.

Issues

There were a total of 54,164 attendances across all pools in 2015-2016, compared to the 2014-2015 season where attendances were 37,366. This is a 45% increase on the previous year's patronage. A review of the weather patterns across the pool season is highlighted below and helps to explain the relationship between the temperature and the pool attendance figures.

Month	Attendance		Average Mean Temperature		Days under 18 degrees		Days rained	
	2014-2015	2015-2016	2014-2015	2015-2016	2014-2015	2015-2016	2014-2015	2015-2016
November	2,844	1,399	23.8°	22.7°	5	7	5	12
December	8,995	16,588	23.9°	28.8°	0	2	4	7
January	9,100	10,247	25.9°	28.1°	2	0	8	6
February	13,729	20,200	27.4°	26.1°	0	1	3	9
March	2,698	5,730	22.3°	25.2°	4	4	10	12
TOTALS	37,366	54,164	24.6°	26.2°	11	14	30	46

Table 1: Analysis of weather activity; statistics sourced from the Bureau of Meteorology

All six pools experienced an increase in attendances across the season from the year before as per Figure 1.

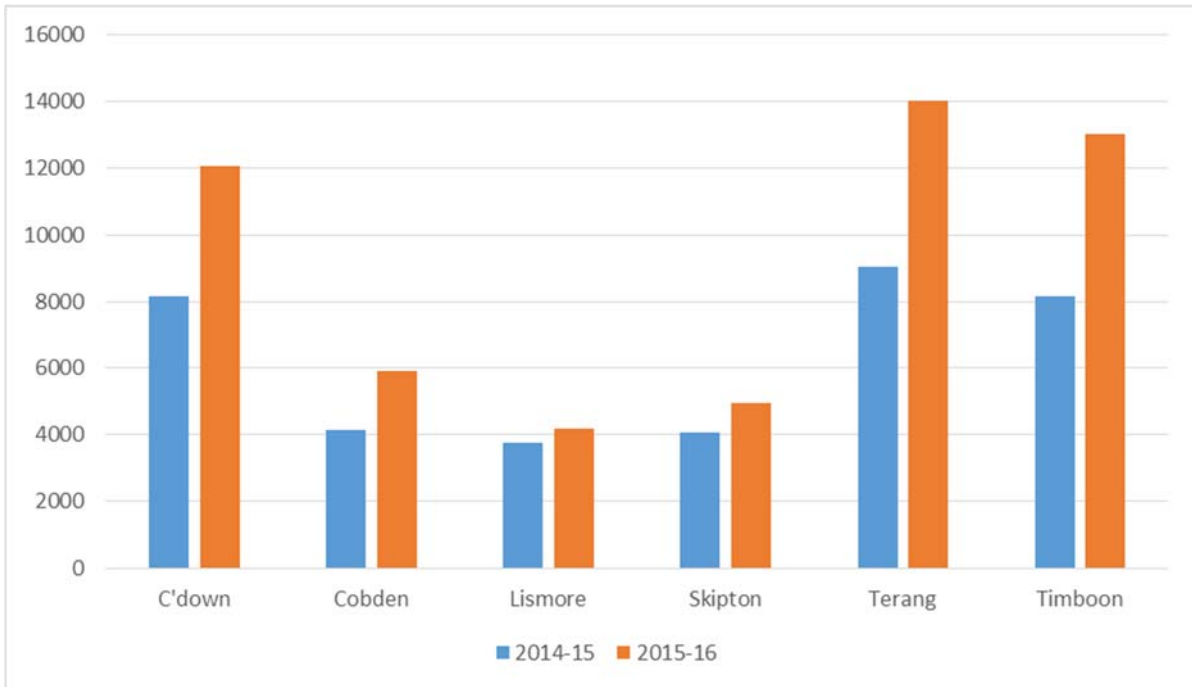


Figure 1: Attendances at Corangamite Shire swimming pools for the 2014-2015 and 2015-2016 seasons

The graph below displays a comparison of attendance rates by month, highlighting a higher attendance rate across all months with the exception of November. As the graphs demonstrate, there is a direct relationship with weather patterns and attendance, with the exception of February which had a lower average mean temperature but greater patronage. This can be attributed to school and learn-to-swim programs being implemented throughout February.

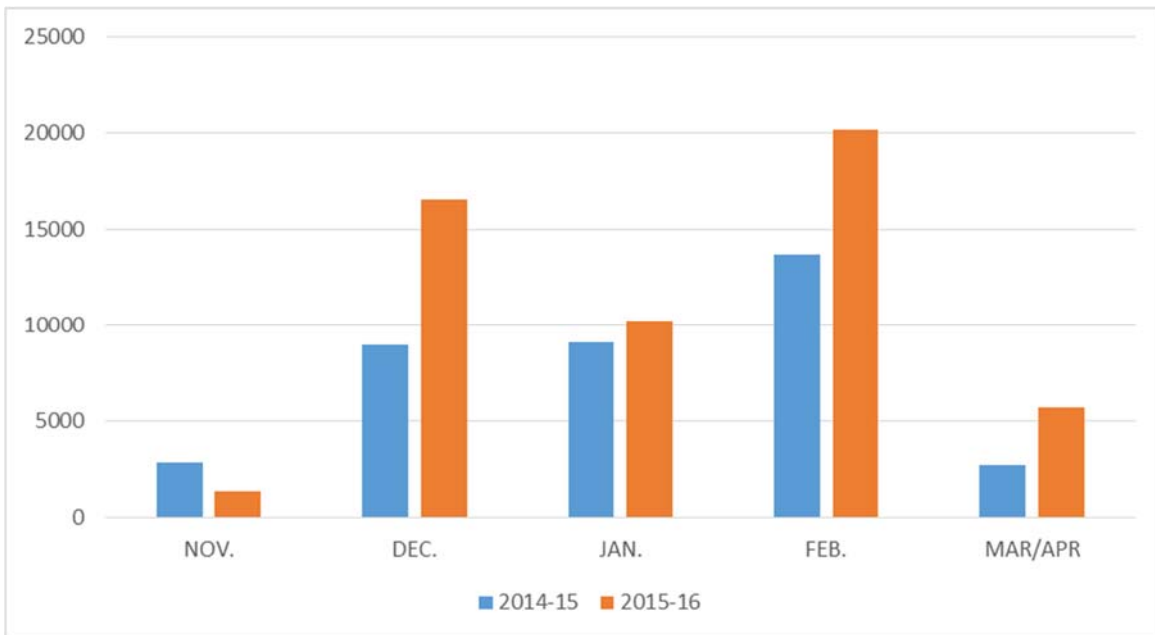


Figure 2: Total attendance at all pools by month

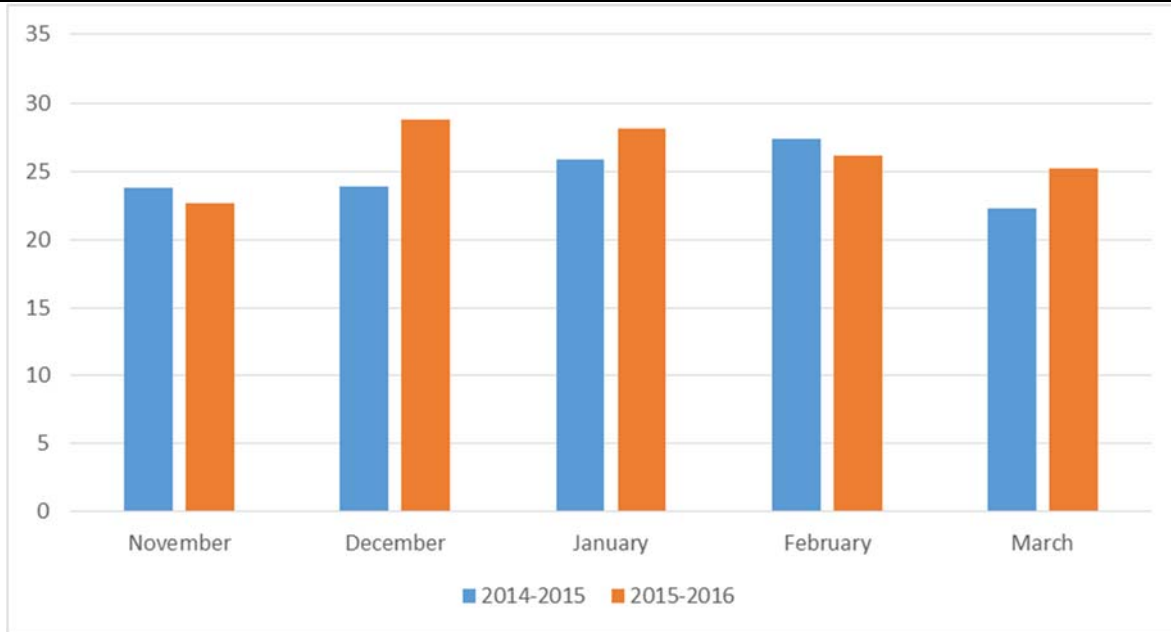


Figure 3: Average mean temperature by month 2014-2015 vs 2015-2016

Increased service staff

In response to Child Safe Standards, Ballarat YMCA introduced the *Safeguarding Children Policy* based on minimising risk of staff and patrons at facilities. This change in policy led to a minimum of two staff members being onsite at every pool when open to the public.

Programs

A range of programs were offered at the pools including early morning lap swimming, pool and birthday parties, family BBQ nights, triathlon, aquathon, dive in movies and water aerobics. The implementation of the *Safeguarding Children Policy* meant additional support mechanisms could be provided to oversee patrons, maintain facilities, organise logistics and promote events and activities. More staff also allowed for greater ease of resourcing large scale events that were conducted during the 2015-2016 season including Timboon and Skipton triathlons, Australia Day parties, Dive in Movies and fundraising events. In addition, it led to an increased focus on the marketing of all events and activities at all pools through both print and social media.

The Corangamite Shire Swimming Pools Facebook page was well utilised by most pools during the season with most major programs and activities promoted via this medium. The page drew 570 likes with 112 posts from all six pools during the season and 147 comments showing good community interest.

This year Aquatic Recreation Victoria’s renowned Vic Swim program was again conducted across five of the six swimming pools. This service provides life-saving skills for school aged residents and/or visitors. Terang pool introduced the YMCA Aqua safe program in February with 18 participants taking part in this after school.

Council’s committees were again active and provided a number of benefits to the community, with highlights provided in the table below.

Camperdown	Purchased and utilised new lane ropes and roller and conducted a movie night as a fundraiser
Cobden	Purchased new seating and umbrellas for shade on terrace
Lismore	Good attendances for water aerobics program and conducted movie night fundraiser
Skipton	Conducted Triathlon as part of Recreation Give it a Go!
Terang	Installed new shade structure on hill
Timboon	Conducted lap swim challenge

Fees

The main increase in fees from the previous season was an increase in the cost of family season tickets from \$110 to \$150. This appeared to have an effect on ticket purchases with a decrease in family season pass sales during the 2015-2016 season, however there was a significant increase in family day pass sales with an additional 336 purchased across all pools.

Based on the 2015-2016 season fees, families would need to attend the pool on at least 12 occasions during the season to ensure purchasing a family season pass was value for money. YMCA has commented in their End of Season report that with most schools shortening their learn-to-swim programs, many families opted to purchase day passes rather than season passes.

Facility Improvements and Maintenance

General maintenance items were completed prior to the season and as required throughout the season. Additional works will be completed over the winter period to ensure the issues that could not be fixed at the time of identification are resolved prior to the 2016-2017 season.

Two pools, Camperdown and Cobden, were painted prior to season 2015-2016.

Pulsar units were installed at Skipton and Lismore to ensure safe administration of chlorine with tablets rather than a gas system and to improve water quality.

Capital works including installation of a hot water service in both change rooms and investigation into drainage from the Lismore pool has been commissioned. Further investigation into issues identified throughout the season will be undertaken and capital works will be completed prior to the 2016-2017 season.

Customer Satisfaction

Feedback was sought on the performance of YMCA staff including greeting, helpfulness, proactive control and supervision, pool water quality, presentation of pool surrounds and the programs available. Customer Service Surveys were conducted at all pools with patrons at each of the facilities highlighting that staff either met or exceeded expectations in all these key performance indicators.

In total, 510 people were surveyed across the six pools. A summary of notable responses for each pool is outlined below.

Facility	Survey Summary
Camperdown	<ul style="list-style-type: none"> • 90% felt the pool surrounds and lawns met expectations • 52% of respondents felt water quality exceeded expectations • Water temperature 83%, staff friendliness 62%, cleanliness 73% and staff management 70% all met expectations
Cobden	<ul style="list-style-type: none"> • 60% of respondents felt water quality exceeded expectations • 80% of respondents felt pool well managed and pool surrounds and lawns met expectations • Water temperature 63%; staff friendliness 67% and management at 79% identified as met expectations
Lismore	<ul style="list-style-type: none"> • Met or exceeded expectations in all areas with 91% identifying met expectations in relation to water temperature • 87% met expectations in water quality • 62% helpful, friendly staff and 69% in staff management met expectations
Skipton	<ul style="list-style-type: none"> • Met or Exceeded expectations in all areas with 91% identifying met expectations in relation to water temperature • Water quality 87%, facility cleanliness 75% and surrounds and lawns 83% all met expectations • 62% helpful, friendly staff and 69% in staff management
Terang	<ul style="list-style-type: none"> • Met or exceed expectations in all areas • 70% respondents felt pool surrounds and lawns exceeded expectations • 65% of respondents felt staff were friendly and helpful and 59% identified that the pool managed by staff exceeded expectations • 67% thought the water quality had exceeded expectations • Water temperature 63% and cleanliness 63%, also agreed these exceeded expectations
Timboon	<ul style="list-style-type: none"> • 80% of respondents who felt friendliness and helpful staff was met or exceeded expectations • Cleanliness 59% and staff management 71% both exceeded expectations • 57% who felt the facility met expectations in terms of water temperature • 51% identified the water quality exceeded expectations

Verbal feedback from patrons throughout the season provided positive comments especially regarding staff rapport, events, pool water quality and temperature as well as cleanliness of amenities and grounds.

Policy and Legislative Context

The swimming pool service is acknowledged through Council's commitment to the community's wellbeing, lifestyle and related infrastructure as stated in the Council Plan 2013-2017:

Corangamite Shire's communities are welcoming and provide support and a sense of belonging. Council will work to improve and enhance community health, wellbeing and connectedness.

Provide opportunities to improve and enhance the health and wellbeing of our community.

Provide and advocate for a range of services, facilities and support to our people to enable them to fully engage and participate in the community.

Internal / External Consultation

Council's swimming pool service for 2015-2016 season has been evaluated by facility users across all pools. The survey results indicate that for all pools most service areas met or exceeded patron expectations especially in regards to management by staff, pool surrounds and lawns and water quality.

Council's swimming pool service is supported by local pool committees comprising membership from the community including swimming clubs, schools and general community.

A public meeting was held prior to the season to elect members of each committee. The Swimming Pool Committees have input into the delivery of the service in a manner which best suits its local community including:

- length of season
- operating hours
- programs
- lap swimming sessions.

Financial and Resource Implications

The cost to Council for the operation of the swimming pool service for the 2015-2016 financial year is budgeted at \$518,159; over 90% of the annual budget has been expended for this season.

On review of the new contract, Council sought to minimise the costs incurred by the contractor's two-staff model. These costs were contained through a reduction in pool season length and a reduction in the end of season financial return to the committees. The increase in family season passes did not achieve the projected income, however with the increase in family casual entry day passes and subsequent revenue, this loss was negated and a net gain of \$150 was achieved.

The total budget for pool operations in 2015-2016 was \$468,515, which includes contract, maintenance and utility costs. Based on total attendance of 54,164, this meant a cost of \$8.65 per person to utilise the pools during the season. In comparison, the pool operations cost of 2014-2015 was \$480,980 (including contract, maintenance and utilities) and with an attendance of 37,366, this meant a cost of \$11.75 per person to utilise the pools during that season.

The budget for capital works for the 2015-2016 financial year was \$60,000, this will be reduced to \$30,000 in the 2016-2017 year as a result of rate capping.

Options

Council has the option to receive the 2015-2016 report on the operations of Council's swimming pool season, or Council can seek further information on the general operations of Council's swimming pools for 2015-2016.

Conclusion

The 2015-2016 season provided a range of programs and a high standard of satisfaction within the community.

Attendance figures were strong which could be attributed to the warmer weather across the summer period, improved promotion of programs and activities and the local communities wanting to show their support for these assets.

Council's continued contribution and support of these assets ensures opportunities for participation in an active and healthy lifestyle which serve the local needs of the Corangamite community.

RECOMMENDATION

That Council receives the report on Council's swimming pool operations for the 2015-2016 season.

10.6 Delegated Committee of Management - Crown Allotment 11A, Section 7, Township of Terang

Author: Jane Hinds, Property Officer

File No: D16/286

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

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

Author - Jane Hinds

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

Summary

This report is for Council to consider assuming the role of Committee of Management for the former Terang Kindergarten building as delegated by the Department of Environment, Land, Water and Planning (DELWP).

Introduction

The former Terang Kindergarten building is located on Crown Land and is managed directly by DELWP. Crown Allotment 11A, Section 7 is not reserved, and as such it is not part of the Terang Public Park Committee of Management. Council does not have a vested role or responsibility to continue the management and operation of the former Terang Kindergarten building after 30 June 2016, being the end of the licence term.



Figure 1: Former Terang Kindergarten, The Promenade, Terang

Issues

The former Terang Kindergarten building, situated along The Promenade in Terang, is located on Crown Land and is currently directly managed by DELWP. Historically, DELWP has issued Council with a miscellaneous licence pursuant to the provisions of the *Land Act 1958* for the premises, for use and occupation by Council. This licence is renewed annually by DELWP, upon payment of rental for use of the land. This is a nominal rental amount of \$114.40 (including GST) per annum.

Since the relocation of the kindergarten service to the new Terang Children's Centre, the building has remained vacant, although Council continues to manage the building in accordance with their obligations as tenant and within the allocated recurrent budget.

A review of the building has been undertaken with a focus on its future use and Council's future involvement in the management of this building.

The following options are available for consideration by Council are:

1. Council assume the role of Committee of Management for the former Terang Kindergarten building.

If Council were to assume management of this parcel of land, it would give Council an opportunity to enter into a 17D *Crown Land (Reserves) Act 1978* lease agreement should a suitable user of the building be found. Under the *Crown Land (Reserves) Act 1978*, the responsibility for maintenance and capital expenditure can be passed on to any tenant. The risk to Council is if a suitable user cannot be found, the expenditure costs to maintain the facility would be the responsibility of Council. However, the opportunity to assume the role of management, presents Council with the potential of reducing Council's current financial and human resource investment into this facility, whilst securing a commercial rental return.

2. Council gives notice to DELWP of its intention to terminate its licence agreement as at 30 June 2016 and retract from future involvement in the former Terang Kindergarten building.

If Council were not to assume the role of Committee of Management, the role and responsibility for facility management, operation and maintenance would defer to DELWP. DELWP has indicated this is not their preferred position, as they would need to find a tenant or alternatively appoint a Committee of Management to manage the facility. The risk presented to Council, if management of the facility is deferred to DELWP, is that Council will have no control on future use or occupation of this building, which historically has occurred. Council has previously indicated a preference to support activation of this facility for community services. Council would also risk an opportunity to secure an ongoing commercial rental return in an increasingly financially-constrained environment.

Council has received an expression of interest in the future management of the facility from an independent childcare operator.

Council has sought advice from DELWP, who have advised Council that in order for Council to secure future management of the building, Council would need to take on the role of Committee of Management of the facility. DELWP has indicated it would be willing to separate the former Kindergarten site from the other buildings along The Promenade and

current Crown allotment, and Council could assume Committee of Management for the former Kindergarten site alone.

DELWP has requested the preparation of a reservation plan by the Office of the Surveyor General Victoria (OSGV) in order that formal reservation of the subject land abutting The Promenade can proceed. This reservation must occur under the provisions of the *Crown Land (Reserves) Act 1978* prior to DELWP being able to appoint Council as Committee of Management for the former Kindergarten footprint. DELWP has advised Council that this process is expected to take some time. In addition, a Council resolution is required for Council to assume the role of Committee of Management.

A sub-licence arrangement could be entered into with the provider from 1 July 2016 and until the reservation of the land is finalised. Once finalised, Council can then enter into a lease agreement under Section 17D of the *Crown Land (Reserves) Act 1978*, subject to DELWP approval and in accordance with Council policy.

Policy and Legislative Context

Agreement to assume the role as Committee of Management of the building would be in keeping with the commitments in the 2013-2017 Council Plan that:

Ensure appropriate land use and development outcomes which make Corangamite more liveable.

Provide and advocate for a range of services, facilities and support to our people to enable them to fully engage and participate in the community.

Council will demonstrate high levels of ethical behaviour and corporate governance standards. We will make budgetary decisions that are reflective of our financial circumstances. We will advocate for and with the community to achieve outcomes.

Council's past and current involvement within this reserve is consistent with the role of a Committee of Management of Public Land in accordance with the *Crown Land (Reserves) Act 1978*.

Any lease agreement entered into by Council for the use of the property, will be developed in accordance with Council's Property Leasing Policy and the *Crown Land (Reserves) Act 1989*.

Internal / External Consultation

DELWP and the Terang Public Park Reserve Committee have both indicated a preference for Council to assume the role of Committee of Management. The Terang Public Park Reserve Committee had been approached by Council seeking their interest in the future management of this building, however, the committee has indicated it does not believe its business is management of facilities and declined the opportunity.

Discussions have occurred between Council and an independent childcare provider as to the future leasing arrangements of the building.

Financial and Resource Implications

There are no additional financial or resource implications arising should Council assume the role of DELWP delegated Committee of Management for this parcel of land as Council currently maintains the property as licensee.

Development and implementation of a lease for use of the building and land at Crown Allotment 11A, Section 7 under the *Crown Land (Reserve) Act 1978* allows Council to pass on maintenance and capital works responsibility and other recurrent operating costs to any tenant. Therefore, there is potential of reducing Council's current financial and human resource investment into this facility, whilst securing a commercial rental return.

The cost to Council to hold over the building for the period until 1 July 2016 will be insignificant.

Options

Council can choose not to assume Committee of Management for this building, or as recommended Council can assume Committee of Management for this building.

Conclusion

It is a challenge to balance the role of Council in providing and advocating for services and facilities that support our community activities within an increasingly financially-constrained environment and limited support from DELWP.

Whilst there is some risk to Council with Council assuming the role of Committee of Management for the building and land being Crown Allotment 11A, Section 7, this risk can be offset by Council obtaining a commercial rental income, whilst also passing on the responsibility for maintenance and capital expenditure to any tenant.

RECOMMENDATION

That Council agrees to assume the position of Committee of Management of Crown Allotment 11A, Section 7, Township of Terang, being the former Terang Kindergarten building, as delegated by the Department of Environment, Land, Water and Planning under the *Crown Land (Reserves) Act 1978*.

10.7 Lease Agreement - Kilnoorat Cemetery Trust Crown Land

Author: Jane Hinds, Property Officer

File No: D16/259

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

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

Author - Jane Hinds

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

Summary

This report is for Council to consider a lease agreement to JI Paterson Pty Ltd for use of the land known as the Kilnoorat Cemetery being part of Crown Allotment 6A, Section 28, Parish of Kilnoorat, for the purpose of grazing.

Introduction

The Kilnoorat Cemetery is Crown Land with Corangamite Shire Council appointed as the delegated committee of management. The area is managed on behalf of Council by a Special Committee of management in accordance with Section 86 of the *Local Government Act 1989*.

Council has been approached by JI Paterson Pty Ltd, wishing to establish a lease agreement on the cemetery land for the grazing of cattle.

Issues

Kilnoorat Cemetery is historically, socially and aesthetically important and was the earliest cemetery in the district. The existing fenced land contains the core of the original cemetery reserve and retains tangible evidence of the cemetery's location including headstones, cast iron grave enclosures, grave sites and eight conifers. The cemetery readily conveys not only its original purpose but also its age and long history of abandonment. The last burial to take place was in 1900.

A grazing lease agreement for use of the 1.1 hectares of land, has been in place with the surrounding land owner CR and LC Blake since 1 November 2008. The term of the agreement was in place for 10 years, with a rental return of \$20 per annum. The lessee CR and LC Blake have entered into a contract of sale to sell their privately owned property, which adjoins the Kilnoorat Cemetery and have therefore requested to relinquish control of the existing lease for the cemetery land.

With the settlement of the property occurring 1 March 2016, the purchaser, JI Paterson Pty Ltd, of the land surrounding the Kilnoorat Cemetery, wishes to lease the cemetery land and has approached Council as Committee of Management.

The lease agreement has been developed in accordance with Council's Property Leasing Policy and the *Crown Land (Reserves) Act 1989*. The maximum term in which a lease can be granted under Section 17D of the *Crown Land (Reserves) Act 1978* is 21 years, the lease term which has been negotiated with JI Paterson Pty Ltd is for a term of 20 years. The standard Crown Land termination clause exists within the lease document. The commencing rental which has been negotiated is \$114.40 (including GST) per annum, with annual CPI adjustments. Special conditions have been included within the lease agreement, ensuring that the excavation and removal of scoria or other materials from the premises is forbidden without the prior consent of the Lessor.

Policy and Legislative Context

Agreement to lease the land to JI Paterson Pty Ltd would be in keeping with the commitments in the 2013-2017 Council Plan:

Council will demonstrate high levels of ethical behaviour and corporate governance standards. We will make budgetary decisions that are reflective of our financial circumstances. We will advocate for and with the community to achieve outcomes.

Corangamite Shire's communities are welcoming and provide support and a sense of belonging. Council will work to improve and enhance community health, wellbeing and connectedness. Council has an important role in planning to ensure townships grow in a sustainable manner.

The lease has not been advertised for submissions. Section 191 of the *Local Government Act 1989* allows Council to enter into lease agreements without public notice as the proposed lease is situated on Crown Land.

The *Cemeteries and Crematoria Act 2003* and the *Crown Land (Reserves) Act 1989* are the relevant legislations concerning this parcel of land.

The Kilnoorat Cemetery Trust Committee of Management is appointed by Council under Section 86 of the *Local Government Act 1989*, to oversee the day to day management of the Kilnoorat Cemetery.

Internal / External Consultation

Council officers have been in contact with the Cemeteries and Crematoria Regulation Unit (the Unit) regarding the lease agreement, given the lease arrangement falls under the *Cemeteries and Crematoria Act 2003*. The Unit recommended a standard Department of Environment, Land, Water and Planning Section 17D Crown Land standard lease agreement be used, meeting the requirements under the *Cemeteries and Crematoria Act 2003*.

The Minister for Health has approved the draft lease agreement with JI Paterson Pty Ltd to allow grazing on the unused cemetery land.

The Kilnoorat Cemetery Trust Committee of Management and JI Paterson Pty Ltd have been consulted on the proposed lease agreement.

Financial and Resource Implications

In regards to the rental value return for this parcel of land, Council did not seek a valuation as the cost of the valuation would out way the income. A comparison was made to another parcel of land in Camperdown, where a valuation was undertaken. Given the nominal rental valuation, the standard Department of Environment, Land, Water and Planning nominal rental amount was applied to the Kilnoorat Cemetery land, being \$114.40 (including GST) per annum. This is consistent with Council Property Leasing Policy.

Corangamite Shire holds an operating account on behalf of the Kilnoorat Cemetery Committee. Any costs incurred by the Committee, including all maintenance works at the cemetery is paid from this account. All rental monies will be receipted to this account.

Options

Council may choose to grant a lease as proposed, with amendments, or choose not to grant a lease.

Conclusion

A grazing lease agreement for use of the 1.1 hectares of land at the Kilnoorat Cemetery, has been in place with the surrounding land owner since 1 November 2008. The lessee has entered into a contract of sale to sell their privately owned property, which adjoins the Kilnoorat Cemetery and have therefore requested to relinquish control of the existing lease for the cemetery land.

The Kilnoorat Cemetery is Crown Land with Corangamite Shire Council appointed as the delegated committee of management. Council has been approached by JI Paterson Pty Ltd, wishing to establish a lease agreement on the cemetery land for the grazing of cattle.

A lease agreement has been developed in accordance with the *Cemeteries and Crematoria Act 2003*, the *Crown Land (Reserves) Act 1989* and Council's Property Leasing Policy. The lease agreement is for a 20 year term and for a rental amount of \$114.40 (including GST) per annum, including annual CPI increases.

RECOMMENDATION

That Council:

- 1. Relinquishes the lease agreement with CR and LC Blake.**
- 2. Enters into a 20 year lease agreement with JI Paterson Pty Ltd for use of the land known as the Kilnoorat Cemetery being part of Crown Allotment 6A, Section 28, Parish of Kilnoorat, for the purpose of grazing.**
- 3. Affixes the Common Seal of Council to the lease agreement.**

10.8 Quick Response Grants - May 2016 Allocation

Author: David Rae, Director Corporate and Community Services

File No: D16/248

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

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

Author - David Rae

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

Summary

The purpose of this report is to approve the May 2016 allocation of funds under the Quick Response Grants Program.

Introduction

The Quick Response Grants Program is beneficial in supporting instances of community needs that are not readily able to be considered under the Community and Facilities Grants Program or Environmental Grants Program. Applications for Quick Response Grants are considered by Council monthly.

Issues

The Quick Response Grants Program is 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 and results in positive outcomes.

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

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

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

Policy and Legislative Context

Consideration of applications for the Quick Response Grants Program is in accordance with the Quick Response Grants Policy and the following 2013-2017 Council Plan Commitments:

Corangamite Shire's communities are welcoming and provide support and a sense of belonging. Council will work to improve and enhance community health, wellbeing and

connectedness. Council has an important role in planning to ensure townships grow in a sustainable manner.

Provide opportunities to improve and enhance the health and wellbeing of our community.

Improve the educational outcomes of our community.

Recognise the importance of Art and Culture to the community.

Internal / External Consultation

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

Financial and Resource Implications

The 2015-2016 Quick Response Grants Program budget, including the former Discretionary Fund Program, is \$14,000. Annual allocations for each Ward shall not exceed 1/7th of the fund's annual budget in the case of North, South West, Coastal and South Central Wards, and 3/7th of the fund's annual budget in the case of Central Ward. Should the allocations be approved as recommended in this report, the remaining allocation is as follows:

Ward	Annual Allocation	Previous Allocations	This Allocation	Remaining Allocation
Coastal	\$2,000.00	\$2,000.00	\$0.00	\$0.00
North	\$2,000.00	\$1,720.00	\$280.00	\$0.00
South Central	\$2,000.00	\$1,350.00	\$500.00	\$150.00
South West	\$2,000.00	\$1,100.00	\$0.00	\$900.00
Central	\$6,000.00	\$4,788.68	\$500.00	\$711.32
	\$14,000.00	\$10,958.68	\$1,280.00	\$1,761.32

Options

Council can consider:

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

Conclusion

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

RECOMMENDATION

That Council approves the following applications for funding from the Quick Response Grants Program for May 2016:

Applicant	Purpose	Ward	Amount
Camperdown and District Community House.	Costs associated with replenishment of foodbank for distribution.	Central	\$500.00
Derrinallum Progress Association.	Costs associated with installing shelving in storage container.	North	\$280.00
1st Cobden Scout Group.	Purchase of wreaths for Anzac Day ceremony and 2017 event costs.	South Central	\$500.00

Attachments

1. Quick Response Grants Assessment - May 2016 Allocation - Under Separate Cover
2. Application - Camperdown and District Community House - Under Separate Cover
3. Application - Derrinallum Progress Association - Under Separate Cover
4. Application - Darlington Mechanics Institute and Recreation Reserve - Under Separate Cover
5. Application - 1st Cobden Scout Group - Under Separate Cover
6. Application - Corangamite Relay For Life Organising Committee - Under Separate Cover

10.9 Rural Councils Victoria Incorporation

Author: Andrew Mason, Chief Executive Officer

File No: D16/312

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

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

Summary

This report seeks Council endorsement for the incorporation of Rural Councils Victoria, of which Council is a member and the Chief Executive Officer is an Executive Committee member.

Introduction

Rural Councils Victoria (RCV) is an unincorporated organisation which represents the interests of rural councils within Victoria and currently has 38 members, of which Council is one.

The RCV's work includes:

1. providing opportunities for networking and professional development
2. activities directed at ensuring the sustainability of rural councils
3. activities to assist rural communities to remain sustainable.

This occurs via a number of mechanisms, including the:

1. organisation of forums and conferences for member councils
2. engagement of consultants to undertake project work
3. applying for Government grants, particularly through Regional Development Victoria.

Given that the RCV is not a separate legal entity, it conducts its business through a 'Secretariat'. This involves the Executive appointing a willing council member to, essentially, act as its agent, providing administrative support and entering into contracts on its behalf.

Issues

Incorporation of RCV

As the RCV is currently unincorporated, Council is, together with all other member councils, exposed to liability in respect of its operations.

To address this, and to enable the RCV to operate with greater independence and ease, it is proposed to incorporate the RCV as an incorporated association. It will be called 'Rural

Councils Victoria Incorporated' and will operate in accordance with the draft Rules, attached to this report.

The benefits of the RCV being incorporated include that it:

1. is recognised as a separate legal entity, with protection from debts for members and perpetual succession
2. has the power to own and hold property, enter into contracts and otherwise act as any other legal entity would
3. cannot distribute profit to its members
4. must operate in accordance with a set of rules, including a statement of purpose – being the draft Rules attached to this report
5. is operated by a Committee of Management and a Secretary, which are responsible for ensuring that all legislative obligations are complied with, and purposes are being achieved.

The RCV fulfils a number of functions that are important to rural councils in Victoria. Perhaps most importantly, it currently has responsibility for applying for Government grants, particularly through Regional Development Victoria, which are of benefit to rural councils.

It will be important that the RCV is incorporated to enable it to carry on those functions with greater independence and flexibility while still being subject to the views of its member councils.

It is not expected that the manner in which the RCV operates will be different from its current operations, although election to the Committee of Management will be based on slightly different zones, as set out in the draft Rules attached to this report.

Exercise of Entrepreneurial Powers

As Council will, if in favour of this proposal, be participating in the formation and operation of a separate legal entity, it is required, in accordance with s 193 of the *Local Government Act 1989* (the Act), to have regard to the risks involved and comply with ss 193(5A) and (5B) of the Act.

Council is advised that:

1. the **total investment** involved in Council's participation in the formation of Rural Councils Victoria Incorporated is:
 - a. **\$0**
 - b. Council will be required to continue paying membership fees, as fixed by the Committee from time to time, but will not be required to invest anything in respect of the incorporation; and
2. the **total risk** involved in Council's participation in the formation of Rural Councils Victoria Incorporated is:
 - a. **\$0**
 - b. Any liability for the activities of Rural Councils Victoria Incorporated will attach to it, not to the individual members.

Therefore, the total investment and risk exposure will be \$0, meaning that Council is not required to take any further action in relation to this matter under s 193(5C) of the Act.

Next Steps

If the RCV continues operating as an unincorporated association, there is a risk that its individual members, including Council, will be exposed to liability if the RCV fails to properly conduct its business. Furthermore, it will be unable to enter into contractual arrangements on its own behalf – instead relying on the Secretariat council to do so.

It is therefore recommended that Council accepts the analysis of Council's investment and risk exposure and votes in favour of the RCV being incorporated on the basis of the draft Rules attached to this report.

It is proposed that a vote of all current members will be held at the next meeting of RCV to be held on 10 June 2016. The vote will, if a majority is in favour, authorise Jim Nolan, Chief Executive Officer of Pyrenees Shire Council (the current Secretariat council), to apply to the Registrar of Incorporated Associations for the incorporation of RCV and approve the draft Rules.

Policy and Legislative Context

Supporting the incorporation of RCV is consistent with the following Council Plan commitments:

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

Council will maintain strong and effective relationships with Federal and State Governments, other councils and peak bodies to ensure the needs and expectations of our community are addressed.

Model contemporary standards of corporate governance and professional standards.

Strengthen partnerships with key stakeholders and Government agencies.

Financial and Resource Implications

There are no financial implications for Council in supporting the incorporation of Rural Councils Victoria beyond the annual membership fees set by the RCV Executive Committee.

Options

Council may choose to support the incorporation of Rural Councils Victoria. Alternatively, Council may choose not to support the incorporation of Rural Councils Victoria.

Conclusion

Rural Councils Victoria represents the interests of 38 rural councils within Victoria, including Corangamite Shire. RCV is currently exposed to liability in respect of its operations by being unincorporated. In an effort to address this situation and enable RCV to operate with greater independence and ease, RCV is requesting members support its incorporation which would provide benefits such as protection from debts for members. It is recommended that Council support the incorporation of RCV.

RECOMMENDATION

That Council:

- 1. Notes the proposed incorporation of Rural Councils Victoria does not involve an investment and/or risk exposure that exceeds the thresholds set out in s 193(5C) of the Local Government Act 1989.**
- 2. Votes in favour of authorising Jim Nolan, Chief Executive Officer of Pyrenees Shire Council, to apply to the Registrar of Incorporated Associations for the incorporation of Rural Councils Victoria Incorporated.**
- 3. Approves the draft Rules attached to this report as the Rules for Rural Councils Victoria Incorporated**
- 4. Authorises the Chief Executive Officer to vote on Council's behalf on this matter, in accordance with this resolution, at the meeting of RCV to be held on 10 June 2016.**

Attachments

1. Draft rules for RCV incorporation 12 April 2016 - Under Separate Cover

10.10 State Budget 2016-2017

Author: Marilyn Lynch, Organisational Development Coordinator

File No: D16/325

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

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

Author - Marilyn Lynch

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

Summary

This report provides Council with information regarding the Victorian State Budget 2016-2017, with particular reference to outcomes for rural and regional communities.

Introduction

The 2016-2017 Victorian Budget was handed down in Parliament on 27 April 2016 by Treasurer, the Hon. Tim Pallas MP. The overall economic position of the Victorian Government has strengthened in the last 12 months, primarily due to a significant improvement in taxation receipts, and a surplus of \$2.9 billion is forecast for 2016-2017. The CPI forecast remains within the 2.25-2.5% range over the medium term which will impact on local government rate-capping.

The focus of the Budget is on transport and school infrastructure, funded through property tax and the lease of the Port of Melbourne. Major road and rail projects include the construction of the Metro Tunnel, and the Western Distributor as an alternative to the West Gate Bridge. This project will create 5,600 jobs during construction and cut travel times from Geelong to Melbourne by 20 minutes.

Issues

The Budget includes a \$325 million investment to create jobs in regional Victoria with funding for upgrades to regional and rural schools and hospitals. A new funding initiative has been announced to address domestic violence in response to the Royal Commission into Family Violence Report.

Funding priorities submitted by MAV, including the Maternal Child Health Program, Public Libraries and rural roads received allocations from the Budget, although the latter funding will be provided to VicRoads, not councils. It was disappointing to note that other local government submissions such as School Crossing Supervisors and the Victorian SES received no funding, whilst the increased funding from the Sustainability Fund is expected to be inadequate to meet councils' needs to rehabilitate landfills.

The Government claims to have delivered the highest regional infrastructure investment on record. Corangamite Shire may be eligible to share in the benefits of some state-wide funding initiatives, and specific allocations for rural and regional Victoria, as outlined below.

Agriculture

Initiatives to strengthen the regional agriculture sector include:

- \$20.6 million for biosecurity services
- \$6.2 for the Fox and Wild Dog Management Program
- \$5.1 million for rural financial counselling services
- \$5 million for improved detection of biosecurity hazards.

Community Safety

- \$596 million for additional police, equipment, technology and specialist services across the Victorian police force.
- \$572 million over three years to take action on family violence.
- \$37.1 million to continue and expand the Emergency Medical Response program to 35 integrated Country Fire Authority brigades.

Education

- No schools in Corangamite Shire will receive benefit from \$151 million allocated for upgrading and modernising rural and regional schools.
- \$92 million for 10 new technical schools across Victoria, including Ballarat and Geelong.
- \$50 million Shared Facilities Fund will be established to create community hubs in schools in growth areas, involving partnerships between schools, local government and other parties.
- \$20 million for foundation training for early school leavers.
- \$4.4 million for kindergartens, focussing on those at risk in rural Victoria.
- An additional \$3.8 million for occasional care services operating in Victoria and increase in access to child care for children from birth to 5 years.

Employment

- The 50 year lease of the Port of Melbourne has allowed for the creation of a \$200 million Agriculture Infrastructure and Jobs Fund. This may provide future funding for the Castle Carey Bridge upgrade.
- \$116 million for Investment Attraction and Assistance Program to support the growth of future industries across Victoria, encourage businesses to invest in disadvantaged areas and provide support for marketing Victoria industries.
- \$111 million for future industries and sector strategic projects, focussing on generation of local jobs in priority growth sectors such as food and fibre and new energy technologies.
- \$53 million for the creation of Jobs Victoria to coordinate all Victorian employment programs.
- \$4.2 million for small business, including help for Victorian farmers to undertake financial mediation with creditors.
- \$4 million to help Victorian businesses build their capabilities and make connection with Asian markets.

Environment

- \$21.1 million over four years from the Sustainability Fund for jobs and innovation in waste and resource recovery.
- \$20 million for national parks infrastructure.
- \$15 million for replacement of critical coastal protection assets.
- \$4 million to monitor coastal flooding and erosion.

Health

\$2.9 billion investment in health system across Victoria, including:

- \$200 million for the Regional Health Infrastructure Fund which will fund a \$2.1 million new urgent-care facility in Port Fairy.
- \$143 million to improve ambulance services across Victoria including rebuilding the Terang ambulance station on the existing site.
- \$27.3 million for preventive health programs.
- \$5.5 million to training 9700 health and human service workers who have contact with people affected by the drug Ice.
- Across the State, emergency departments, intensive care units, maternity admissions, mental health, palliative care and cancer services will receive a funding boost.
- Additional approaches to suicide prevention, modelled on the Black Dog Institute, will be trialled across six local government areas.

Local Government

- \$133 million for an increase in the output price of the Maternal and Child Health Program. The additional funding does not include a retrospective payment for councils' 2015-2016 funding gap but future indexation of 2.5% has been confirmed.
- \$22.4 million over four years for continuation of the Living Libraries Infrastructure Program and Premiers' Reading Challenge.
- \$4 million for councils for weed and pest management over four years.
- \$3.2 million over four years for the establishment of the Local Government Support Team to fund finance and accounting specialists to support rural councils and improve transparency.
- \$2.2 million to assist regional councils to undertake strategic planning work and build the capability and skills of council planners.
- The budgeted increase in the Fire Services Property Levy income in 2016-2017 is just under 2%.

Regional Partnerships

- Nine new Regional Partnerships will bring together people from the public, private and community sectors to work on priorities that regional communities have identified.

Sport and Recreation

- \$8 million for the Country Football and Netball Program which will continue to assist clubs and local government to develop sporting facilities in rural and regional communities.

Tourism

- \$101 million for Regional Tourism Infrastructure, including \$20 million for Parks Victoria to improve infrastructure and encourage visitors. The Shipwreck Coast Masterplan may benefit from this funding.

- \$38 million for promotion and selling Victoria to the nation and the world.
- \$20 million investment in a Regional Events Fund to support a calendar of regional events which attract visitors from Melbourne and interstate.

Transport

\$1.6 billion to improve public transport and roads in regional and rural Victoria, including:

- \$427 million to improve road safety in regional and rural Victoria.
- \$260 million to repair and upgrade unsafe and deteriorating roads across regional Victoria. \$52 million has been allocated to rural local roads from the proceeds of the lease of the Port of Melbourne. However this funding will go to VicRoads and not to local councils.
- \$131 million to increase passenger rail services for regional centres, which will add a fourth weekday service to Warrnambool.

Conclusion

There is little in the way of specific funding for local initiatives, but Corangamite Shire may derive benefit from a significant increase in regional and rural funding which will flow from the 50 year lease of the Port of Melbourne. Regional Partnerships will give regional communities a direct stake in implementing projects that are most important to them.

RECOMMENDATION

That Council:

- 1. Writes to the Victorian Minister of Agriculture, the Hon Jaala Pulford MLC, calling for funding to be provided to assist dairy farmers in Victoria who have been affected by the reduction in milk prices.**
- 2. Writes to the State Government seeking a commitment of \$1 million towards replacement of the Castle Carey Bridge.**

10.11 Federal Budget 2016-2017

Author: Marilyn Lynch, Organisational Development Coordinator

File No: D16/324

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

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

Author - Marilyn Lynch

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

Summary

This report provides Council with information regarding the 2016 Federal Budget.

Introduction

The 2016-2017 Federal Budget was handed down in Parliament on 3 May 2016 by the Treasurer, the Hon Scott Morrison, MP. The Budget sets out the Government's economic plan to ensure Australia transitions from the mining investment boom to a stronger, more diversified, new economy through:

- a National Economic Plan
- changes to the tax system
- a plan for a balanced budget.

Total revenue for 2016-2017 is expected to be \$416.9 billion, an increase of 5.2 per cent on estimated revenue in 2015-2016. Total expenses for 2016-2017 are expected to be \$450.6 billion, an increase of 4.4 per cent on estimated expenses in 2015-2016. The Budget is projected to return to balance by 2020-2021.

A national overview of the Budget, published by the Commonwealth Government, is attached to this report.

Issues

An overview of Budget reforms and initiatives which may have relevance for Victoria is provided below.

Agriculture

- \$13.8 million Farm Cooperatives and Collaboration Pilot Program to help farmers develop their trade capabilities.
- A new country of origin labelling scheme from 1 July 2016 will ensure consumers are not misled about the origin of the food they buy.
- Enhancements to the Farm Management Deposit Scheme will allow primary producers to set aside greater cash reserves in good years and make it easier to access in low income years.
- \$7.1 million to fund additional Rural Financial Counsellors who will provide free financial advice to farmers in drought-affected areas.

Childcare

- \$40 billion in child care support over the next four years.
- Restructure of Family Tax Benefit payments to provide more targeted assistance to families to encourage workforce participation.
- Implementation of the Nanny Pilot Program.

Defence

- Additional \$29.8 billion to build new submarines, frigates and offshore patrol vessels.
- \$195 million to deliver a comprehensive cyber security strategy.

Education

- Additional \$1.2 billion between 2018-2020 for schools contingent upon reforms by States and the non-government schools sector to improve education outcomes.

Employment

- \$840 million for an innovative Youth Employment Package to help up to 120,000 young people secure jobs, including:
 - A new Youth Jobs PaTH (Prepare-Trial-Hire) Program which provides a pathway to work for young job seekers (under 25), including pre-employment skills training and internship placements. Interns will receive an incentive payment of \$200 a fortnight in addition to their income support, and businesses will receive an upfront payment of \$1,000. Employers who hire an eligible young job seeker in an ongoing job will receive a wage subsidy of up \$10,000.
 - Additional \$88.6 million to support job seekers who wish to start their own business, through expansion of the New Enterprise Incentive Scheme. The scheme will be expanded by an additional 2,300 places, to allow access to self-employment training and mentoring to those who are not on income support, including those not in employment, education or training.

Financial Assistance Grants

The short-term forecasts contained within the Budget indicate that re-indexing of Financial Assistance Grants will recommence in 2017-2018.

Health

- Additional \$2.9 billion between 2017-2018 and 2019-2020 to support public hospitals, with links to reforms to reduce avoidable hospital admissions, improve patient safety and boost the quality of services.
- \$1.7 billion Child and Adult Public Dental Scheme to ensure that dental spending is prioritised to those most in need. To fund this new scheme, savings have been redirected from existing dental programmes that are either underutilised or inefficient.

Infrastructure

- \$1.5 billion for Victorian transport infrastructure, including upgrades for:
 - Monash Freeway
 - Murray Basin Freight Rail
 - M80 Ring Road
 - Urban and regional roads.
- Extension of the Roads to Recovery Program from 2019-2020.

Innovation

- A \$1.1 billion National Innovation and Science Agenda to foster a culture of ideas and innovation and encourage commercialisation, reward enterprise and facilitate investment.
- Improved insolvency laws, crowd-sourced funding laws and tax laws, to encourage investment.
- Reforms to employee share schemes, and the tax concessions for early stage investors and venture capital to encourage investment in innovative start-up firms.

Small Business

- Small business entity turnover threshold increased to \$10 million per annum for most small business concessions.
- Company tax rate for small business cut to 27.5 per cent.
- Unincorporated tax discount increased to 8 per cent for businesses with turnover below \$5 million.
- Access to tax concessions increased to over 90,000 additional small businesses.

Smaller government

- Staffing levels in the General Government Sector (excluding military and reserves) maintained at around or below 2006-2007 levels.
- A rolling program of Portfolio Stocktakes, Contestability Reviews and Functional and Efficiency Reviews is underway to streamline agencies.

Superannuation Reform

The objective of superannuation will be enshrined in law to provide income in retirement to substitute or supplement the Age Pension. Reforms include:

- The introduction of a \$1.6 million transfer balance cap on the amount that can be transferred to tax-free retirement phase accounts.
- A 30% tax on concessional contributions for those earning over \$250,000 per annum.
- A lower \$25,000 annual concessional contributions cap.
- The introduction of a \$500,000 lifetime non-concessional cap.
- Restrictions to be lifted on contributions to superannuation that apply to Australians aged 65 to 74 and instead apply the same contribution acceptance rules for all individuals up to age 75.

Tax

- Increase in the 32.5% tax threshold from \$80,000 to \$87,000 to address bracket creep for middle income earners.
- Establishment of a Tax Avoidance Taskforce which will target tax avoidance by businesses, multinationals and wealthy individuals. The Taskforce is expected to raise \$3.7 billion in additional Government revenue.
- A new Diverted Profits Tax will impose a 40 per cent penalty rate of tax on multinational corporations that attempt to shift their Australian profits offshore to avoid paying tax. Together with the Anti Avoidance Law put in place last, these are expected to raise around \$650 million over four years from large multinationals.
- The Government will also strengthen the protections for whistleblowers who report tax avoidance, introduce laws to require tax advisers and promoters of tax schemes to disclose reportable tax schemes to the ATO, and strengthen transfer pricing rules to reduce opportunity for companies to avoid paying tax on business activity in Australia by shifting profits offshore.

Welfare

- Carbon tax compensation will be closed to new recipients of government welfare benefits. Existing recipients will continue to receive payments. Savings from this measure will be quarantined to offset new social services priorities and to help pay for the National Disability Insurance Scheme.
- Over the next three years, up to 90,000 current Disability Support Pension (DSP) recipients will have their DSP eligibility reviewed to assess their capacity to work.

Conclusion

The Federal Government Budget for 2016-2017 focusses on jobs and growth and contains a range of reforms which aim to drive economic growth through innovation whilst continuing on a sustainable path to balancing the budget. This report provides an overview of the main budget initiatives from a State perspective, summarising those which may impact on Victorians.

RECOMMENDATION

That Council writes to the Member for Wannon, the Hon Dan Tehan MP and the Minister for Agriculture and Water Resources, the Hon Barnaby Joyce MP, requesting that funding for the Rural Financial Counsellors Program and other agricultural funding programs be made available to dairy farmers in Victoria who have been affected by the reduction in milk prices.

Attachments

1. Federal Budget Overview 2016-2017 - Under Separate Cover

10.12 Records of Assembly of Councillors

Author: Andrew Mason, Chief Executive Officer

File No: D16/309

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

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

Summary

This report documents the Assembly of Councillors to be reported since the last Ordinary Meeting of Council on 26 April 2016.

Introduction

The *Local Government Act 1989* (the Act) requires that records of meetings which constitute an Assembly of Councillors be tabled at the next practicable meeting of Council and is incorporated in the minutes of the Council meeting.

Issues

An 'Assembly of Councillors' is defined in the Act as a meeting at which matters are considered that are intended or likely to be the subject of a Council decision or subject to the exercise of a delegated authority and which is either of the following:

- A meeting of an advisory committee where at least one Councillor is present; or
- A planned or scheduled meeting that includes at least half the Councillors and at least one Council officer.

Typical meetings giving rise to an Assembly of Councillors at Corangamite Shire include Councillor briefings, advisory committees and planning site inspections. However, from time to time additional records may be reported in accordance with the Act.

Section 80A of the Act requires that a record must be kept of an Assembly of Councillors which lists:

- The Councillors and members of Council staff attending.
- The matters discussed.
- Disclosures of conflict of interest (if any are made).
- Whether a Councillor left the meeting after making a disclosure.

Records of an Assembly of Councillors are documented by a Council officer present at a meeting designated as an Assembly of Councillors. Responsibility for the maintenance of records associated with Assembly of Councillors rests with the Chief Executive Officer.

Policy and Legislative Context

Tabling of the records of Assembly of Councillors ensures Council is compliant with the Act. In addition, this report is consistent with the Council Plan 2013-2017 strategy, "Council will demonstrate high levels of ethical behaviour and corporate governance standards".

Conclusion

The records documenting the below Assembly of Councillors are attached:

- Councillor Briefing 26 April 2016
- Planning Inspection 3 May 2016
- Councillor Briefing 10 May 2016.

RECOMMENDATION

That Council accepts the attached Records of Assembly of Councillors.

Attachments

1. Record of an Assembly of Councillors 3 May 2016
2. Record of an Assembly of Councillors 26 April 2016
3. Record of an Assembly of Councillors 10 May 2016

Planning Inspection

Record of an Assembly of Councillors



Date: Tuesday, 3 May 2016

Time: 10.00 am

Location: 1558 Timboon-Peterborough Road Peterborough

Application No: PP2015/083.A

Present:

Cr O'Connor Cr Gstrein Cr Oakes Cr Harkin
 Cr Beard (Mayor) Cr Smith Cr Trotter

Officers:

Greg Hayes Steph Durant

Applicant:

Stephen Cumming

Objectors:

Richard Nesseler
 Paul Steinbergs

Issues Discussed:

- History of application
- Location of shed in relation to the runway at Peterborough Airfield
- Options to resolve objections

Conflicts of Interest declared: Nil

Meeting close: 10:20

Note taker Steph Durant

Council

Record of an Assembly of Councillors

Councillor Briefing

Date: Tuesday 26 April 2016

Time: 2.00 pm

Place: Killara Centre

Present

Councillors:

- | | | | |
|---|--|--|--|
| <input checked="" type="checkbox"/> Cr Beard | <input checked="" type="checkbox"/> Cr Gstrein | <input checked="" type="checkbox"/> Cr Harkin | <input checked="" type="checkbox"/> Cr Oakes |
| <input checked="" type="checkbox"/> Cr O'Connor | <input checked="" type="checkbox"/> Cr Smith | <input checked="" type="checkbox"/> Cr Trotter | |

Officers:

- | | | | |
|--|---|--|---|
| <input checked="" type="checkbox"/> Ian Gibb | <input checked="" type="checkbox"/> Brooke Love | <input checked="" type="checkbox"/> Andrew Mason | <input checked="" type="checkbox"/> David Rae |
|--|---|--|---|

Jarrold Woff and Angela Northcott (Item 4)

Guests:

Karen Foster, EO GSC Group (Item 3)

Issues Discussed:

Item	Discussion Topic
1	Hot Topics: <i>Agenda items, Council Grants, Councillor Expenses Update, CMP Update, 12 Apostles Sewerage, Sucker Spraying</i>
2	Councillor Items: <i>Music Festival, Curdies Road Drainage, SW Sports Update, Carbon Capture Update, Broken Pit in Henderson Street, Terang-Noorat Walking Track, Robbie Burns Statue, RDA Forum, Darlington Road, Truck Parking, Anzac Day, Footpath Audit,</i>
3	Great South Coast Group Update
4	Inquiry into Women and Girls in Sport and Active Recreation
5	Child Safe Standards Legislation
6	Principal and Interest Loan v. Interest Only Loan

Conflicts of Interest declared: Nil

Councillors left the meeting at:

Councillors returned to the meeting at:

Councillor Conflict of Interest Form Completed:

Meeting close: 5.30pm

Note taker: Andrew Mason



Council

Record of an Assembly of Councillors

**Councillor Briefing****Date:** Tuesday 10 May 2016**Time:** 10.15am**Place:** Killara Centre**Present****Councillors:** Cr Beard Cr Gstrein Cr Harkin Cr Oakes Cr O'Connor Cr Smith Cr Trotter**Officers:** Ian Gibb Brooke Love Andrew Mason David Rae

Adam Taylor (Item 4 and 8)

Paul Coverdale (Item 4)

Michael Emerson and Sara Napier (Item 5)

Lyll Bond and Belinda Bennett (Item 6)

Angela Northcott (Item 7)

Guests:

Liz Price, GORRT (Item 3)

Steve Davey, Opteon and Ian Krelle, Valuer General Victoria (Item 4)

Emma Mountjoy and Paul Clapham, Arcardis (Item 6)

Issues Discussed:

Item	Discussion Topic
1	Hot Topics: <i>State and Federal Budgets, Skipton Transfer Station Meeting, Complaint, Hardship Provision, Lake Bullen Merri, Shipwreck Cast Master Plan Update, Potential Meeting with Governor of Tangerang, Cobden Sports Precinct, Dairy Sector, SES, Timboon Hospital, James Flintoft Visit</i>
2	Councillor Items: <i>Caravan Park Signage, Fire Tower, Extension of Noorat Walking Track, Vegetation Dangers on VicRoads Roads, Timboon Streetscape, Simpson Factory, Timboon Ice Cream, Simpson Men's Shed, Colac Otway Dairy Meeting, Service Station Upgrades</i>
3	GORRT Update
4	2016 General Municipal Revaluation
5	Business Infrastructure Support Fund 2015-2016 Round 3 – CONFIDENTIAL ITEM
6	Waste and Resource Recovery at Naroghid Regional Landfill Final Business Case
7	Outcomes Use It or Lose It Campaign
8	Budget Wrap Up

Conflicts of Interest declared: Cr Beard declared an indirect interest in the Cobden Sports Precinct discussion during Hot Topics (Item 1)**Councillors left the meeting at:** 10.50 am**Councillors returned to the meeting at:** 10.54 am**Councillor Conflict of Interest Form Completed:** Yes**Meeting close:** 4.45pm**Note taker:** Andrew Mason


11. OTHER BUSINESS

12. OPEN FORUM

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

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

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

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

13. CONFIDENTIAL ITEMS

RECOMMENDATION

That pursuant to the provisions of Section 89(2) of the *Local Government Act* the meeting be closed to the public to enable consideration of the following reports as they relate to a matter which the Council considers would prejudice the Council or any person and contractual matters.

13.1 Business Infrastructure Support Fund Round 3 Allocations

13.2 Contract 2016011 - Supply and Delivery of One Motor Grader

13.3 Section 105 Complaint