

minutes



CORANGAMITE
SHIRE

CORANGAMITE SHIRE

ORDINARY MEETING OF COUNCIL TUESDAY 26 NOVEMBER 2019

Held at the Killara Centre
210-212 Manifold Street, Camperdown
at 7.00 pm

COUNCIL:

Cr Neil Trotter (South West Ward)
MAYOR

Cr Ruth Gstrein (Central Ward)
DEPUTY MAYOR

Cr Helen Durant (Central Ward)

Cr Wayne Oakes (Central Ward)

Cr Simon Illingworth (Coastal Ward)

Cr Lesley Brown (North Ward)

Cr Jo Beard (South Central Ward)

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**MINUTES OF THE ORDINARY MEETING OF THE CORANGAMITE
SHIRE COUNCIL HELD AT KILLARA CENTRE, 210-212 MANIFOLD
STREET, CAMPERDOWN 7.00 PM ON
26 NOVEMBER 2019**

Mr Andrew Mason, Chief Executive Officer, opened the meeting as the position of Mayor became vacant at 6.00 am on the day of the meeting.

Mr Mason called for nominations for a temporary chairperson.

Cr Helen Durant nominated Cr R. Gstrein as temporary chairperson. Cr Illingworth seconded the nomination. Cr R. Gstrein accepted. No further nomination were received. Council voted and Cr R. Gstrein was appointed temporary chairperson and assumed the chair.

PRESENT

Councillors	N. Trotter (Chairperson), J. Beard, L. Brown, H. Durant, R. Gstrein, S. Illingworth, W. Oakes
Officers	Andrew Mason, Chief Executive Officer Ian Gibb, Director Sustainable Development Brooke Love, Director Works and Services David Rae, Director Corporate and Community Services John Kelly, Manager Asset Planning Adam Taylor, Manager Finance

1. PRAYER

The prayer was read by Cr R. Gstrein.

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

Amen.”

2. ACKNOWLEDGEMENT OF COUNTRY

An Acknowledgement of Country was made by Cr R. Gstrein.

“We acknowledge the Traditional Owners of the land on which we are meeting, and pay our respects to their Elders, past and present.”

DISCLAIMER

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

3. APOLOGIES

Nil.

4. DECLARATIONS OF CONFLICT OF INTEREST

Nil.

5. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the Corangamite Shire Ordinary Council meeting held on Tuesday 22 October 2019 be confirmed.

COUNCIL RESOLUTION

MOVED: Cr Oakes

SECONDED: Cr Beard

That the recommendation be adopted.

CARRIED

6. ELECTION OF MAYOR AND DEPUTY MAYOR

6.1 Election of Mayor

Author: Penny MacDonald, Executive Services and Governance Coordinator

File No:

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

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

Author - Penny MacDonald

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

Summary

This report provides advice on the process for the election of Mayor of Corangamite Shire.

Introduction

The *Local Government Act 1989* requires Council to elect a Councillor to be Mayor at a meeting open to the public.

The Mayor's role is to chair all meetings of the Corangamite Shire Council and to take precedence at all municipal proceedings within the Shire.

Issues

In accordance with *Meeting Procedures Local Law No.3 (2016)*, the election of Mayor must be by a show of hands at a meeting open to the public.

Nominations are to be called for and seconded. A candidate may nominate themselves but the nomination must be seconded. If nominated by another Councillor, the nominee is to be provided with an opportunity to accept or decline the nomination. Each nominee will be offered the opportunity to address fellow Councillors for up to five minutes prior to a vote.

If there is one nominee, there must still be a vote by show of hands; if there are two nominees, Council will vote by show of hands and the candidate with the highest number of votes will be declared elected; if there are three or more nominees, the candidate with the lowest number of votes will be eliminated, with additional votes undertaken until there is a final vote between two remaining candidates. If there is a tied vote, the successful candidate will be determined by the drawing of a lot.

The successful Councillor will be Mayor of Corangamite Shire until 6am on Saturday 24 October 2020, the day of the 2020 general council elections.

Once the Mayor is elected, he or she will assume the Chair for the remainder of the Council meeting.

Policy and Legislative Context

Section 71 of the *Local Government Act 1989* requires Council to elect a mayor. The process of electing the Mayor is to be conducted in accordance with Corangamite Shire's *Meeting Procedures Local Law No.3 (2016)*.

Internal / External Consultation

No consultation is required for the election of Mayor.

Financial and Resource Implications

The Councillor elected as Mayor will receive a mayoral allowance and the use of a vehicle within existing budget allocations.

Options

Council is required to elect a mayor.

Conclusion

Council is required to elect a mayor at a meeting open to the public. The successful Councillor will be Mayor of Corangamite Shire until the term of office concludes on Saturday 24 October 2020, the day of the general council elections. After the Mayor is elected they will assume the Chair for the remainder of the meeting.

RECOMMENDATION

That Council proceeds to elect a mayor.

The temporary chairperson, Cr R. Gstrein, invited nominations for the position of Mayor for 2019-2020.

Cr L. Brown nominated Cr N. Trotter. Cr H. Durant seconded the nomination. Cr N. Trotter accepted the nomination. No other nominations were received.

Cr R. Gstrein requested Councillors vote and Cr N. Trotter was elected unanimously as Mayor for 2019-2020.

The temporary chairperson, Cr R. Gstrein, vacated the chair and the Mayor, Cr N. Trotter, assumed the chair.

The Mayor, Cr N. Trotter, addressed the meeting, outlining his priorities, thanked Councillors and thanked Cr Gstrein as former Deputy Mayor.

6.2 Election of Deputy Mayor

Author: Penny MacDonald, Executive Services and Governance Coordinator

File No:

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

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

Author - Penny MacDonald

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

Summary

This report provides advice on the process for the election of Deputy Mayor of Corangamite Shire.

Introduction

Council's *Meeting Procedures Local Law No.3 (2016)* provides for the election of a deputy mayor if agreed by the majority of Councillors by way of a Council resolution. At the meeting of Council on 27 November 2018, Council resolved to appoint a deputy mayor and elected Councillor Gstrein to the position.

Issues

In accordance with *Meeting Procedures Local Law No.3 (2016)*, the election of Deputy Mayor must be by a show of hands at a meeting open to the public.

The process for the election of a deputy mayor is the same as the process for the election of Mayor. Nominations are to be called for and seconded. A candidate may nominate themselves but the nomination must be seconded. If nominated by another Councillor, the nominee is to be provided with an opportunity to accept or decline the nomination. Each nominee will be offered the opportunity to address fellow Councillors for up to five minutes prior to a vote.

If there is one nominee, there must still be a vote by show of hands; if there are two nominees, Council will vote by show of hands and the candidate with the highest number of votes will be declared elected; if there are three or more nominees, the candidate with the lowest number of votes will be eliminated, with additional votes undertaken until a final vote between two remaining candidates. If there is a tied vote, the successful candidate will be determined by the drawing of a lot.

The successful Councillor will hold the position of Deputy Mayor until the term of office for the Mayor concludes on 24 October 2020, the day of the general council elections.

The Deputy Mayor does not hold any additional powers or functions. Should the Mayor be unavailable to attend meetings or events, the Deputy Mayor would attend in the Mayor's absence.

Policy and Legislative Context

Meeting Procedures Local Law No.3 (2016) allows for the election of a Deputy Mayor if the majority of Councillors agree. Council previously resolved to elect a deputy mayor at its meeting on 27 November 2018.

Internal / External Consultation

No consultation is required for the election of Mayor.

Financial and Resource Implications

There are no financial implications for the election of a deputy mayor. The Deputy Mayor does not receive an additional allowance (above the usual Councillor allowance).

Options

Council may proceed to elect a deputy mayor, or resolve not to elect a deputy mayor.

Conclusion

Council's *Meeting Procedures Local Law No.3 (2016)* provides for the election of a deputy mayor if agreed by the majority of Councillors. At its meeting on 27 November 2018, Council resolved to appoint a deputy mayor. Should Council proceed to elect a deputy mayor, the successful Councillor would hold the position of Deputy Mayor of Corangamite Shire until the Mayoral term of office concludes on 24 October 2020.

RECOMMENDATION

That Council proceeds to elect a deputy mayor.

The Mayor, Cr N. Trotter, invited nominations for the position of Deputy Mayor for 2019-2020.

Cr J. Beard nominated Cr R. Gstrein. Cr H. Durant seconded the nomination. Cr R. Gstrein accepted the nomination.

The Mayor, Cr N. Trotter, requested Councillors vote and Cr. R Gstrein was unanimously elected Deputy Mayor.

Deputy Mayor, Cr R. Gstrein spoke, congratulating the Mayor on his re-election, and thanking Councillors for their support.

7. DEPUTATIONS & PRESENTATIONS

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

The following item was submitted:

- Mr Michael Hunt, Port Campbell, spoke regarding Agenda Item 10.4 Port Campbell Town Centre Project – Schematic Design.

8. COMMITTEE REPORTS

8.1 Councillor Appointment to Committees 2020

Author: Penny MacDonald, Executive Services and Governance Coordinator

File No:

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

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

Author - Penny MacDonald

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

Summary

The purpose of this report is to determine the appointment of Councillors to various internal and external committees for 2020.

Introduction

Council is required to appoint Councillor representatives to a number of internal and external committees. Appointments are usually revised each year, providing Councillors with an opportunity to gain experience working with a diverse range of committees. Due to the extraordinary vacancy following the resignation of Cr McArthur, and the subsequent election of Cr Oakes in December 2018, the appointment of Councillors to committees was postponed until February this year. Although it has not been a full year, Council is being asked to consider its committee appointments to realign with the election cycle.

Issues

Councillors are appointed to a range of committees to represent the interests of Council when working with the committees.

Types of Committees

Special Committees

Special committees are established by Council under Section 86 of the *Local Government Act 1989* to perform duties and make decisions on Council's behalf in relation to the management of a Council facility or asset. Special committees will exercise their powers only in accordance with their Instrument of Delegation and guidelines or policies which Council may adopt. Council may be represented on a special committee by appointing a Councillor as its representative. Cobden Aerodrome Committee of Management is an example of a special committee with one Councillor as representative.

Advisory Committees

Advisory committees are established by Council to provide advice on particular matters involving Council activities. Advisory committees have no delegated powers to make decisions on Council's behalf. Examples of advisory committees include the Audit Committee and Corangamite Youth Council.

External Committees

External committees have various roles and responsibilities depending upon their purpose. The Corangamite Regional Library Corporation Board is an example of an external committee which has been formed to manage a regional library under Section 196 of the *Local Government Act 1989*.

Committees Requiring Councillor Representatives

A summary of committees is provided below, with previous representatives noted where relevant.

Section 86 Special Committees

Cobden Aerodrome Committee of Management

Council membership: One Councillor and one substitute (previously Councillor Beard and Councillor Trotter as substitute).

Purpose of committee: To manage the Cobden Airstrip.

Recommended membership: One Councillor and one substitute.

Advisory Committees

Audit Committee

Council membership: Two Councillors (previously Councillors Brown and Durant).

Purpose of committee: Oversight and review of Council's financial operations and internal systems.

Recommended membership: Two Councillors.

Central Pools Committee

Council membership: One Councillor (previously Councillor Brown).

Purpose of committee: The development of policies and procedures for Corangamite's swimming pools.

Recommended membership: One Councillor.

Chief Executive Officer Performance Review Committee

Councillor membership: Two Councillors and the Mayor (previously Councillors Durant, Oakes and the Mayor (Cr Trotter)).

Purpose of committee: To conduct regular performance reviews of the Chief Executive Officer.

Recommended membership: Two Councillors and the Mayor.

Cobden Racecourse Reserve Reference Group

Council membership: One Councillor (previously Councillor Trotter).

Purpose of committee: To provide advice on the management of Cobden Racecourse Reserve.

Recommended membership: One Councillor.

Corangamite Youth Council

Councillor membership: Two Councillors (previously Councillors Beard and Oakes)
Purpose of committee: To provide advice and recommendations to Council on issues pertaining to youth in Corangamite, educate young people about local government and initiate programs in support of young people in the Shire.
Recommended membership: Two Councillors.

Elm Tree Reference Group

Council membership: One Councillor (previously Councillor Oakes).
Purpose of committee: To provide advice on the management of Camperdown's Finlay Avenue Elm trees.
Recommended membership: One Councillor.

Emergency Management Planning Committee

Councillor membership: One Councillor (previously Councillor Beard).
Purpose of committee: To plan for emergencies in Corangamite Shire.
Recommended membership: One Councillor.

Environmental Monitoring Committee (Corangamite Regional Landfill)

Council membership: One Councillor (previously Councillor Gstrein).
Purpose of committee: To monitor the environmental implications of the Corangamite Landfill.
Recommended membership: One Councillor.

External Committees

Barwon South West Waste and Resource Recovery Group

Council membership: One Councillor and one substitute (previously Councillor Gstrein and with Councillor as substitute).
Purpose of committee: For the development of a Regional Waste Management Plan and other Regional Waste Management responsibilities.
Recommended membership: One Councillor and one substitute.

Beach Energy Community Reference Group

Council membership: One Councillor (previously Councillor Illingworth).
Purpose of committee: Review of the environmental impacts of the development.
Recommended membership: One Councillor.

Corangamite Regional Library Corporation Board

Council membership: One Councillor (previously Councillor Gstrein and Councillor Durant as substitute).
Purpose of committee: For the management of the Corangamite Regional Library Service.
Recommended membership: One Councillor and one substitute.

Great Ocean Road Regional Tourism Board

Council membership: One Councillor (previously Councillor Illingworth).
Purpose of committee: To lead the development, marketing, advocacy and management of tourism for the Great Ocean Road region.
Recommended membership: One Councillor.

Great South Coast Group Board

Council membership: The Mayor (previously Councillor Trotter).
Purpose of committee: To provide input into Great South Coast Regional initiatives and advocacy.
Recommended membership: The Mayor.

Lochard Energy Community Liaison Group

Council membership: One Councillor (previously Councillor Illingworth).
Purpose of committee: Review of the environmental impacts of the development.
Recommended membership: One Councillor.

Minerva (BHP) Gas Plant Community Reference Group

Council membership: One Councillor (previously Councillor Illingworth).
Purpose of committee: Review of the environmental impacts of the development.
Recommended membership: One Councillor.

Municipal Association of Victoria

Council membership: One Councillor and two substitutes (previously Councillor Gstrein and Councillors Beard and Trotter as substitutes).
Purpose of committee: For representation to the Municipal Association of Victoria.
Recommended membership: One Councillor and one substitute.

Policy and Legislative Context

Councillor appointment to committees is consistent with the following objectives in the 2017-2021 Council Plan:

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

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

Council will build strong and effective partnerships with key stakeholders including peak organisations and the State and Federal Governments.

Internal / External Consultation

Councillors discussed the committees at a briefing on 12 November 2019. During the briefing, expressions of interest for committee appointments was sought from all Councillors. As the preferences received from Councillors did not exceed the number of vacancies, a detailed recommendation has been prepared for Council adoption.

Financial and Resource Implications

Councillors may claim travel expenses in accordance with the Councillor Expenses Policy for travel undertaken to attend committee meetings.

Options

Council may appoint representatives to the committees as designated, or seek alternative Councillor nominations for election to the committees by way of voting.

Conclusion

Council is required to appoint representatives to a number of internal and external committees, with the positions reviewed annually. Councillors have been consulted regarding their preferences for appointment to the committees, which is reflected in the recommendation.

RECOMMENDATION

That Council elects the designated Councillors to the following committees:

Committee	Committee Type	Councillor Representative Nominations
Cobden Aerodrome Committee of Management	Special	Cr Beard Substitute: Cr Trotter
Audit Committee	Advisory	Cr Durant Cr Brown
Central Pools Committee	Advisory	Cr Brown
Chief Executive Officer Performance Review Committee	Advisory	Cr Durant Cr Oakes Mayor
Cobden Racecourse Reserve Reference Group	Advisory	Cr Trotter
Corangamite Youth Council	Advisory	Cr Oakes Cr Beard
Elm Tree Reference Group	Advisory	Cr Oakes
Emergency Management Planning Committee	Advisory	Cr Beard
Environmental Monitoring Committee	Advisory	Cr Gstrein
Barwon South West Local Government Waste Forum	External	Cr Durant Substitute: Nil
Beach Energy Community Reference Group	External	Cr Illingworth
Corangamite Regional Library Corporation Board	External	Cr Gstrein Substitute: Cr Durant

Great Ocean Road Regional Tourism Board	External	Cr Illingworth
Great South Coast Group Board	External	Mayor
Lochard Energy Community Liaison Group	External	Cr Illingworth
Minerva (BHP) Gas Plant Community Reference Group	External	Cr Illingworth
Municipal Association of Victoria	External	Cr Gstrein Substitutes: Cr Beard and Cr Trotter

COUNCIL RESOLUTION

MOVED: *Cr Gstrein*

SECONDED: *Cr Beard*

That the recommendation be adopted.

CARRIED

9. PLANNING REPORTS

Nil.

10. OFFICERS' REPORTS

10.1 Community Planning Infrastructure Projects Policy

Author: Jarrod Woff, Manager Facilities and Recreation

File No:

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

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

Author - Jarrod Woff

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

Summary

This report seeks Council adoption of the Community Planning Infrastructure Projects Policy, which governs Council and community involvement in the construction of new assets or asset renewals as an action of Township Community Plans.

The Community Planning Infrastructure Projects Policy has successfully provided guidance and direction in the delivery of township community planning initiatives since it was established in 2014 and no changes to the policy are proposed.

Introduction

The policy has applied to a number of township community planning initiatives including the Port Campbell Community Art Space and Timboon BBQ Shelter.

The policy has been developed to:

- Provide a framework for Council to assist and support those organisations with the development and ongoing management and maintenance of new infrastructure or renewal of existing assets
- Formalise Council's involvement in community projects identified in Corangamite Shire Township Community Plans where they involve the construction of new assets or renewal of assets
- Assist community groups initiating infrastructure projects as an action of Township Community Plans by improved awareness and understanding of standard requirements for asset construction throughout the project planning, project implementation and project completion phases.

Issues

The Community Planning Infrastructure Projects Policy provides a mechanism to guide the balance between Council's role in building capacity within local communities and ensuring its resources can adequately meet the demand of maintaining its existing assets. The

implementation of the Community Planning Infrastructure Projects Policy has assisted Council and community groups in being able to outline recurrent human and financial resource implications.

Council acknowledges the importance of community planning as a key collaboration between Council and communities and in engaging with and listening to our communities (Council Plan 2017-2021). Council is also responsible for ensuring its resources can adequately meet the demand of maintaining its existing assets and ensuring community assets continue to meet the functionality and needs of our residents and communities.

The policy has been reviewed with no amendments proposed.

In the past this policy has been reviewed internally with relevant Council Officers. In that time there has not been any significant changes proposed and as a result it is proposed that this policy is now reviewed on a three-year basis.

Policy and Legislative Context

The Community Planning Infrastructure Projects Policy has been developed in accordance with Council's Policy Development Framework.

The policy aligns with Council's Plan 2017-2021 as it supports the following commitment and objectives:

We are committed to working towards ensuring the safety, health and wellbeing of our communities.

Engage with and listen to our communities.

Council will provide and support a range of opportunities that support people to engage in healthy and active lifestyles, the arts, recreation and sport.

Support our small towns and dispersed population.

Improve the health and wellbeing of our community.

Internal / External Consultation

The Community Planning Infrastructure Projects Policy has been reviewed internally by Council's Facilities and Recreation department, Community Development Officer and Senior Officer Group.

Financial and Resource Implications

The Community Planning Infrastructure Projects Policy is not expected to impose a financial cost to Council.

The policy will be considered in accordance with Council's budget development and available human resources.

Where resources are available, Council staff will assist community groups through the planning and implementation phases of the project as required, and review and analyse project proposals for Council's consideration.

Options

Council can adopt the Community Planning Infrastructure Projects Policy as presented or choose to amend the Community Planning Infrastructure Projects Policy.

Conclusion

Council acknowledges the contribution of community-based organisations and the work invested in the development of local communities. Council also recognises that many communities are continually striving to improve the amenity of their townships and associated infrastructure in addition to those works planned and delivered by Council.

Council's Community Planning Infrastructure Projects Policy formalises Council's involvement in community projects identified in Corangamite Shire Township Community Plans, where they involve the construction of new assets or renewal of assets. It is also designed to assist community groups initiating infrastructure projects through improved awareness and understanding of standard requirements for asset construction.

RECOMMENDATION

That Council:

- 1. Revokes the Community Planning Infrastructure Projects Policy dated January 2017.**
- 2. Adopts the Community Planning Infrastructure Projects Policy dated November 2019.**

COUNCIL RESOLUTION

MOVED: *Cr Durant*
SECONDED: *Cr Brown*

That the recommendation be adopted.

CARRIED

Attachments

1. Policy Community Planning Infrastructure Projects Policy 2019
2. Policy Community Planning Infrastructure Projects Policy with track changes - Under Separate Cover



**CORANGAMITE
SHIRE**

Community Planning Infrastructure Projects Policy

Corangamite Shire
November 2019

Council Policy



Community Planning Infrastructure Projects

Introduction

Council acknowledges the contribution of community based organisations and the work they invest in the development of local communities. Council also recognises that many communities are continually striving to improve the substance and appearance of their townships and associated infrastructure in addition to works planned and delivered by Council. This policy has been developed to provide a framework for Council to assist and support community organisations with the development and ongoing management and maintenance of new infrastructure or renewal of existing assets.

Purpose

This policy aims to formalise Council's involvement in community projects identified in Corangamite Shire Township Community Plans where those projects involve the construction of new assets or renewal of assets.

It also aims to establish a shared understanding and common agreement regarding project standards and future maintenance responsibilities and will guide the planning, design, development and ongoing management of the asset.

Scope

This policy applies to the construction and management of infrastructure identified in Corangamite Shire Township Community Plans, whether that infrastructure is located on Council owned land, Council controlled land, Crown Land, Road Reserve managed by others, private or other land tenure.

Definitions

Infrastructure - new assets or renewal of community assets including but not limited to buildings/structures, barbecues, rotundas, gardens, tree plantings, park furniture, property landscaping, public art works, footpaths, and other civil infrastructure.

References

Community Initiated Projects Policy (INFRA 37-03)
Recreation Facility Development Policy (INFRA 06-02)
Asset Management Policy (INFRA35-01)
Trails Management Policy (INFRA 07B-03)
Public Halls Management Policy (INFRA 09-04)
Disposal of Assets Policy (INFRA 42-00)

Policy Detail

The community planning process has identified a number of projects within Corangamite Shire townships which are considered to be a priority for that community. The following information details Councils involvement with and expectations of the community groups with regards to realising these projects.

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

Department: Works & Services
To be reviewed by: November 2022
Policy Number:
Page Number: 2

Corangamite Shire Council Policy – Community Planning Infrastructure Projects

1. Council Interest

In most instances Council will have a vested interest as the project will be developed on Council owned or controlled land, or will be allocated funding as a part of Council's budget process. In other instances, Council may merely be a resource for the community group with regard to the project development, implementation or outcomes.

Depending on the significance of the project, Council may request periodic updates on the project, a representative to be on the Project Control Group or it may offer to manage the project itself in conjunction with the community group.

In the instance Council is the auspice agency for any funding agreement with the State Government or other entity, it must bank all revenue and account for expenditure associated with the project in accordance with Council's Procurement Policy. Where Council makes a contribution to the project as a part of its annual budget, this must also be administered in accordance with Council's Procurement Policy.

Council expects that any infrastructure will be of a high quality and that asset design will be considered in accordance with relevant legislation and industry standards.

2. Planning

Where the project involves infrastructure development or renewal, whether on Council owned land or not, Council will provide high level technical advice and, where relevant and resources permit, administrative support e.g. grant writing, detailed design

Where the project is to be located on Council owned or controlled land it is expected that detailed design and appropriate approvals are sought before the project commences. The detailed design plans should be developed in accordance with the prescribed standards or relevant regulations for that infrastructure and approved by Council.

If the community group wishes to deviate from the design standards recommended by Council, it should provide detail of the proposed project design and seek Council approval to proceed. This approval will need to be considered against a risk assessment and ultimately endorsed by the Chief Executive Officer.

The standard of agreed design will need to be discussed in conjunction with maintenance costs associated with the life of the asset. Refer 5 Management & Maintenance.

Council officers and community groups should engage in conversations related to these projects early in the planning phase so as to manage the likely requirements of the project delivery and expectations for the ongoing management and maintenance for the life of the asset.

3. Construction

The community group will need to ensure it has relevant insurances – works insurance, public liability insurance, and employees - where applicable and provide a copy to Council to be retained on file. It is the responsibility of the community group / project control group to ensure any works undertaken by contractors or the community group, relating to the project, complies with all Occupational Health and Safety (OHS) legislation.

It will be the responsibility of the community group / project control group to ensure the project is delivered in accordance with the agreed design.

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

Department: Works & Services
To be reviewed by: November 2022
Policy Number:
Page Number: 3

Corangamite Shire Council Policy – Community Planning Infrastructure Projects

It is expected that appropriately qualified contractors will be appointed to undertake relevant items of work e.g. electrician, plumber, builder.

In the instance of projects requiring a building permit, the works will be inspected by Council's building department to ensure the construction is in accordance with relevant regulations and before a Certificate of Practical Completion or Occupancy will be granted.

It is also recommended that Council's project contact or project manager meet with community representatives and /or the contractor to inspect the final works in accordance with relevant regulations or approved design standards.

4. Project Management

Depending on the size and components of the project, it may be either that a Project Control Group is required to oversee the project construction or Council will manage the project directly.

In the first instance the community group will be responsible for establishing and administering the Project Control Group. The Project Control Group will be responsible for overseeing the management of the project through to its completion and will monitor the scope of works, budget, timelines, variations and any other matters that arise.

Where Council directly manages the project it will do so with regular feedback to the community group.

Where the community group directly manages the project it will do so with regular feedback to Council.

5. Management & Maintenance

The ongoing management and maintenance of any new infrastructure will be subject to planning and discussion prior to the commencement of the project. Council expects that any infrastructure will be of a high quality and able to be realistically maintained within the respective party's resource capacity. Council will include all assets located on Council owned or controlled land on its asset register for the purposes of insurance provision.

In general, in the instance that:

- A. A project located on Council owned or Council controlled land is delivered in accordance with Council's prescribed standards of design the infrastructure will be maintained as a part of Council's recurrent operating budget.
- B. The project is delivered outside Council's recommended standards; the community group will be responsible for the ongoing management and maintenance of the infrastructure or part thereof as agreed to by Council. This will include but be not limited to:
 - utility costs
 - routine maintenance
 - audit requirements
 - insurances
 - renewal or upgrade

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

Department: Works & Services
To be reviewed by: November 2022
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Corangamite Shire Council Policy – Community Planning Infrastructure Projects

Council notes there are some assets already on Council's asset register or are acknowledged as Council's responsibility.

In the event the community group disbands or determine they no longer wish to be involved in the operations of the infrastructure they will be responsible for arranging for an alternative organisation to assume ongoing operational responsibilities for the relevant asset.

In the event an asset is abandoned by the community group it is expected:

- Council will be notified immediately should a replacement organisation be unable to be sourced to undertake ongoing operations
- Council will discuss and consider the future of that asset including:
 - the benefit to the community
 - the views of the township progress / action association
 - the capacity of Council to fund ongoing maintenance and operations
 - the cost to decommission or remove the infrastructure.
 - the cost of reimbursement for removal of the item.

6. Agreement to terms

A formal agreement will be developed between Council and an incorporated community association for the implementation and ongoing management of a project asset on Council owned or controlled land. The formal agreement should be agreed to and signed off by relevant parties prior to works commencing. Council will consider arrangements with unincorporated associations on a case by case basis.

7. Financial acquittals

At the conclusion of the project the community group must provide an acquittal to account for all funds expended as part of the project. The acquittal must include a copy of all paid invoices, receipts or bank statements evidencing payment, in-kind labour and total project cost.

Any funds remaining at the completion of a project must be declared to Corangamite Shire and/or any other funding bodies.

In the event that external funding e.g. State Government or philanthropic funding, has been secured as part of the project, this will need to be acquitted as per the relevant funding guidelines. The responsibility of funding acquittals will be:

- Completed by Council if Council has been responsible for securing the funding.
- Completed by the community group if the community group has been responsible for securing the funding. A copy of the funding acquittal should be submitted to Council for record keeping purposes.

The use of any leftover funds must not be used for unrelated, unauthorised or unspecified purposes without prior approval in writing by Corangamite Shire.

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

Department: Works & Services
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Corangamite Shire Council Policy – Community Planning Infrastructure Projects

Reference to linked Procedure or Guidelines, if applicable

D/14/7799 Template Community Projects Checklist

Review Date

November 2022

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

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

Department: Works & Services
To be reviewed by: November 2022
Policy Number:
Page Number: 6

10.2 Council Policies - Equal Opportunity and Bullying Prevention

Author: Michele Stephenson, Manager Human Resources/Risk

File No:

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

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

Author - Michele Stephenson

In providing this advice to Council as the Manager Human Resources/Risk, I have no interests to disclose in this report.

Summary

This report recommends that Council adopt the Equal Opportunity Policy and Bullying Prevention Policy. A review of the Equal Opportunity Policy has been undertaken in accordance with the policy review cycle. Bullying was previously dealt with under this policy, but as bullying is covered by separate legislation it has now been included in its own dedicated policy.

Both policies have been written in a more inclusive style, and they provide examples where relevant. There have been no substantive changes to the content or intent of the policies.

Introduction

Equal opportunity (EO) in the workplace is to ensure that all individuals can realise their full potential in employment, without barriers such as discrimination or harassment. Occupational health and safety legislation exists to ensure a safe and healthy workplace. Bullying is a serious risk to a person's physical or emotional wellbeing.

Both policies are to inform people who work for Council about how we will implement the principles of equal opportunity, our commitment to a safe and healthy work environment and how Council will handle reports of unlawful workplace behaviour such as discrimination, sexual harassment or bullying.

Issues

The right to live and work free from discrimination and harassment in Victoria is protected by the *Victorian Equal Opportunity Act 2010* and federal laws. Bullying is an offence under health and safety legislation and may also be a criminal offence.

Councils can be held liable for acts of discrimination or bullying that occur in the workplace or in connection with work. Under equal opportunity and health and safety laws, Council has a positive duty to take reasonable steps to eliminate these behaviours. In addition, very serious breaches may impose organisational and personal fines and/or imprisonment.

The policies apply to Councillors as they relate to matters where Council (and Councillors) have a legislative responsibility or are afforded legislative protections.

Equal Opportunity Policy

The Equal Opportunity Policy is to inform those who work for Council of the principles of equal opportunity and their application in the workplace. By effectively implementing the principles Council aims to create a culture that is inclusive, respectful and free from discrimination and to ensure that everyone has the same opportunities at work.

Bullying Prevention Policy

The Bullying Prevention Policy outlines everyone's legal responsibilities to prevent bullying and harassment in the workplace, and the process to follow if someone is bullied or harassed at work.

Policy and Legislative Context

The policy aligns with the objectives and strategies in the Council Plan 2017 – 2021:

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

Maintain a health and safety management system that is underpinned by an appropriate culture

This policy is consistent with the provisions of the *Equal Opportunity Act 2010*, *Occupational Health and Safety Act*, other related legislation and Council policies and procedures.

Internal / External Consultation

The Equal Employment Opportunity Policy and the Bullying and Harassment Prevention Policy have been reviewed by the Human Resources Department and Senior Officer Group.

Financial and Resource Implications

The implementation of these policies will be through existing human and budgeted resources.

Options

Council may adopt the Equal Opportunity Policy and Bullying Prevention Policy as presented, or with amendment.

Conclusion

Both policies highlight the responsibilities of Council and the people who work for Council to ensure a safe, discrimination and harassment free working environment.

RECOMMENDATION

That Council:

1. Revokes the previous Equal Opportunity Policy dated September 2016
2. Adopts the Equal Opportunity Policy dated November 2019 and the Bullying Prevention Policy dated November 2019

COUNCIL RESOLUTION

MOVED: Cr Durant

SECONDED: Cr Illingworth

That the recommendation be adopted.

CARRIED

Attachments

1. Council Policy - Bullying Prevention November 2019
2. Council Policy - Equal Opportunity November 2019
3. Council Policy Equal Employment Opportunity September 2016 - Under Separate Cover



**CORANGAMITE
SHIRE**

Bullying Prevention Policy

Corangamite Shire
November 2019

Corangamite Shire Council Policy – Bullying Prevention

Council Policy

Bullying and Harassment Prevention



Introduction

Corangamite Shire Council is committed to providing a safe and healthy workplace, free from bullying and harassment, and where everyone is treated fairly, with dignity and respect.

Bullying and harassment are unacceptable and unlawful under occupational health and safety legislation, and in some instances under equal opportunity legislation. Serious incidents of bullying may also be a criminal offence.

Purpose

This policy outlines everyone's legal responsibilities to prevent bullying and harassment in the workplace, and the process to follow if someone is bullied or harassed at work.

Scope

This policy applies to councillors and all people who perform work for Council, including employees, contractors, work experience students and volunteers.

It applies to behaviours that occur during all aspects of employment including:

- Work performed wherever and whenever staff may be as a result of their duties, for example: out of hours or off-site work, when working from home, or when working with clients
- During work-related events, for example at work related social functions or conferences
- When Councillors are performing their public duties
- During online activity including the use of social media

Definitions

Harassment

Workplace harassment, which can include bullying behaviour, is a form of unlawful discrimination that is related to a protected attribute or characteristic. It is behaviour that:

- Is unwelcome and unsolicited
- The person considers to be offensive, intimidating, humiliating or threatening
- A reasonable person would consider to be offensive, humiliating, intimidating or threatening.

Examples of harassment include, but are not limited to:

- Demeaning references to a person's age, racial background, sexual orientation, gender identity, disability or other protected attribute
- Downloading or displaying offensive material or objects
- Yelling screaming, swearing or similar behaviour directed at someone which intimidates, frightens, coerces or offends them.

Adopted by Council:
Responsibility: Manager Human Resources/Risk
File Number:
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To be reviewed by: November 2022

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Corangamite Shire Council Policy – Bullying Prevention

Harassment on the basis of a protected attribute does not need to be repeated – a one-off incident can constitute harassment.

Bullying

Workplace bullying is repeated unreasonable behaviour directed toward an employee, or group of employees, that creates a risk to health and safety. Bullying can be overt or subtle, and it may be difficult to immediately recognise. It can be psychological or physical.

Bullying may be an accumulation of small incidents over long periods. Bullying can occur:

- Downwards by managers to employees
- Sideways between co-workers
- Upwards from workers to supervisors or managers

Bullying and Discrimination

Bullying may be motivated by personal characteristics of the target such as competence or popularity. Bullying that is motivated by a characteristic protected by law may be discrimination and unlawful under anti-discrimination law. The behaviour does not have to be repeated to be discrimination, it may be a one-off event.

Details in relation to the protected attributes and discrimination are contained in the Equal Opportunity Policy.

Some types of bullying are also criminal offences, including violence, assault and stalking.

Unreasonable behaviour refers to behaviour that a reasonable person, having regard for the circumstances, would see as belittling, undermining, controlling, abusive, intimidating, excluding, offensive, victimising, humiliating, embarrassing or threatening.

Reasonable person test

The reasonable person test can put a behaviour into context and ensure that a decision about the behaviour does not rely on a decision maker's own, perhaps limited perspective. A reasonable person is a hypothetical person who exercises average care, skill and judgement in conduct and who is a comparative standard.

Behaviours that may constitute bullying or harassment

- Any form of aggressive or frightening behaviour, including swearing or shouting at someone, banging fists on a desk, or stalking
- Psychological harassment
- Verbal abuse and constant ridicule
- Repeated threats of dismissal
- Deliberately setting someone up to fail
- Abusive, belittling or intimidating phone calls, text messages, emails, additions to social media sites or graffiti
- Persistent and unjustified criticisms or complaints, often about small things
- Humiliating a person through gestures, sarcasm, criticism and insults
- Sniggering or gossiping about someone or spreading malicious or untrue rumours

Corangamite Shire Council Policy – Bullying Prevention

- Sabotaging a person’s work, for example, by withholding or supplying incorrect information, hiding documents or equipment, not passing on messages and seeking to get a person into trouble.

The victim of the behaviour does not have to complain about the behaviour for it to be considered bullying or harassment.

What is not bullying?

Reasonable management action carried out in a reasonable manner is not bullying or harassment, including situations of reasonable management practice such as:

- Performance management processes, including setting goals and targets and requesting an improvement to work that is not up to standard
- Allocating or rostering work in a fair way
- Giving legitimate instructions and expecting them to be carried out
- Deciding not to promote an employee
- Giving an employee relevant negative feedback on their work
- Taking disciplinary action(s)

Natural Justice

All people have a right to natural justice in an investigation or complaint. This includes:

- Being considered innocent until proven guilty
- Being protected from false or malicious allegations
- Being fully informed of the complaint and the complaint process
- Having the right of reply to the complaint
- Having a support person and
- The maintenance of confidentiality.

References

- Fair Work Commission
- WorkSafe Victoria
- Victorian Human Rights and Equal Opportunity Commission

Related Legislation:

As employers and providers of services, councils have obligations under Occupational Health and Safety legislation and anti-discrimination law to provide a safe workplace. The Crimes Act now extends to serious bullying which has a punishable jail term of up to ten years.

Federal

- *Fair Work Act (2009)*

State

- *The Victorian Equal Opportunity Act 2010*
- *Victorian Charter of Human Rights and Responsibilities Act 2006*

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- *Local Government Act 1989* (Sections 95, 96 and Schedule 6)
- *Occupational Health and Safety Act 2004*
- *Crimes Amendment (Bullying) Act 2011*

Related Council Guidelines

The following guidelines and complaints handling procedures will assist employees to comply with this policy:

- Employee Complaints, Grievance and Dispute Procedure
- Employee Code of Conduct
- Councillor Code of Conduct
- Occupational Health and Safety Policy
- Equal Opportunity Policy

Reporting Procedure

Council is responsible for providing a working environment free from bullying, harassment and other inappropriate workplace behaviours. Council does not tolerate bullying in the workplace and takes reports of bullying or harassment very seriously.

Any employee who believes that they have been bullied or harassed is strongly encouraged to take appropriate action by contacting their supervisor or the HR Department.

If bullying is violent or threatening, it may be a criminal offence and should also be reported to the police.

The complaint does not need to have come from the alleged victim. Witnesses to an incident may also raise a complaint in relation to bullying.

Complaints and grievances will be handled confidentially and fairly in accordance with the Corangamite Shire Complaints, Grievances and Disputes Procedure.

Bullying or harassment because of a protected attribute can be reported to:

Victorian Equal Opportunity and Human Rights Commission

1300 292 153 (*enquiry line*)

<https://www.humanrightscommission.vic.gov.au>

Bullying can also be reported to:

Worksafe Victoria

Web site: <http://www.worksafe.vic.gov.au/>

Tel: 1800 136 089

Fair Work Commission

Level 4, 11 Exhibition Street, Melbourne, 3000

GPO Box 1994, Melbourne, 3001

Telephone: 1300 799 675

Email: melbourne@fwc.gov.au

Adopted by Council:
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Corangamite Shire Council Policy – Bullying Prevention

Gossip

It is not appropriate to talk with other staff, councillors or members of the community about a bullying complaint. Breaching the confidentiality of a complaint investigation is a serious matter and is likely to create new problems and make it harder to resolve the original issue.

Responsibilities

Councillors and Staff

Councillors and staff have a responsibility to:

- Comply with this policy, related procedures and legislation
- Respect the social and cultural diversity among other councillors, staff and customers
- Report acts of bullying or harassment
- Avoid gossip and respect the confidentiality of the complaint resolution procedures.

Supervisors/Managers

Supervisors and managers have additional responsibilities to:

- Model appropriate standards of behaviour
- Know the principles supporting this policy to effectively deal with any concerns
- Make it clear to staff that bullying or harassing behaviour will not be tolerated
- Act immediately if they witness or are advised about any unlawful or unfair treatment
- Treat staff complaints seriously and confidentially in accordance with the grievance procedures.

Human Resources/risk Management Department

The Human Resources/Risk Department is responsible for reviewing and circulating this policy.

The department will also provide induction and ongoing training to ensure that employees are kept informed.

Human Rights

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



**CORANGAMITE
SHIRE**

Equal Opportunity Policy

Corangamite Shire
November 2019

Corangamite Shire Council Policy – Equal Opportunity

Council Policy

Equal Opportunity



Introduction

Corangamite Shire Council is committed to the principles of equal opportunity and ensuring that employees face no unnecessary barriers to their full participation at work.

Discrimination, harassment, bullying, victimisation and other forms of inappropriate workplace behaviour are not only unacceptable, but are unlawful under equal opportunity and occupational health and safety laws.

Purpose

This policy is to inform those who work for Council of the principles of equal opportunity and their application in the workplace.

By effectively implementing those principles, we aim to:

- Create a culture that is inclusive, respectful and free from discrimination
- Ensure that everyone has the same opportunities at work, including women, culturally and linguistically diverse people, people who identify as Aboriginal or Torres Strait Islander and people of all abilities.

Scope:

This policy applies to councillors and people who perform work for Council, including employees, contractors, work experience students and volunteers.

It applies to behaviours that occur during all aspects of employment including:

- Work performed wherever and whenever staff may be as a result of their duties, for example: out of hours or off-site work, when working from home, or when working with clients
- During work-related events, for example at work related social functions or conferences
- When Councillors are performing their public duties
- During online activity, including social media

It applies during recruitment, training and all other aspects of employment. The policy also applies equally to the treatment of our customers and clients.

Definitions:

Discrimination

Discrimination is treating, or proposing to treat, someone unfavourably because of a personal characteristic or attribute protected by law such as sex, age, race or disability.

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Corangamite Shire Council Policy – Equal Opportunity

Direct discrimination occurs where a person with a particular characteristic or attribute is at a disadvantage compared to a person who does not have that attribute, under the same or similar circumstances.

For example: A worker is refused promotion because it is assumed they are ‘too old to learn new skills’

or

A worker is harassed and humiliated because of their race or religion

Indirect discrimination happens when a policy or practice that appears to be neutral actually results in a person with a particular attribute being unfairly disadvantaged.

For example: An advertisement for a job as a cleaner requires an applicant to have fluent English. The requirement may not be reasonable if fluent English is not necessary to perform the job.

or

Having a dress code that requires no hats or head coverings in the workplace may discriminate against employees who wear head coverings for religious reasons.

Equal Opportunity

Equal Opportunity is the principle that the provision of employment, education, access to services and other social benefits should be allocated based on an individual's strengths and weaknesses and not on stereotypes or other irrelevant characteristics.

Equal Employment Opportunity (EEO)

Equal opportunity in the workplace means:

- All employees have equitable and merit based access to jobs, opportunities and training, regardless of irrelevant personal characteristics
- There is no discrimination against anyone because of a personal attribute and all employees are treated with dignity, courtesy and respect.

Harassment

Workplace harassment, which can include bullying behaviour, is a form of unlawful discrimination that is related to a protected attribute or characteristic. It is behaviour that:

- Is unwelcome and unsolicited
- The person considers to be offensive, intimidating, humiliating or threatening
- A reasonable person would consider to be offensive, humiliating, intimidating or threatening.

Examples of harassment include, but are not limited to:

- Demeaning references to a person's age, racial background, sexual orientation, gender identity, disability or other protected attribute
- Downloading or displaying offensive material or objects
- Yelling screaming, swearing or similar behaviour directed at someone which intimidates, frightens, coerces or offends them.

Harassment on the basis of a protected attribute does not need to be repeated – a one-off incident can constitute harassment.

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Corangamite Shire Council Policy – Equal Opportunity

Reasonable person test

The reasonable person test can put a behaviour into context and ensure that a decision about the behaviour does not rely on a decision maker's own, perhaps limited perspective. A reasonable person is a hypothetical person who exercises average care, skill and judgement in conduct and who is a comparative standard.

Natural Justice

All people have a right to natural justice in an investigation or complaint. This includes:

- Being considered innocent until proven guilty
- Being protected from false or malicious allegations
- Being fully informed of the complaint and the complaint process
- Having the right of reply to the complaint
- Having a support person and
- The maintenance of confidentiality.

Positive Duty

Councils have a positive duty under legislation to take proactive, reasonable and proportionate measure to eliminate discrimination, harassment and victimisation.

This positive duty includes with the provision of goods and services, including free services.

Complying with this positive duty may include:

- Having up to date policies in place
- Having a good complaint handling process
- Conducting ongoing training
- Reviewing services and operations to prevent discrimination

Protected Attribute

It is unlawful in Victoria to discriminate on the basis of a protected attribute. Protected attributes include:

- age
- carer and parental status
- disability
- employment activity
- transgender/gender identity
- industrial activity
- lawful sexual activity and sexual orientation
- marital or relationship status
- physical features
- political belief or activity
- pregnancy and breastfeeding
- race
- religious belief or activity
- sex

Adopted by Council:
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It is also unlawful to discriminate against a person who is personally associated with someone with any of these characteristics, or on the presumption that a person has a particular characteristic.

Reasonable adjustments

Councils also have an obligation to make reasonable adjustments for employees with a disability to perform the inherent requirements of the role.

Reasonable person test

The reasonable person test can put a behaviour into context and ensure that a decision about the behaviour does not rely on a person's own, perhaps limited perspective. A reasonable person is a hypothetical person who exercises average care, skill and judgement in conduct and who is a comparative standard.

Sexual Harassment

Sexual harassment is a specific form of harassment that is unwelcome and unreciprocated sexual behaviour. Sexual harassment can be physical, spoken or written. It can include:

- comments about a person's private life or appearance
- suggestive behaviour such as staring or leering
- sexually suggestive comments or jokes
- brushing up against someone, touching or hugging
- displaying offensive screen savers, photos, or objects
- sending sexually explicit emails or texts
- inappropriate advances on social networking sites
- behaviour that may also be a criminal offence, such as stalking, physical assault, indecent exposure or sexual assault.

Sexual harassment is not behaviour based on mutual attraction, friendship and respect.

Workplace bullying

Workplace bullying is repeated, unreasonable behaviour directed toward an employee, or group of employees, that creates a risk to health and safety, including the mental or physical health of an employee. (see Bullying and Harassment Prevention Policy).

Victimisation

Victimisation occurs when a person is retaliated against or treated unfairly or less favourably because the person has made or intends to make a complaint, or is involved in a complaint (ie: as a witness).

Vilification

Vilification is unlawful and is defined as a public act that could incite or encourage hatred, contempt or ridicule towards people on the grounds of their race or religious belief or

Corangamite Shire Council Policy – Equal Opportunity

activity. This includes spoken, written, online or physical behaviour towards a particular race or religious group.

References

- Victorian Human Rights and Equal Opportunity Commission
- Fair Work Commission

Related Legislation:

As employers and providers of services, councils have obligations under the *Equal Opportunity Act 2010* and federal anti-discrimination legislation.

In addition, it is against the law for councillors of local councils in performing public functions, to discriminate against another councillor of that council, or a member of a committee of that council. Section 93 of the Act which deals with sexual harassment by employers and employees, defines ‘a municipal councillor is to be taken to be an employer of employees of that council’.

Federal

- *Commonwealth Sex Discrimination Act 1984*
- *Commonwealth Disability Discrimination Act 1992*
- *Commonwealth Racial Discrimination Act 1975*
- *Workplace Gender Equality Act 2016*
- *Age Discrimination Act (2004)*
- *Fair Work Act (2009)*
- *Commonwealth Disability Discrimination Act 1992*

State

- *The Victorian Equal Opportunity Act 2010*
- *Racial and Religious Tolerance Act 2001*
- *Victorian Charter of Human Rights and Responsibilities Act 2006*
- *Local Government Act 1989* (Sections 95, 96 and Schedule 6)
- *Occupational Health and Safety Act 2004*
- *Crimes Amendment (Bullying) Act 2011*

Related Council Guidelines

The following guidelines and complaints handling procedures will assist employees to comply with this policy:

- Recruitment & Selection Policy and Guidelines
- Performance Management Policy and Guidelines
- Employee Complaints, Grievance and Dispute Procedure
- Misconduct and Discipline Policy and Procedure
- Employee Code of Conduct
- Councillor Code of Conduct

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Corangamite Shire Council Policy – Equal Opportunity

Policy Detail

Council is responsible for ensuring compliance with the relevant laws, and providing a working environment free from discrimination and inappropriate workplace behaviours. Council will demonstrate the following principles of equal opportunity:

- Decisions will be made impartially and without regard to irrelevant personal attributes.
- All employees will have equitable access to workplace opportunities and benefits which are relevant to their position.
- Employees or job applicants who have either a temporary or permanent disability or illness will not be discriminated against. They will be provided with the assistance they need to be able to do the essential parts of their job where this is reasonably practicable.
- Councillors and employees will receive training on their rights and responsibilities in relation to equal opportunity, unlawful discrimination and harassment.
- The social and cultural backgrounds of all staff, councillors and customers will be recognised and respected.
- There will be effective mechanisms in place to resolve complaints
- All people involved in a complaint will have a right to natural justice

Reporting Procedure

Corangamite Shire takes reports of unacceptable behaviour seriously and will ensure that they are dealt with confidentially, fairly and in a timely manner.

If you believe you have been discriminated against, harassed or victimised you are strongly encouraged to report this to your manager. If you are uncomfortable raising the matter with your manager, you can raise the matter with another manager, the HR manager or the Human Rights and Equal Opportunity Commission. Behaviour such as threats to harm someone, violence and property damage may be criminal matters and should also be referred to the police.

Complaints and grievances will be handled in accordance with the Corangamite Shire Complaints, Disputes & Grievances Procedure.

Gossip

It is not appropriate to talk with other staff, councillors, or members of the community about any equal opportunity complaint. Breaching the confidentiality of a complaint investigation is a serious matter and is likely to create new problems and make it harder to resolve the original issue.

Responsibilities:

Councillors and Staff

Councillors and staff have a responsibility to:

- Comply with this policy, related procedures and legislation
- Respect the social and cultural diversity among other councillors, staff and customers
- Report acts of unlawful discrimination, bullying, harassment or victimisation.
- Avoid gossip and respect the confidentiality of the complaint resolution procedures.

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Corangamite Shire Council Policy – Equal Opportunity

Supervisors/Managers

Supervisors and managers have additional responsibilities to:

- Model appropriate standards of behaviour
- Know the principles supporting this policy to effectively deal with any concerns
- Make it clear to staff that discriminatory or harassing behaviour will not be tolerated
- Ensure that the working environment is free of sexist, racist or any other form of stereotyping material such as posters or screen savers
- Act immediately if they witness or are advised about any unlawful or unfair treatment
- Treat staff complaints seriously and confidentially in accordance with the grievance procedures.

Human Resources/risk Management Department

The Human Resources/Risk Department is responsible for making sure all employees and Councillors have access to this document.

The department will also provide induction and ongoing training to ensure that employees and councillors are kept informed.

Human Rights

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

Further advice and information about discrimination, harassment and sexual harassment may be obtained from:

Human Resources/Risk Management Department

Michele Stephenson, Manager. Tel: 55937135 (BH)

Victorian Equal Opportunity and Human Rights Commission

Free call: 1300 292 153

TTY: 1300 289 621 (*speech and hearing impaired*)

Web site: <http://www.humanrightscommission.vic.gov.au>

10.3 Review of Election Period (Caretaker) Policy

Author: Penny MacDonald, Executive Services and Governance Coordinator

File No:

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

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

Author - Penny MacDonald

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

Summary

The *Local Government Act 1989* (the Act) requires Council to review its Election Period (Caretaker) Policy and amend it if required. The Policy (attached) has been reviewed and amended slightly to remove references to the 2016 general council elections and update policy references.

Introduction

Council's Election Period (Caretaker) Policy provides information and guidance to Councillors, candidates and staff on appropriate conduct and use of resources during the local government election period, to ensure that Council elections are fair and not compromised by inappropriate electioneering by existing Councillors, and to safeguard the authority of the incoming Council.

Issues

The Election Period (Caretaker) Policy November 2019 provides direction and guidance on issues related to the period immediately prior to the general council elections. This policy covers the period from the last day on which nominations for election can be received until 6.00 pm on the day of the election. In 2020, the election period commences on Tuesday 22 September and continues until 6.00 pm on Saturday 24 October 2020.

In accordance with the Act this policy must include procedures to prevent Council making inappropriate decisions or using resources inappropriately, provide limits on public consultation and scheduling of Council events, and procedures to ensure equitable access to Council information by all candidates.

Review of the Election Period (Caretaker) Policy reveals that the above issues are generally well covered, however a new section on inappropriate decisions has been included to provide greater clarity for sitting Councillors. Other changes to the Policy include the removal of references to the 2016 council election, and an update of references to other policies and legislation.

Policy and Legislative Context

The review of Council's Election Period (Caretaker) Policy is required by section 93B(2)(b) of the Act. Reviewing the policy is also consistent with the following commitment and objective in the 2017-2021 Council Plan:

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

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

Internal / External Consultation

The Senior Officer Group has reviewed the proposed changes to the Policy.

Financial and Resource Implications

There are no financial implications associated with reviewing the Election Period (Caretaker) Policy. However, the policy does govern the use of resources during the election period, and outlines the legislative limitations associated with major decisions by Council during the election period.

Options

Council is required to review its Election Period (Caretaker) Policy. Council may choose to adopt the revised Policy or amend it further before adoption.

Conclusion

The *Local Government Act* requires Council to review its Election Period (Caretaker) Policy and amend it if required. The Policy has been reviewed with only minor changes to provide clarity associated with inappropriate decisions during the election period, removal of references to the 2016 Council election, and update to references to other policies and legislation. The revised policy will continue to ensure Council elections are fair and consistent with good governance.

RECOMMENDATION

That Council:

- 1. Revokes the Caretaker (Elections) Policy dated February 2016.**
- 2. Adopts the Election Period (Caretaker) Policy dated November 2019.**

COUNCIL RESOLUTION

MOVED: *Cr Gstrein*
SECONDED: *Cr Oakes*

That the recommendation be adopted.

CARRIED

Attachments

1. Election Period (Caretaker) Policy November 2019
2. Election Period (Caretaker) Policy with Tracked Changes - Under Separate Cover



**CORANGAMITE
SHIRE**

Election Period (Caretaker) Policy

Corangamite Shire
November 2019

Council Policy



Election Period (Caretaker) Policy

Introduction

Council general elections take place every four years. Corangamite Shire has developed this Policy to bring together relevant legislative requirements related to the conduct of councillors, candidates and staff during the Election (caretaker) Period.

Purpose

To ensure elections of Council are conducted in an environment that is open and fair to all candidates, this Policy sets out procedures and practices applicable during the Election Period.

Scope

This policy is intended to augment the existing legislative guidelines for the conduct of fair and equitable Council elections.

This policy applies to:

- Inappropriate decisions
- Major policy decisions
- Council resources
- Information
- Council communications and publicity
- Functions and events
- Travel and accommodation
- Councillor expenditure
- Advice to candidates
- Monitoring the policy.

Definitions

The "Election (caretaker) Period" commences the last day nominations for election may be received and continues until 6pm on election day.

"Council support staff" refers to all members of Council staff.

References

- *Local Government Act 1989*
- *Victorian Electoral Act 2002*
- *Information Privacy Act 2000*
- *Corangamite Shire Councillor Code of Conduct*
- *Councillor Expenses Policy*
- *Support for Councillor Professional Development Policy*

Adopted at Council on:
Agenda Item:
Responsibility: Chief Executive Officer
Document Number: 2507497

Department: Governance
To be reviewed by: September 2023
Policy Number: GOV 18-02
Page Number: 2

Corangamite Shire Council Policy – Caretaker (Elections) Policy

Policy Detail

Inappropriate decisions

In accordance with the *Local Government Act*, Council should avoid making inappropriate decisions during the Election Period; that is decisions that would affect voting in an election or could reasonably be made after the election.

Major policy decisions

Section 93A of the *Local Government Act 1989* prohibits a Council, Special Committee or officer acting under delegation from making major policy decisions during the Election Period relating to:

- (a) the employment or remuneration of a CEO, other than a decision to appoint an acting CEO;
- (b) terminating the appointment of a CEO;
- (c) entering into any contracts:
 - for goods and services in excess of \$150,000 or 1% of the total revenue from rates and charges in the preceding year, whichever is greater;
 - for works in excess of \$200,000 or 1% of the total revenue from rates and charges in the preceding year, whichever is greater;
- (d) undertaking an entrepreneurial activities, such as participating in the operation of a corporation or acquiring shares, for a sum in excess of \$100,000, or 1% of the total revenue from rates and charges in the preceding year, whichever is greater.

In the event of exceptional circumstances requiring a Council decision, an application may be made to the Minister in accordance with Section 93A of the Act.

Council resources

It is important that due propriety is observed in the use of all Council resources. It is also necessary that Councillors have access to the resources necessary to fulfil their elected roles. In order to ensure Council resources are not used for campaigning by sitting Councillors to increase their advantage over other candidates, or to influence voters during the Election Period, the following will apply:

- Council resources including support staff, hospitality, equipment, email, website, social media accounts, mobile phones, the mayoral car, fax machines and stationery will be used exclusively for normal Council business and will not be used in connection with election campaigning.
- Reimbursements of Councillors' out-of-pocket expenses in the Election Period will only apply to costs that have been incurred in the performance of normal Council duties, and not for expenses that could be perceived as supporting or being connected with a candidate's election campaign.
- Council logos, letterheads or any other Corangamite Shire branding should not be used for, or linked in any way to, a candidate's election campaign.
- Council support staff will not be asked to undertake any tasks connected with a candidate's election campaign.

Adopted at Council on:
Agenda Item:
Responsibility: Chief Executive Officer
Document Number: 2507497

Department: Governance
To be reviewed by: September 2023
Policy Number: GOV 18-02
Page Number: 3

Corangamite Shire Council Policy – Caretaker (Elections) Policy

Information

Council recognises that all election candidates have certain rights to information from the Council administration, subject to the *Information Privacy Act 2000*. It is important that sitting Councillors continue to receive information that is necessary to fulfil their elected roles. Councillors shall not request or receive information or advice from Council staff to support election campaigns and there shall be transparency in the provision of all information and advice during the Election Period.

Requests for clarification relating to provision of information should be directed to the Chief Executive Officer who may then refer the request to appropriate senior management.

Council communications and publications

Council communications are a legitimate way to promote Council activities and services. It is important that all Councillors have access to the Council's communication resources to enable them to fulfil their elected roles. However, they will not be developed or used in support of a candidate's election campaign. During the Election Period:

- A Council employee must not make any public statement that could be construed as influencing the election. Statements of clarification may be required from time to time and these are to be made by the Chief Executive Officer or other officers as delegated by the Chief Executive Officer.
- Council publicity and communications will be restricted to promoting normal Council activities and services and for informing residents about the conduct of the election.
- In the event that a spokesperson is required for any publication or communication, the Chief Executive Officer shall fulfil that role.
- No media advice or assistance will be provided to Councillors in relation to election campaign matters.
- Councillors will not use their position as an elected representative or their access to Council staff and other Council resources to gain media attention specifically in support of an election campaign.
- Councillor profiles on the Council website will be limited to photograph and contact details. Other profile information will be removed from the Council website during the Election Period.
- Use of Council social media to publish electoral material is not permitted.
- Comments posted on the Council's Facebook page will be carefully monitored and removed if deemed to be electoral matter.

Functions and events

Any event or function held during the Election Period shall be limited to legitimate Council business only and shall not be used, or be able to be construed as being used, in connection with any election activity.

All speeches prepared for use at Council events or functions shall be reviewed by the Manager Growth and Engagement or the Chief Executive Officer to ensure that the content does not breach this Policy or the *Local Government Act 1989*.

Adopted at Council on:
Agenda Item:
Responsibility: Chief Executive Officer
Document Number: 2507497

Department: Governance
To be reviewed by: September 2023
Policy Number: GOV 18-02
Page Number: 4

Corangamite Shire Council Policy – Caretaker (Elections) Policy

Councillors may make a speech during any event or function, however the speech must not have any political reference which may be construed as giving a sitting Councillor any advantage during the Election Period.

Councillor professional development and travel

Despite the provisions of the *Support for Councillor Professional Development Policy*, Councillors shall not participate in any interstate or overseas travel in their capacity as a Councillor during the election period. In circumstances where it is imperative that the Mayor (or nominee) represent Council on a delegation or forum, Council may by resolution approve such attendance. If consideration by Council is impractical the Chief Executive Officer may determine the issue.

Councillor expenditure

Claims for the reimbursement of expenses shall relate only to expenditure incurred as described in the *Councillor Expenses Policy*.

Advice to candidates about the election process

All candidates for Council election will be treated equally. Towards this outcome:

- Any advice provided to candidates as part of the conduct of the Council election should be available equally to all candidates.
- All election related enquiries from candidates, where sitting Councillors or not, will be directed to the Returning Officer, or where the matter is outside the responsibilities of the Returning Officer, to the Chief Executive Officer.

Neither Councillors nor candidates will receive information or advice from Council staff that might be perceived to support election campaigns, and transparency will be observed and practised in the provision of all information and advice during the Election Period.

Monitoring the policy

This policy will be published on the Council website. Any issue which arises relating to this policy should be referred to the Chief Executive Officer.

Review Date

September 2023

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

Adopted at Council on:
Agenda Item:
Responsibility: Chief Executive Officer
Document Number: 2507497

Department: Governance
To be reviewed by: September 2023
Policy Number: GOV 18-02
Page Number: 5

10.4 Port Campbell Town Centre Project - Schematic Design

Author: Ian Gibb, Director Sustainable Development

File No:

Previous Council Reference: 26 March 2019, Item 9.1

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 - Ian Gibb

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

Summary

The purpose of this report is for Council to consider the adoption of the Port Campbell Town Centre Project Schematic Design. In March 2019, a concept design was adopted by Council. Further design refinement has occurred, and a schematic design was placed on consultation during August/September 2019. Submissions received as a result of the consultation have been considered and further changes are proposed in the Schematic Design recommended for adoption by Council. The changes include the retention of the current layout of the Fisherman's car park and the widening of each traffic lane in Lord Street between Morris Street and Cairns Street to 3.5 metres.

Introduction

The Port Campbell Town Centre Project aims to strengthen and improve the functioning and amenity of Port Campbell's town centre. It specifically addresses the public realm component of Port Campbell and proposes investment in upgrading and improving areas including the streetscape of Lord Street and the foreshore area. The project seeks to re-position Port Campbell at the heart of the Shipwreck Coast. It requires a strong emphasis on designing for users, including both the local community and visitors, whilst respecting the existing township character.

The preferred concept design adopted by Council in March was informed by the results of extensive community consultation. Further refinement of the concept design was undertaken to produce a Schematic Design. The Schematic Design developed the adopted concept ideas into a cohesive schematic plan.

A copy of the Schematic Design plans used for community and stakeholder consultation are provided under separate cover.

The schematic design includes many of the key elements shown on the Concept Plan adopted by Council in March 2019. These include:

- Removal of the roundabout at Great Ocean Road and Morris Street, and a revised intersection design to encourage use Morris Street as the primary traffic route (rather than Cairns Street)
- Removal of the roundabout at Cairns Street and Lord Street to improve pedestrian priority
- Changes to bus movements including reduced bus movement on Cairns Street, and creation of a bus drop off/pick up zone near the Parks Victoria office. An alternative off peak bus route is provided for winter months
- Introduction of parallel car parking in Lord Street and provision for timed parking
- Enhancement of the forecourt area in front of the Port Campbell Surf Life Saving Club, to improve usage, movement and pedestrian safety.

Some of the features of the schematic design include:

- The shared pedestrian and vehicle zone in Lord Street and Cairns Street. This will give pedestrians priority and allow for future increased pedestrian activity. It will be a low speed area for vehicles
- Retention of two-way vehicle movement on all streets
- Changes to parking layout and supply - 272 parking spaces are proposed compared to the existing 245 spaces. Car parking provision in Tregaea Street is increased from 53 to 71 spaces (including 3 accessible car parks)
- Accessible car parking to meet current Australian Standards – increased from 6 current car parks to 9 accessible car parks, including parallel, angle and 90° spaces
- Improved pedestrian linkages to key trails and the National Park, including on the Old Great Ocean Road
- A revised foreshore treatment, improvements to the interface with Lord Street and Cairns Street and the retention of 90° angle car parking
- Picnic platforms and decking along the Norfolk Pines area to allow people to stop and view
- Improved landscaping and seating opportunities.

Consultation and Feedback on the Schematic Design Plans

Council has received comments on 48 feedback forms and four written submissions.

Three of the written submissions are opposed to any design changes at the Fisherman’s car park.

The four written submissions are provided under separate cover.

A spreadsheet containing the content of the 48 Feedback forms is provided under separate cover. The key issues raised in the feedback forms are summarised as follows:

Topic	Total
Lord Street traffic flow concerns e.g. traffic lane width, parallel parking, commercial deliveries, large vehicle movements, boat access and emergency vehicle access.	21
Proposed Layout of Fisherman’s car park (reduction in park spaces and inclusion of roundabout, trailer manoeuvring obstacles)	16
Removal of Roundabout at Lord St / Cairns St	12

Need for additional summer car parking provision	12
Additional footpaths requested – Morris Street / Cairns Street	12
Angle vs 90° parking	9
Additional car parking on Morris Street vacant blocks	7
Accessible parking issues e.g. location and number of spaces, layouts and dimensions	6
Tregea Street footpath	5
Coach / Bus parking	4
Morris street “pinch” to slow traffic movement near Public Purpose Reserve	4
Other comments on detail: landscaping, street furniture, bins, plinth on foreshore, McIntyre fountain, zebra crossing, school bus zone, driveway access, shower on foreshore, 3 historical signs, timber decking etc.	19

Many of the issues raised on feedback forms have previously been considered at the time of adoption of Concept Design by Council in March 2019. These include:

- Traffic circulation and car parking
- Narrowing of Lord Street/widening of footpaths
- Removal of angle parking and proposed parallel parking in Lord Street
- Removal of the roundabout at Lord Street Cairns Street intersection
- Use of 90° parking rather than angle parking at the foreshore and in Tregea Street
- That Council owned land in Morris Street should be used for additional parking supply. The use of the Council owned Morris Street land is outside the scope of this project and is a matter for Council decision in the future. Further car parking data will be collected over the coming summer period.
- A desire for additional new footpath provision in the Port Campbell Township and to the Recreation Reserve. This is outside the scope of the current project. Council currently funds footpath construction in residential areas through a special charge scheme process which would usually require landowner financial contributions
- The location of the petrol station and associated vehicle congestion. This is outside the scope of the current project, however, opportunities to relocate the petrol station will be further investigated in the future.

Issues

Following is a discussion of the key issues relating to the finalisation of the Schematic Design.

Fisherman’s Car Park

The Schematic Design recommended for adoption by Council retains the existing layout of the Fisherman’s Car Park area and pier access. Submissions received as a result of consultation raised concerns about the impact of a proposed roundabout, including two accessible parking spaces in an area currently designated as “no standing”; the deletion of two long vehicle parks, and a landscape feature/boardwalk extension near the entry to the boat launching roadway.

There is a strong preference by fisherman to retain the existing layout. This is what is shown on the final Schematic plan.

Lord Street

The final Schematic Design recommended for adoption by Council retains two-way vehicle movement within the Lord Street/Shared Zone. The final design provides for each traffic lane in Lord Street to be 3.5 metres wide between Morris Street and Cairns Street beyond Cairns Street to the Fisherman's Car Park the existing traffic lane width of 3.3 metres is retained in Lord Street.

A number of submissions raised concerns about the potential impacts of narrowing Lord Street for access by large vehicles, delivery trucks, emergency service vehicles and boats (including oversize vehicles greater than 2.5metres in width, subject to a separate permitting system). The changes to the Schematic Design recommended for adoption by Council has addressed this concern.

Submissions have again raised concerns about the introduction of parallel parking in Lord Street, including the provision of two accessible parking spaces near the General Store/Post Office. Provision of angle parking on one side of the road is not feasible if footpaths on both sides of the street are widened and two-way traffic movement is retained. The current layout also results in vehicles seeking to access angle parking spaces opposite to the direction of travel by crossing the oncoming traffic lane. This would be undesirable in a shared zone where pedestrian movement has priority.

It is recognised that parallel parking will result in some reduction to the number of parking spaces supplied. However, utilisation can be improved through the introduction of time limited and short stay parking. This will assist local residents seeking to access the store for short periods. The supply of parking spaces is also increased in Tregoe Street.

The current arrangement of angle parking on the west side of Lord Street results in cars turning across the oncoming traffic lane to access parking spaces. For accessible parks, some provision of parallel parks is desirable to allow for lifted rear loading of wheel chairs and other mobility devices. All accessible parking spaces are designed to the dimensions required by the relevant Australian Standards. The location of two spaces near to the store is appropriate as this is a location where demand for accessible parking access will be high. Short stay parking arrangements for non-accessible parking have been discussed above.

Cairns Street Foreshore area

The final Schematic Design recommended for adoption by Council provides for the retention of a green nature strip in Cairns Street. It also allows for some outdoor dining opportunities (for example in front of Forage on the Foreshore café) which would be managed through a local law permit process.

A number of submissions have suggested that the current 90° angle parking facing the foreshore be replaced by angle parking. In earlier consultations, there was strong community preference for the retention of car parking facing the foreshore as currently exists. To conform to Australian Standards, angle parking would need to be provided at 60° or 45°. This would reduce the number of spaces, and most importantly does not allow for safe access by vehicles traveling in both directions. It is therefore proposed to retain 90° parking to the foreshore. This is the only parking arrangement recommended in Australian Standards where two directional access to parking spaces is required.

A further issue raised in some submissions was of concern for the plaque, fountain and signs near the rocket shed relating to cultural heritage. Further investigation will be

undertaken at the detailed design stage in relation to retention and relocation where required.

Cairns Street/Lord Street Intersection

The final Schematic Design recommended for adoption by Council continues to propose removal of the roundabout currently located at the Cairns Street/Lord Street intersection. This was agreed at the time of adoption of the concept design.

The removal of the roundabout is considered appropriate for the following reasons:

- The future role of Cairns Street in relation to overall traffic movement is downgraded by giving greater priority to the use of Morris Street, and through changes to the intersection design of Morris Street and the Great Ocean Road. The intent is that Cairns Street will in the future be primarily used by local traffic, rather than traffic entering Port Campbell via the Great Ocean Road.
- It is desirable that the Lord Street/Cairns Street foreshore shared zone, which is low speed, does not contain a roundabout which prioritises vehicle movement over pedestrian movement.
- The current roundabout is not pedestrian friendly, does not contain pedestrian refuges and results in irregular pedestrian movement across the intersection.
- It is proposed to create a priority-controlled intersection. All vehicles on Cairns Street will be required to stop before entering Lord Street. Measures on the hill of Cairns Street such as a chicane and use of rumble strips will act to slow vehicles prior to the stop sign.
- Vehicles only need to slow to enter a roundabout. Requiring vehicles on Cairns Street to stop prior to entering the intersection is important for improving pedestrian safety.

Tregea Street

It is proposed to provide 90° car parking on the west side of Tregea Street. This allows for an increase in the provision of parking spaces, and it provides for access by vehicles travelling in either direction.

Driveway Access Points

All driveway access points have been retained.

Morris Street/GOR intersection/“Pinch” near public purpose reserve/Cairns Street Chicane.

It has been proposed to “pinch” the width of Morris Street for a short section near to the Public Purpose Reserve. This is intended as a measure to slow vehicle speed in the vicinity of the playground area, especially for vehicles travelling downhill toward the Morris Street/Lord Street roundabout. Some refinement of the design has been undertaken to provide improved cycling and pedestrian safety.

Swept path analysis by a traffic engineer confirms that large vehicles (for example garbage trucks and emergency services vehicles) will be able to continue to access Cairns Street using the modified intersection design and move through the chicane on Cairns Street or the “pinch” on Morris Street.

Lighting

Lighting design is not fully resolved, apart from suggesting a simple pole approach. This needs to occur in conjunction with a lighting engineer at further design development stage.

A copy of the Final Schematic Design Plan recommended for adoption by Council is provided at **Attachment 4**. These include the changes discussed and identified above.

Policy and Legislative Context

The Council Plan 2017-2021 highlights six (6) themes; governance and financial sustainability, roads, vibrant economy, agriculture and tourism, built and natural environment, safe and healthy communities and organisational performance. The Port Campbell Town Centre Project is relevant to themes relating to vibrant economy, tourism, built and natural environment and healthy communities.

The Shipwreck Coast Master Plan (SCMP) seeks to position Port Campbell at the heart of the Shipwreck Coast. The SCMP contains a Township Interface Plan for Port Campbell, which places some emphasis on public domain areas and improved trail connections. The Schematic Design Plan is responsive to the directions set by the SCMP.

Internal / External Consultation

Community and stakeholder engagement on the Schematic Design occurred in late August and September 2019 which included:

- A Community Reference Group meeting on Wednesday 28 August 2019
- A community drop in session in the evening of Wednesday 28 August 2019
- A meeting with Lord Street and Cairns Street traders on Thursday 29 August 2019
- Making the Schematic Design plans available for viewing on Councils website
- Distribution of hard copy plans to residents through the General Store
- Provision of an online and hard copy feedback form
- Updates on the Beacon Facebook page and through the Beacon Community Newsletter.

Council officers also met with the Port Campbell Town Centre Project Control Group on Monday 9 September 2019. The Project Control Group includes representatives from stakeholder agencies (Parks Victoria, Regional Development Victoria, Twelve Apostles Tourism Association and Business Association, Great Ocean Road Regional Tourism, and Department of Economic Development Jobs Transport and Resources). Further engagement has since occurred with one on one meetings between Council officers, residents, traders and stakeholder agencies.

Financial and Resource Implications

Council has nominated funding of the Port Campbell Town Centre Urban Design project as a key advocacy priority for State and Federal Governments and has forecast future expenditure in its Strategic Resource Plan. Construction is planned to commence during 2020-2021.

Options

Council can adopt the final schematic design as presented in Attachment 4. This is the recommended outcome. Alternatively, Council could require additional changes to be made to the Schematic Design or could defer adoption of the plan.

Conclusion

It is recommended that Council adopt the final Schematic Design Plans for the Port Campbell Town Centre Project as shown in Attachment 4. The final Schematic Design is referenced as Revision E Plans dated 14 November 2019.

Following adoption of the plan, the next steps will be to:

- Obtain advice from a Quantity Surveyor to establish a preliminary cost estimate range using the adopted Schematic Design as the basis for this advice
- Develop a draft implementation plan, including the identification of project stages
- Confirm the Design Development packages and specifications for each Stage.

Further consultation with key stakeholders, including businesses in Lord Street/Cairns Street will continue at the design development stage.

Council will also continue to advocate for external project funding.

RECOMMENDATION

That Council:

1. **Adopts the Schematic Design Plan (Revision E dated 14 November 2019) for the Port Campbell Town Centre Urban Design Project.**
2. **Proceeds to the design development stage based on the adopted Schematic Design.**

COUNCIL RESOLUTION

MOVED: *Cr Illingworth*

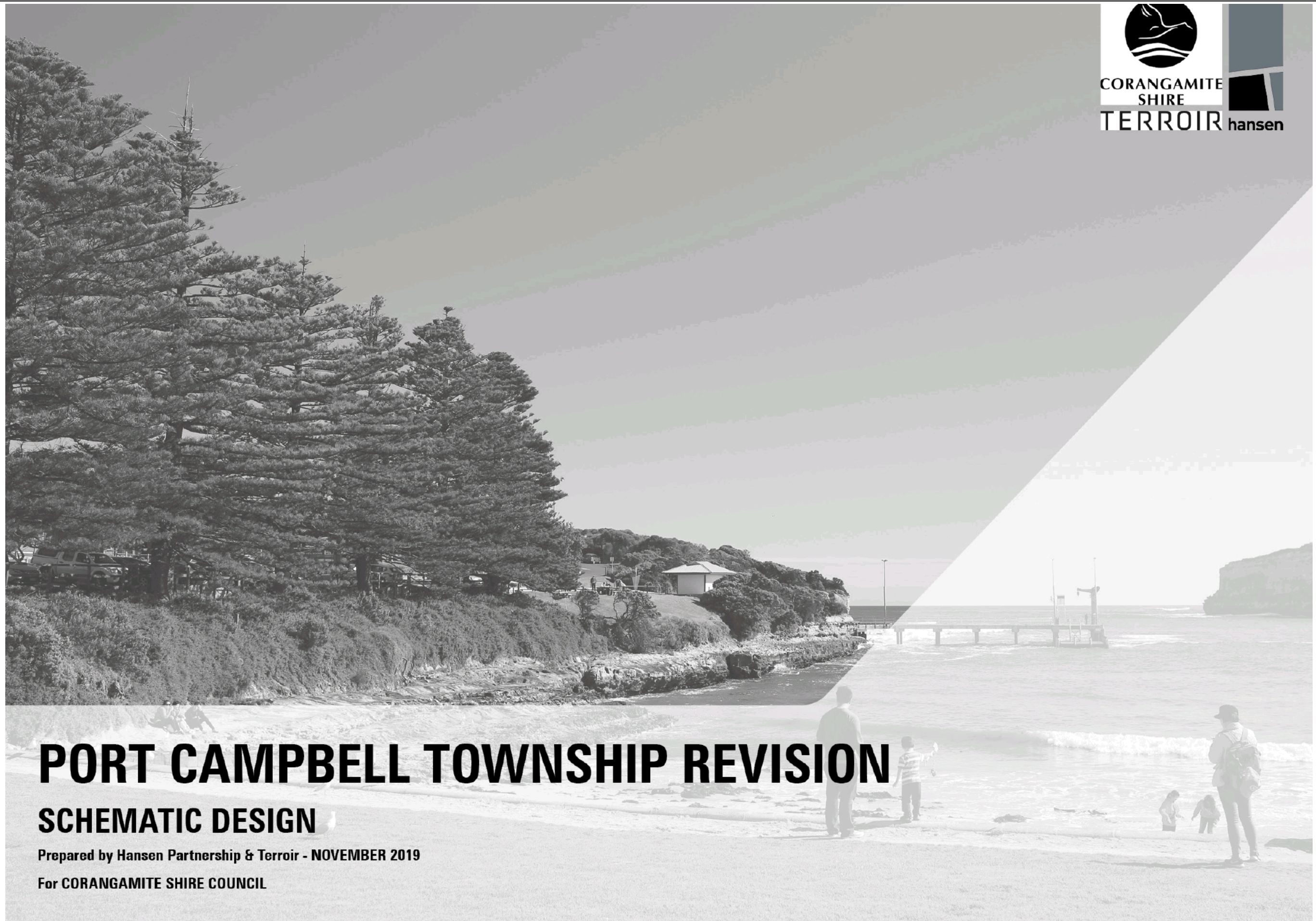
SECONDED: *Cr Gstrein*

That the recommendation be adopted.

CARRIED

Attachments

1. Attachment 1 Schematic Design Plans for Consultation August September 2019 - Under Separate Cover
2. Attachment 2 Written Submissions on Schematic Design - Under Separate Cover
3. Attachment 3 Surveys Completed Online Schematic Design - Under Separate Cover
4. Attachment 4 Port Campbell Township Schematic Design for Adoption Revision E November 2019



PORT CAMPBELL TOWNSHIP REVISION

SCHEMATIC DESIGN

Prepared by Hansen Partnership & Terroir - NOVEMBER 2019

For CORANGAMITE SHIRE COUNCIL



PRECINCT LEGEND

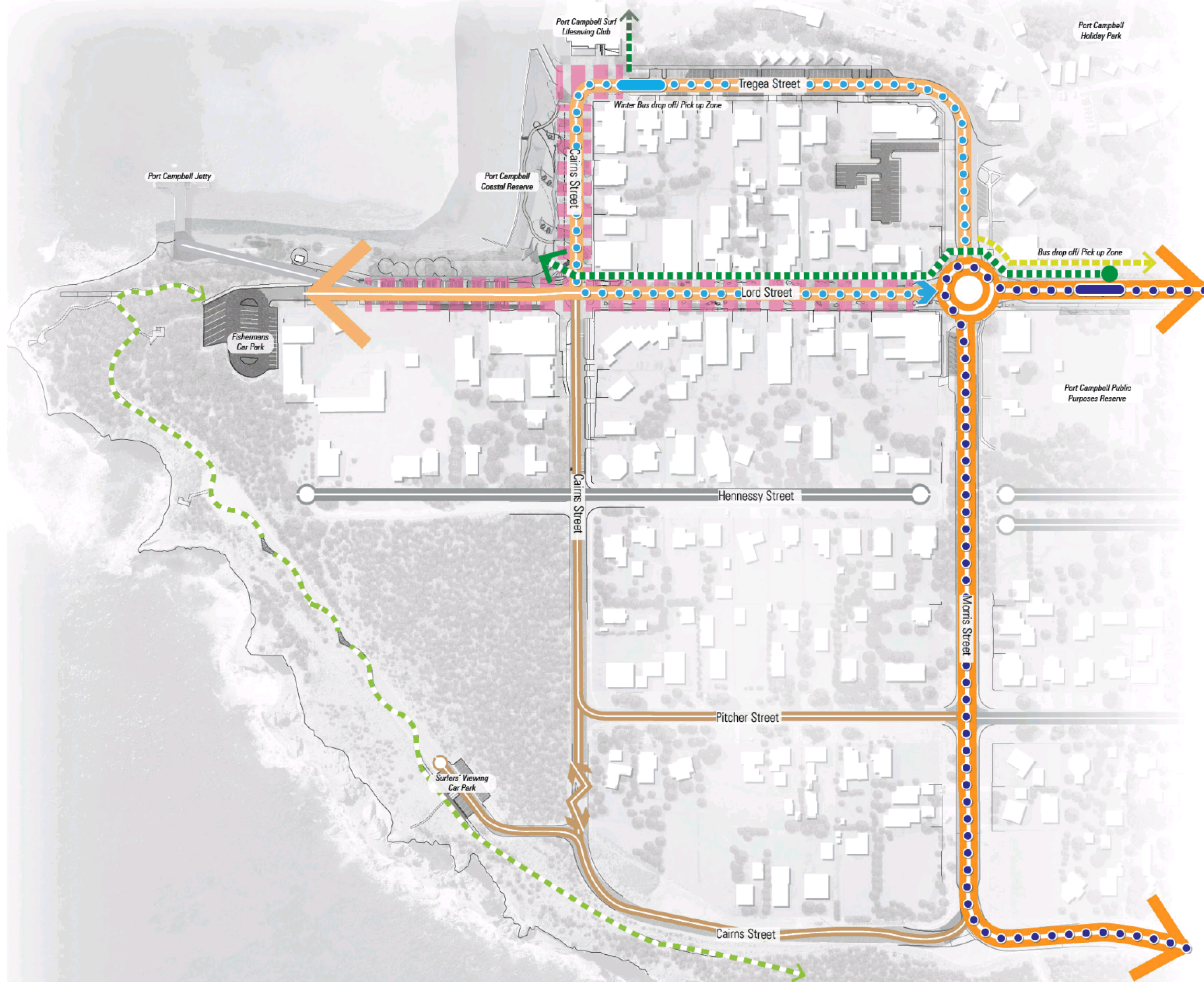
- Lord Street
- Foreshore
- Tregua Street
- Morris Street
- Old Great Ocean Road

PARKING BAY COUNT	Type	Proposed	Existing
Tregua Street	Managed - Mixed	71 (3A)	53 (1A)
Cairns Street Foreshore	Managed - Short term	40 (2A)	41 (2A)
Lord Street	Managed - Short term	75 (4A)	85 (3A)
Fishermans Car Park bays	All day	32	32
Baptist Church Council Car Park	All day	34	34
Trail (Old Great Ocean Road)	All day	25	0
TOTAL PARKING BAYS		272	246

*A = Accessible parking

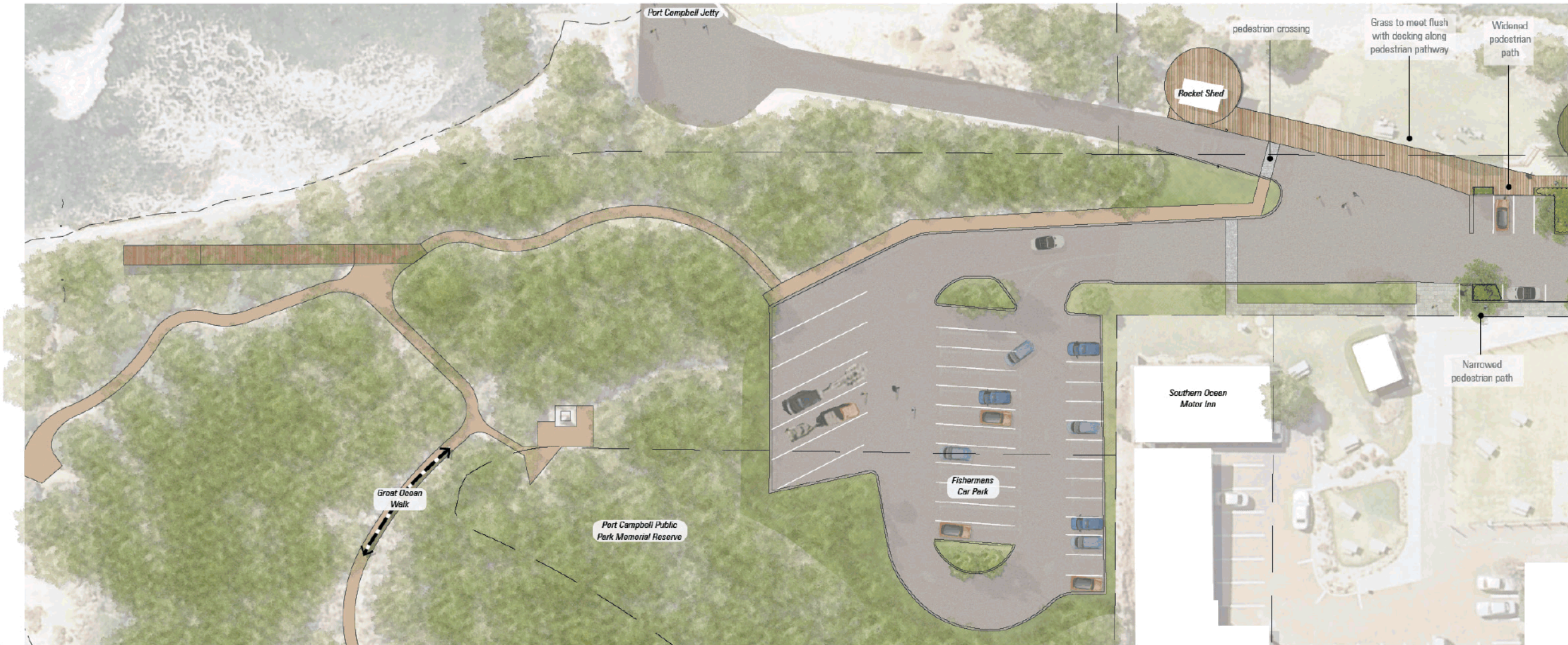
PORT CAMPBELL TOWNSHIP REVISION Overall plan





LEGEND	
Primary access (Great Ocean Road/Morris Street)	
Primary township roads	
Local streets	
Low traffic local circulation	
Chicane	
Shared zone / reduced speed limit	
Round-about	
Road end	
Primary bus connection	
Winter bus alternate route	
Bus stop	
Connection to future bridge	
Primary tourism connection to foreshore	
Great Ocean Walk	
12 Apostles Trail	

PORT CAMPBELL TOWNSHIP REVISION
 Access and movement

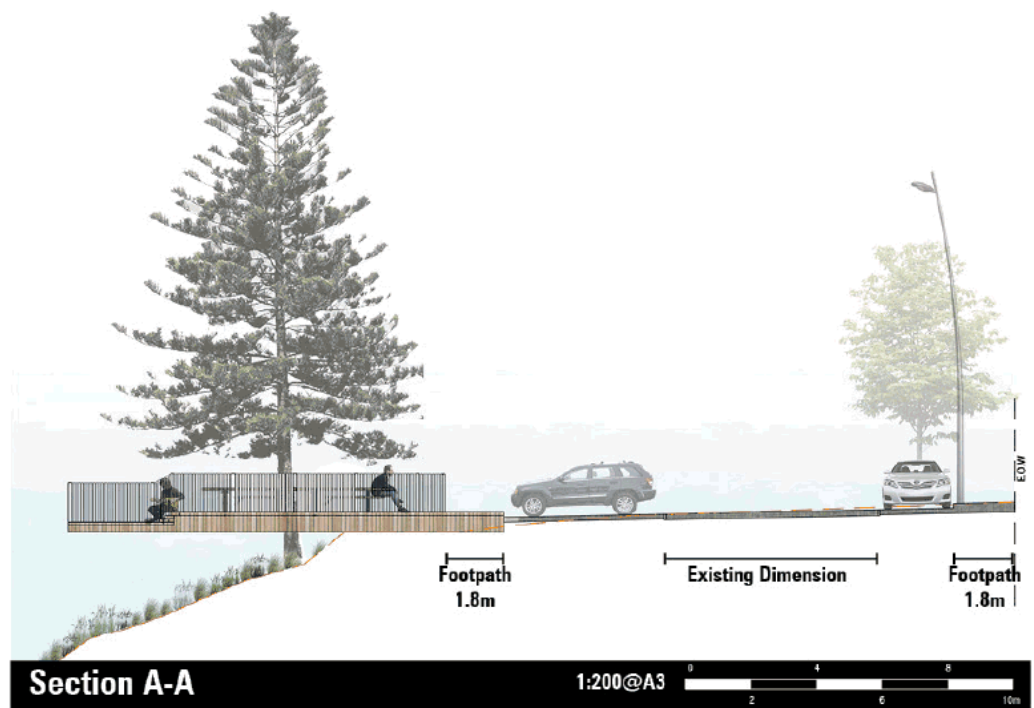


Lord Street Plan - part 1/3

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Pole Top Lighting to Lord Street



Section A-A

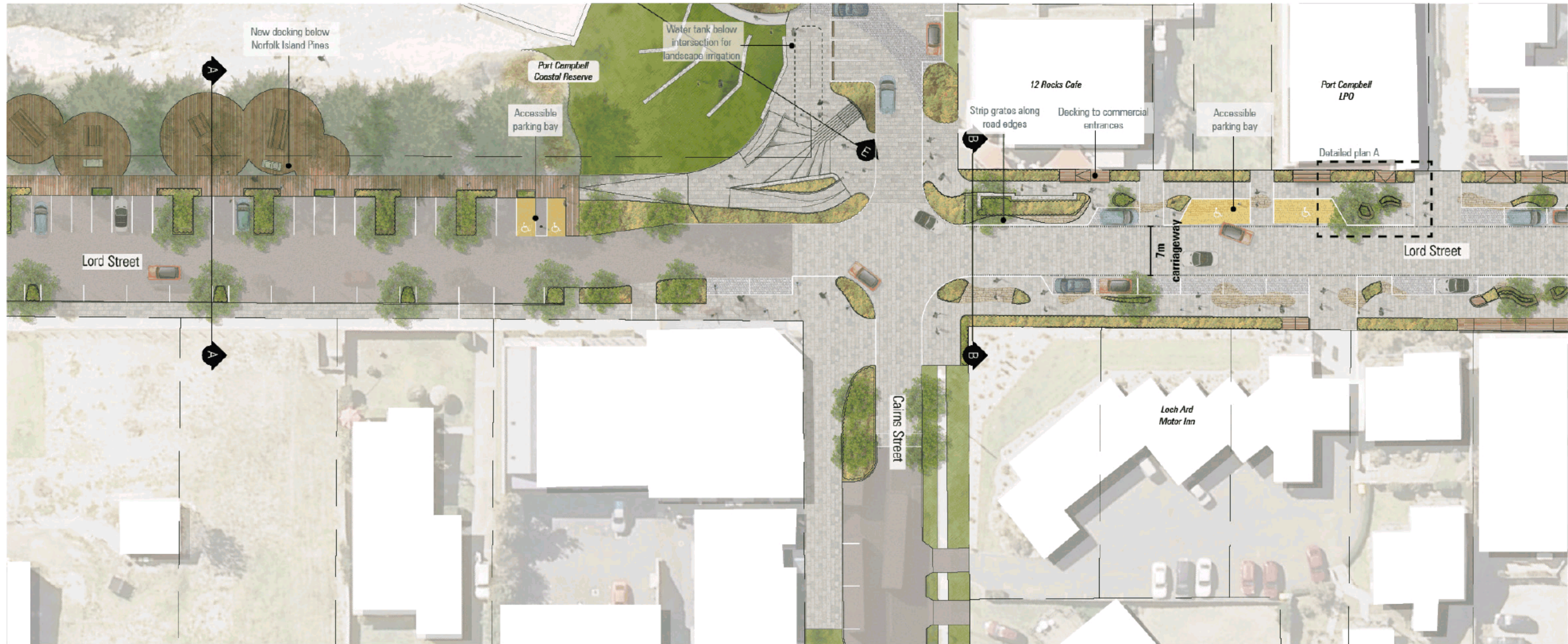
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LEGEND

- Decking
- Feature pavement
- Trail
- Lawn
- Garden bed
- Furniture
- Proposed trees

PORT CAMPBELL TOWNSHIP REVISION

Lord Street 1/3 Plan



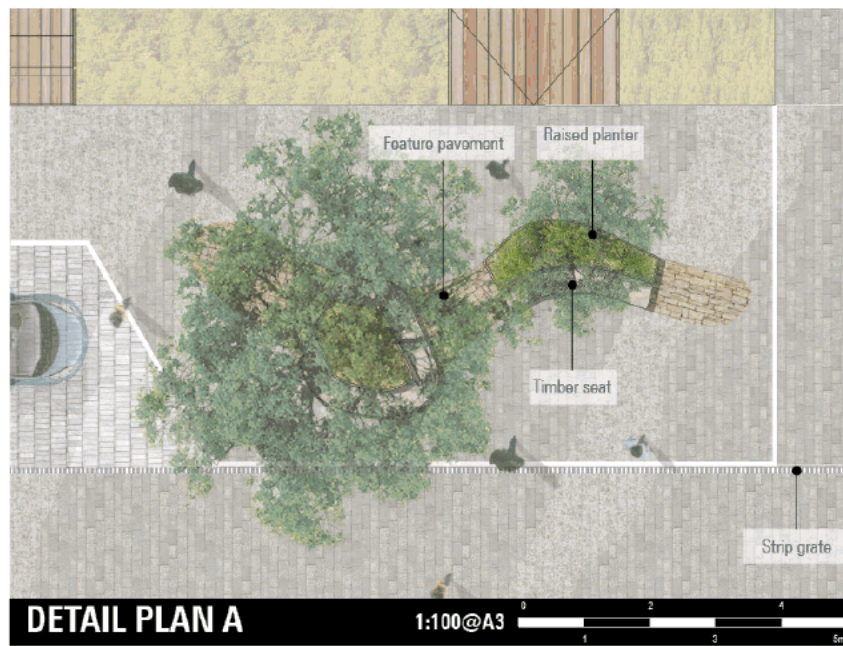
Lord Street Plan - part 2/3

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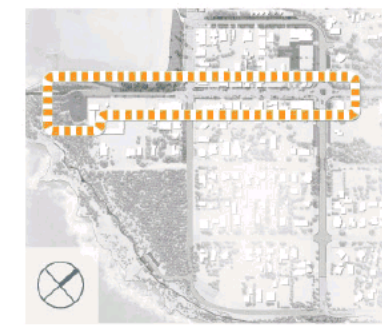
Section B-B

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DETAIL PLAN A

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LEGEND

- | | |
|--------------------|----------------|
| Feature pavement 1 | Proposed trees |
| Feature pavement 2 | Furniture |
| Feature pavement 3 | Strip drain |
| Lawn | |
| Garden bed | |

PORT CAMPBELL TOWNSHIP REVISION

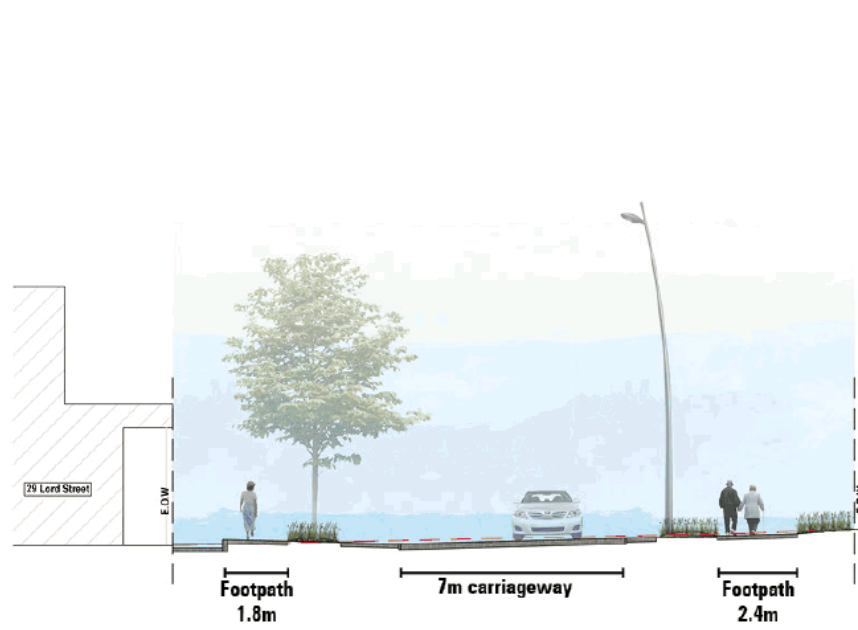
Lord Street 2/3 Plan

Revision: F Date: 14/11/2019



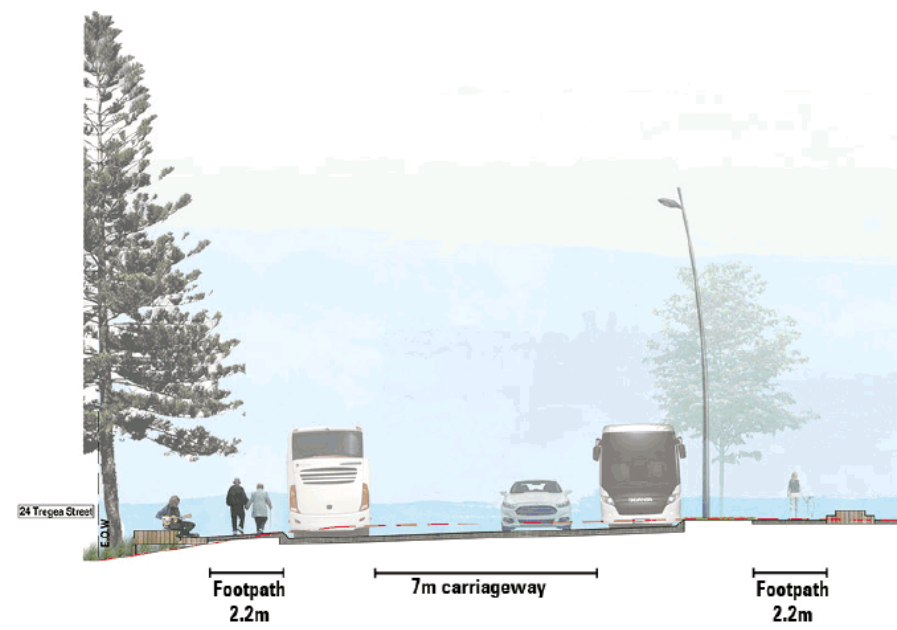
Lord Street Plan - part 3/3

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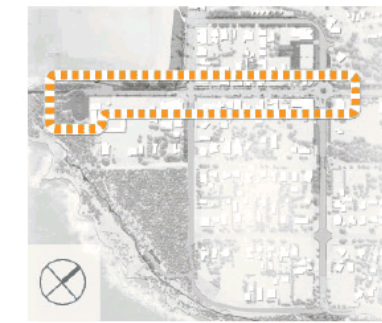
Section C-C

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Section D-D

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LEGEND

- Decking
- Feature pavement 1
- Feature pavement 2
- Feature pavement 3
- Lawn
- Garden bed
- Proposed trees
- Furniture
- Strip drain

PORT CAMPBELL TOWNSHIP REVISION
 Lord Street 3/3 Plan

Revision: F
 Date: 10/11/2019



PORT CAMPBELL TOWNSHIP REVISION
Foreshore Plan

HEROIR hansen

Revision: F Date: 14/11/2019



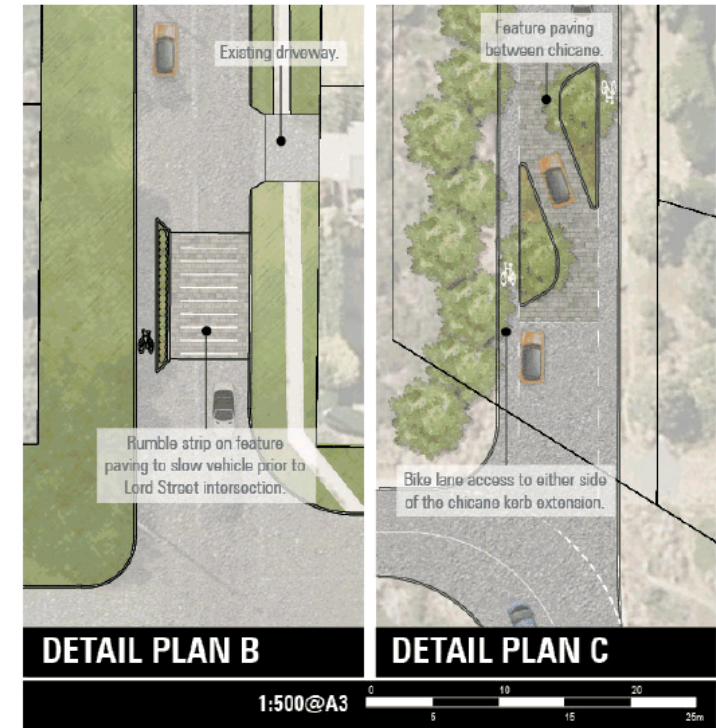
LEGEND

- Concrete footpath
- Lawn

PORT CAMPBELL TOWNSHIP REVISION

Tregea Plan

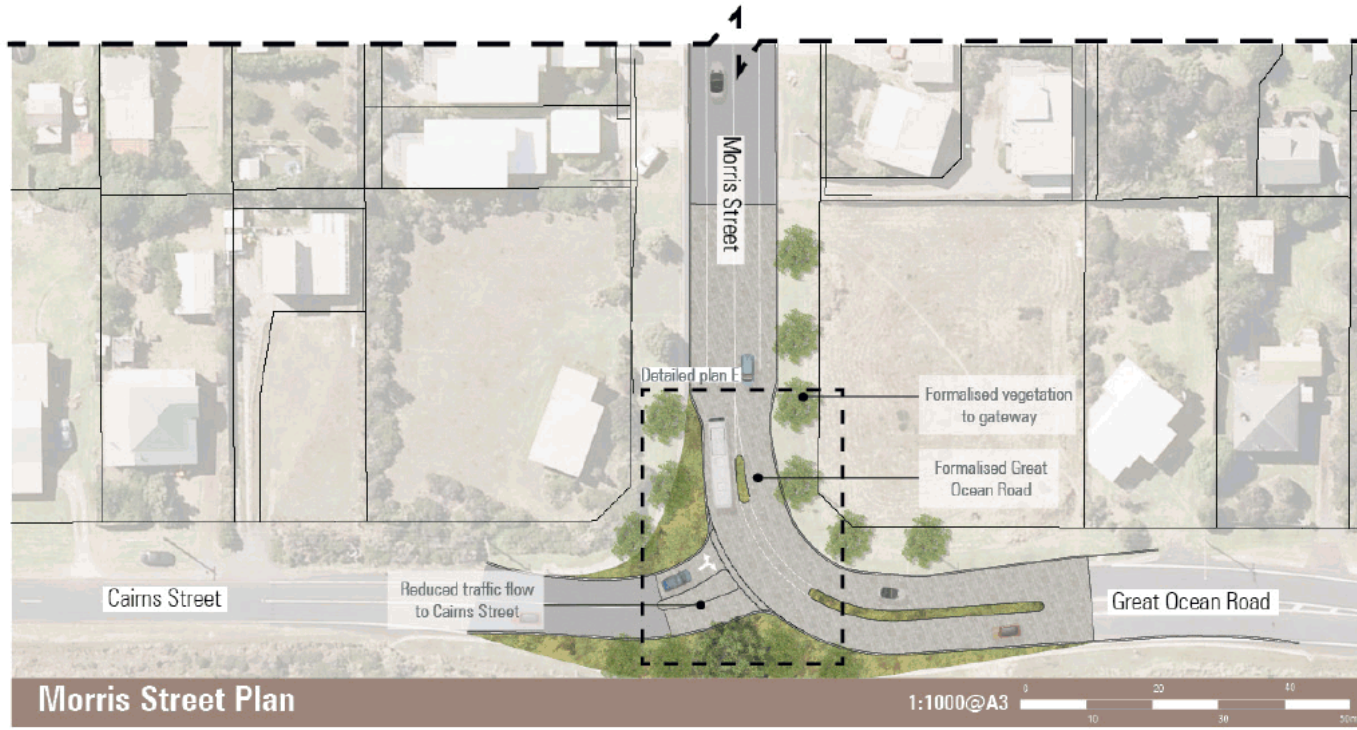
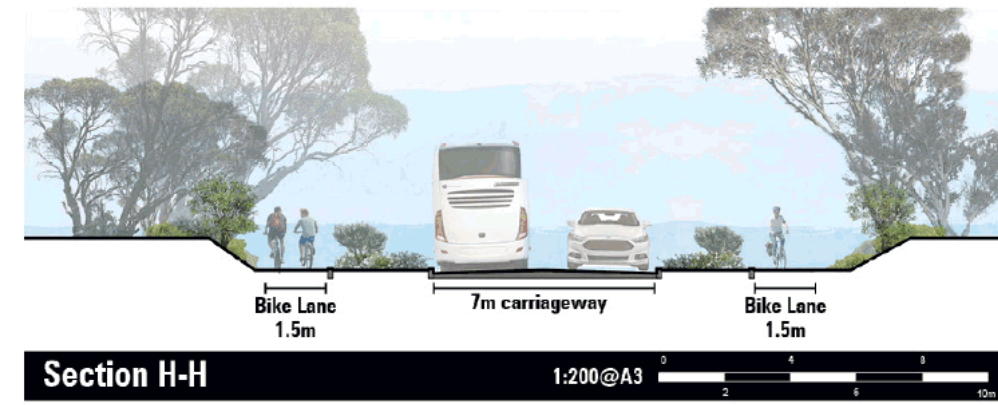
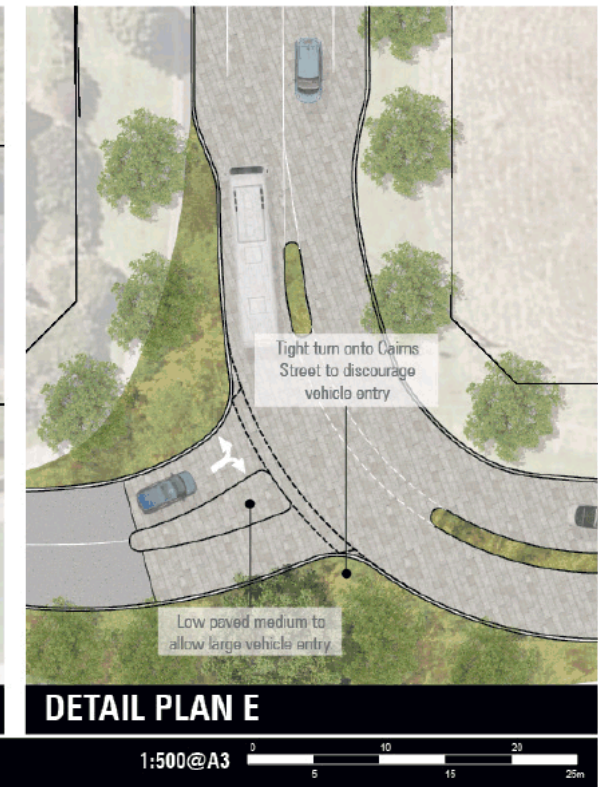
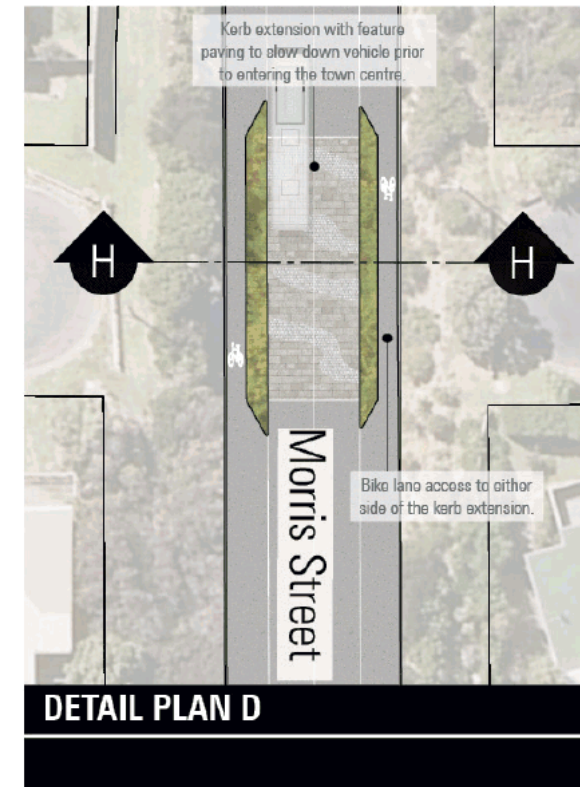
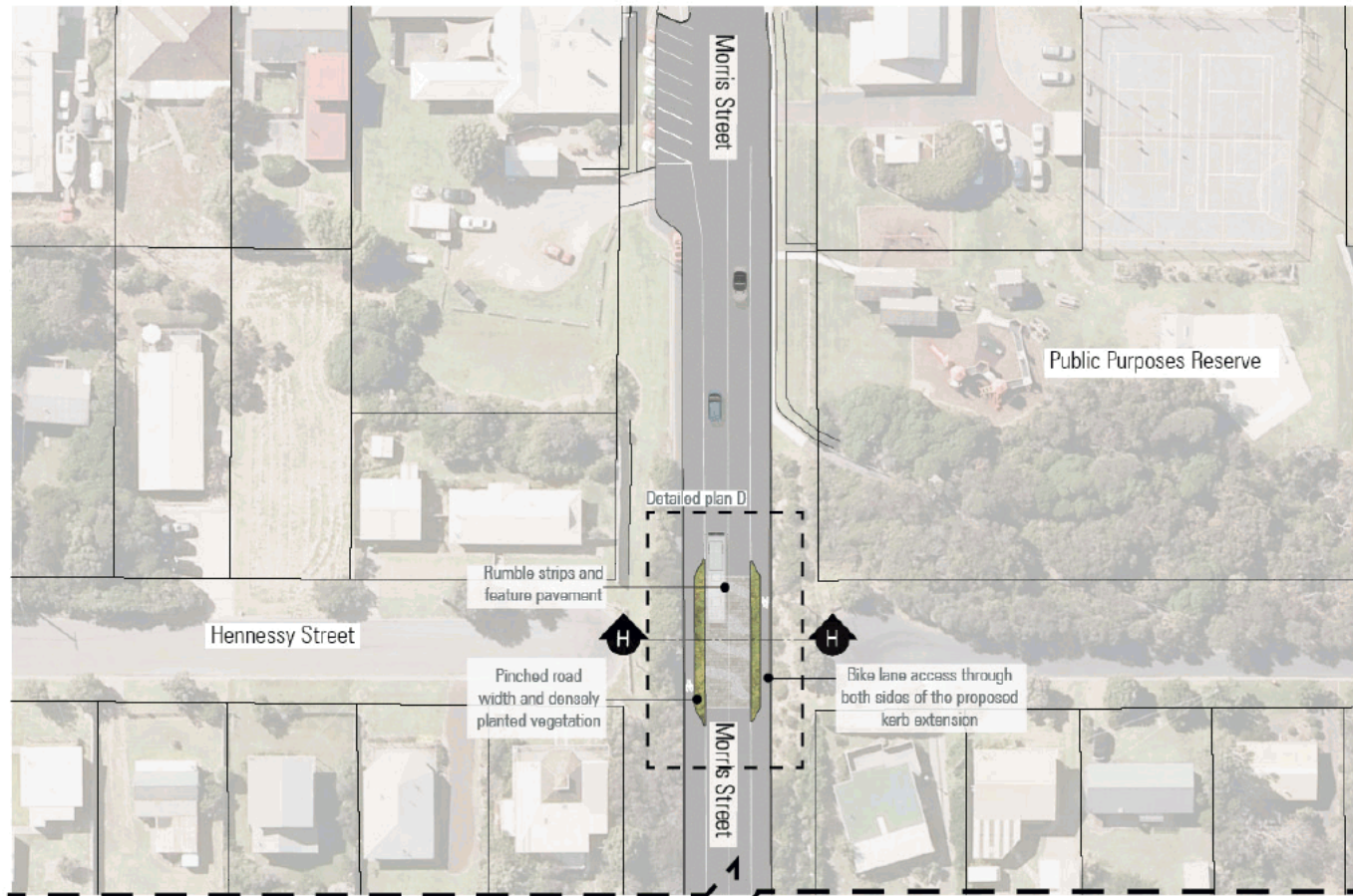
Revision: F Date: 14/11/2019



PORT CAMPBELL TOWNSHIP REVISION
Trail Plan

hansen

Revision: F Date: 14/11/2019



LEGEND

Garden bed		Rumble strip	
Proposed trees		Feature pavement 1	
		Lawn	

PORT CAMPBELL TOWNSHIP REVISION
Morris Street Plan

Date: 14/11/2019

10.5 Special Charge Scheme - Mitchell Street Footpath, Cobden

Author: John Kelly, Manager Assets Planning

File No:

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

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

Author - John Kelly

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

Summary

This report proposes that a Special Charge Scheme be declared for the installation of a 366m concrete footpath on the northern side of Mitchell Street from Dover Street to Adams Street, Cobden.

As the majority of owners have no objection to the proposal the recommendation is that the Special Charge Scheme be declared.

Introduction

Council's current budget provides for the construction of a concrete footpath, nature strip reinstatement and associated works in Mitchell Street, Cobden. The path will connect with existing footpaths in Dover and Adams Streets.

The works are to be undertaken under a Special Charge Scheme.

In order to make a declaration under a Special Charge Scheme the following documents were prepared (refer to attachments):

- public notice of proposed declaration
- proposed declaration
- map of area of scheme, including concept plan of proposed works
- schedule of properties and special charge apportionments
- determination of the maximum total levy
- letter of notice to benefiting property owners.

Issues

This Special Charge Scheme allows for defraying a portion of the cost of the construction of 366m of concrete footpath and associated works on the northern side of Mitchell Street from Dover Street to Adams Street, Cobden.

Policy and Legislative Context

Section 163, Special Rates and Special Charges, of the *Local Government Act 1989* specifies the procedure for Council to recover costs if it considers that certain works will be of special benefit to the persons required to pay the rate or charge. Council must resolve to make a special rate or special charge and such resolution must specify:

- the land in relation to which the special rate or special charge is declared
- the manner in which the charge will be assessed and levied
- details of the period for which the charge remains in force.

Section 163 of the *Local Government Act 1989* also specifies how a council should determine the maximum total amount that may be levied as a special charge. In accordance with Council's Special Rates and Charges Policy, when determining this levy amount, consideration is given to the level of benefit received by the wider community in comparison to the level of special benefit received by the abutting properties.

The policy broadly:

- Recognises that property owners who receive a benefit from infrastructure improvements are liable to contribute in a fair, equitable, consultative and consistent manner.
- Commits Corangamite Shire to contribute a minimum of 35% of the total cost, but may contribute more if the community benefit is higher.
- Provides for a range of repayment options for scheme participants.

The proposed footpath is consistent with the following strategy in Theme 5 Safety and Healthy Communities in the Council Plan 2017-2021:

Continue focus on improving strategic footpath connections in our towns.

The installation of this footpath also supports Council's Municipal Public Health and Wellbeing Plan 2017-2021 by providing infrastructure that will support active transport, access and connectivity and improve the physical health of our community.

Internal / External Consultation

A preliminary letter and survey form were sent on 24 September 2019 to affected property owners to gauge initial support for the proposal. The preliminary letter had advised that there was to be further opportunity for owners at a later stage to comment on the proposal. Of the thirteen owners, five owners had indicated support for the proposal whilst one owner did not support it and seven owners did not reply.

An on-site meeting was also held on 8 October 2019 between the property owners, Councillor Jo Beard and Council Officers Brooke Love and John Kelly, to give owners further opportunity to ask questions about the proposal. It is noted that no owners attended the meeting.

Based on the general support from owners to proceed with the process, a statutory public notice was placed in the Cobden Timboon Coast Times on 16 October 2019 and a letter was sent out to the benefitting property owners on 16 October 2018 regarding the proposed declaration of the Special Charge Scheme. All scheme documents, plans and schedules were made available at the Corangamite Shire office.

The 28 day period within which any person may make a written submission to Council expired on 13 November 2019. There were no submissions during this period.

Financial and Resource Implications

There is considered to be a high community benefit with the footpath constructed in Mitchell Street with improved access to the Cobden Technical School, Cobden Golf Course, Cobden Recreation Reserve and CBD to the north and the Cobden Health Service in the east. Based on the community benefit and the special amenity and access benefits to the abutting property owners, it is determined that 75% of the cost of construction of the footpath should be borne by Council and 25% is to be borne by the abutting owners.

The estimated costs of the works and cost recovery from abutting property owners is as follows:

Total Cost of Works	\$31,457
Total Property Owner contribution	\$7,864
Council contribution	\$23,593

The Council has sufficient budget allocated for the footpath works in Mitchell Street in 2019-2020.

Options

Council may proceed with, vary or abandon the proposed special charge scheme.

Conclusion

Since there has been generally a favourable response to the proposal it is recommended that Council resolve to declare a special charge to finance the construction of the concrete footpath and associated works on the northern side of Mitchell Street from Dover Street to Adams Street, Cobden.

RECOMMENDATION

That:

1. **A special charge be declared for the purpose of defraying a portion of the cost of construction work in relation to provision of concrete footpath and associated works on the northern side of Mitchell Street from Dover Street to Adams Street, Cobden under S163 (1) of the *Local Government Act 1989*, which Council considers will be of special benefit to those persons required to pay the special charge and who are described in the succeeding part of this declaration.**
2. **The following be specified as the criteria on the basis of which the special charge is so declared:**
 - (a) **The special charge is based on a total estimated "scheme" cost of \$31,457 with the distribution of the charge being based upon:**
 - (i) **the frontage of mid allotments and the lesser of the frontage/sideage of a corner allotment included in the scheme as receiving a benefit**
 - (ii) **25% of the total cost of concrete footpath construction, nature strip reinstatement and administration cost to abutting allotments.**

3. The following be specified as the area of which the special charge is so declared:
 - (a) The land shown, identified with street addresses on the map in Attachment 1.
4. The following be specified as the land in relation to which the special charge is so declared:
 - (a) The properties listed in column 6 of Attachment 2, Schedule of Properties and Special Charge Apportionment.
5. The following be specified as the manner in which the special charge so declared will be assessed and levied:
 - (a) A charge per property which is abutting the said street where the footpath is proposed.
6. The following be specified as the period for which the special charge remains in force:
 - (a) The special charge remain a charge on the respective properties until such time the special charge is paid in full with any interest thereof.
7. Having regard to the preceding parts of this declaration, it be recorded that:
 - (a) The owners of the land described in column 6 of Attachment 2 will be liable for the respective amounts set out in subsequent columns thereof.
 - (b) The special charge be paid within 30 days of the owner receiving accounts of the works, or by 20 quarterly instalments as approved by Council bearing interest at the rate of interest as set by Council pursuant to Section 172(2) of the *Local Government Act 1989*.
8. The Revenue/Rates Co-ordinator be directed and authorised by the Chief Executive Officer to demand payment of and recover the special charge, in accordance with the *Local Government Act 1989*

COUNCIL RESOLUTION

MOVED: Cr Beard

SECONDED: Cr Brown

That the recommendation be adopted.

CARRIED

Attachments

1. Attachment 1 - Plan for Footpath in Mitchell Street Cobden
2. Attachment 2 - Apportionment Mitchell Street Cobden Footpath Special Charge Scheme
3. Proposed Declaration of Special Charge Scheme Mitchell Street Footpath, Cobden - Under Separate Cover
4. Public Notice for Proposed Declaration of Special Charge Scheme for Mitchell Street Footpath Cobden - Under Separate Cover
5. Letter to Property Owners Re Proposed Declaration of Special Charge Scheme for Mitchell Street Footpath, Cobden - Under Separate Cover
6. Comments from Property Owners on Proposed Footpath and Special Charge Scheme in Mitchell Street, Cobden - Under Separate Cover
7. Determination of Maximum Total Levy - Mitchell Street, Cobden Footpath Special Charge Scheme

ATTACHMENT 1



PUBLIC UTILITIES CHECK	Initial	Date	AMENDMENTS	Date	Approved
U/G Power Cable					
U/G Telecom Cable					
Gas Main Proving					
Water Main Proving					
Gas Main High Pressure					
Document ID: 2813763					
Version: 1					
Version Date: 10/09/2019					

Date: / /
Assets Planning Manager

Date: / /
Director Works & Services



CORANGAMITE SHIRE COUNCIL			
MITCHELL ST, DOVER ST TO ADAMS ST, COBDEN. FOOTPATH PROPOSAL. CONCEPT PLAN			
Survey	XXXX	PLAN NUMBER	
Design	BH		
File	1:1250		
Scale	shown		
Checked	Date XX/XX/XXXX	Level Datum	ARBITRARY
			A3
		Est. Bk. No.	
			Sheet 1 of 3

ATTACHMENT 2

SCHEDULE OF PROPERTIES & SPECIAL CHARGE APPORTIONMENTS
 SPECIAL CHARGE APPORTIONMENT FOR CONSTRUCTION OF A CONCRETE FOOTPATH
 MITCHELL STREET, DOVER ST TO ADAMS ST (NORTH SIDE), COBDEN
 25% OF TOTAL ESTIMATED COSTS TO BE APPORTIONED TO OWNERS OF ABUTTING PROPERTIES
 DISTRIBUTION OF APPORTIONED COSTS BASED ON LENGTH OF FRONTAGE OF ALLOTMENTS

ESTIMATED COST OF WORKS: \$31,457
 ESTIMATED COST OF WORKS TO BE RECOVERED BY PROPERTY OWNERS: \$7,864 FRONTAGE UNIT OF APPORTIONMENT: 7864/365.78 = \$21.5000

DESCRIPTION OF WORKS AND SPECIFICATIONS	QUANTITY lineal metre	ESTIMATED COST		PROPERTY NUMBER	DESCRIPTION OF PROPERTY	LOT FRONTAGE TO FOOTPATH(m)	SIDEAGE TO FOOTPATH	CHARGEABLE FRONTAGE (m)	APPORTIONMENT OF COST	VEHICLE CROSSING THICKENING			Total Estimated Owners Cost	
		RATE (\$/m)	AMOUNT							WIDTH (m)	RATE (\$)/Lm	AMOUNT (\$)		
CONSTRUCTION OF A 75 MM THICK 1.5 M WIDE CONCRETE FOOTPATH, REINSTATE NATURE STRIP AND ASSOCIATED WORKS.	365.78	80.00	\$29,262	5840	11 ADAMS STREET LOT 1 PS526449T	40.23	27.34	27.34	\$588	0	20.00	0.00	\$588	
				6887	8 MITCHELL STREET ALLOTMENT 4 SECTION 35 TOWNSHIP OF COBDEN	40.23		40.23	\$865	8	20.00	160.00	\$1,025	
				6888	12 MITCHELL STREET ALLOTMENT 3 SECTION 35 TOWNSHIP OF COBDEN	30.23		30.23	\$650	0	20.00	0.00	\$650	
				6889	14 MITCHELL STREET ALLOTMENT 2 SECTION 35 TOWNSHIP OF COBDEN	40.23		40.23	\$865	4	20.00	80.00	\$945	
				6890	16 MITCHELL STREET ALLOTMENT 1 SECTION 35 TOWNSHIP OF COBDEN	43.29		43.33	43.29	\$931	5.5	20.00	110.00	\$1,041
				6797	1 LORD STREET LOT 1 TP583153	54.48		30.38	30.38	\$653	3	20.00	60.00	\$713
				6891	34 MITCHELL STREET LOT 1 TP330279	26.15		26.15	\$562	4.5	20.00	90.00	\$652	
				6892	36 MITCHELL STREET LOT 1 TP38705	26.15		26.15	\$562	8	20.00	160.00	\$722	
				6893	40 MITCHELL STREET LOT 14 LP149883	23.9		23.90	\$514	0	20.00	0.00	\$514	
				6894	42 MITCHELL STREET LOT 13 LP149883	22.00		22.00	\$473	4	20.00	80.00	\$553	
				6895	46 MITCHELL STREET LOT 3 LP149883	21.5		21.50	\$462	0	20.00	0.00	\$462	
				6896	48 MITCHELL STREET LOT 2 LP149883	13.8		13.80	\$297	4	20.00	80.00	\$377	
				6897	50 MITCHELL STREET LOT 1 LP149883	20.58		20.58	\$442	2.5	20.00	50.00	\$492	
				SUB TOTAL			\$29,262			402.77		365.78	\$7,864	43.50
7.5% ADMINISTRATION			\$2,195											
TOTAL			\$31,457											

Special Charge Scheme

Construction of Footpath

Northern side of Mitchell Street from Dover Street to Adams Street, Cobden

A Purpose

To construct a footpath to provide pedestrian access for properties on the above section of Mitchell Street and for the community travelling along Mitchell Street to access either the golf course, recreation reserve, CBD or Cobden Health Service. There are currently existing paths on Dover Street and Adams Street. Currently there is only nature strip or the road to walk along Mitchell Street.

B Coherence

All of the properties abutting onto the proposed footpath are considered to receive a special benefit. The works are physically connected to the properties.

C Total Cost

Rate for construction of 1.5m wide footpath and associated works based on previous works is \$80/m. There is 365.8m length of footpath.

Therefore, the Total Estimated Cost is

Footpath	\$80 x 365.8	= \$29,262
7.5% admin costs		= \$ 2,195
<u>Total</u>		<u>= \$31,457</u>

This does not include strengthening of driveways which are at the owners' cost.

D Identify Special Beneficiaries

13 properties in Mitchell Street will abut the footpath and are considered to be receiving special benefits.

E Determine Properties To Include Scheme (TSBs – In & Out)

All 13 properties abutting the footpath are considered to be subject to the scheme.

Therefore TSB(in) =100%, TSB(out)=0%

F Estimate Total Special Benefits

For this scheme, it is assumed that the greater proportion of benefits is for pedestrian access – given the defined purpose of the scheme. Therefore it is considered that 75% of benefits relate to access and 25% to amenity. These proportions are consistent with those adopted in examples provided with the Special Rates and Charges Ministerial Guidelines 2004.

- Projected pedestrian use of the footpath is 100% for the adjoining properties.

- Projected amenity benefits are based on frontage. 100% of the length of the footpath is in front of the properties.

G Estimate Total Community Benefits (TCB)

There would be a large community benefit with the footpath constructed on Mitchell Street with improved access provided for those accessing either the golf course, recreation reserve and Cobden CBD to the north or the Cobden Health Service to the east. For the purposes of the calculations it is estimated that 270 households would benefit.

H Calculate “Benefit Ratio”

The proportion of special benefits compared with community benefits is shown in the table below.

	13 Properties TSB (in)	270 households TCB
Access (70%)	75% x 13/283= 3%	75% x 270/283 = 72%
Amenity (30%)	25% x1 = 25%	Nil
Total Benefits	28% say 25%	72% say 75%

Therefore the contribution to the scheme from abutting owners is estimated at 25%. Ratio R = 0.25.

I Calculate Maximum Total Levy

$R \times C \text{ (cost)} = S \text{ (Scheme Contribution)}$

$$0.25 \times \$31,457 = \$7,864$$

10.6 Special Charge Scheme - William Street Footpath, Lismore

Author: John Kelly, Manager Assets Planning

File No:

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

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

Author - John Kelly

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

Summary

This report proposes that a Special Charge Scheme be declared for the installation of a concrete footpath on the southern side of William Street from approximately 100m east of Cunningham Street to the Lismore Primary School entrance.

The majority of owners have indicated their support of the proposal and the recommendation is that the Special Charge Scheme be declared.

Introduction

Council's current budget provides for the construction of a 150m long concrete footpath, nature strip reinstatement and associated works in William Street, Lismore. The path will connect the Lismore Primary School entrance with the existing footpath which currently ends 100m east of Cunningham Street.

The works are to be undertaken under a Special Charge Scheme.

In order to make a declaration under a Special Charge Scheme the following documents were prepared (refer to attachments):

- public notice of proposed declaration
- proposed declaration
- map of area of scheme, including concept plan of proposed works
- schedule of properties and special charge apportionments
- determination of the maximum total levy
- letter of notice to benefiting property owners.

Issues

This Special Charge Scheme allows for defraying a portion of the cost of the construction of 150m of concrete footpath and associated works on the southern side of William Street from approximately 100m east of Cunningham Street to the Lismore Primary School entrance. Refer Attachment 1 for a plan of the proposed footpath.

Policy and Legislative Context

Section 163, Special Rates and Special Charges, of the *Local Government Act 1989* specifies the procedure for Council to recover costs if it considers that certain works will be of special benefit to the persons required to pay the rate or charge. Council must resolve to make a special rate or special charge and such resolution must specify:

- the land in relation to which the special rate or special charge is declared
- the manner in which the charge will be assessed and levied
- details of the period for which the charge remains in force.

Section 163 of the *Local Government Act 1989* also specifies how a council should determine the maximum total amount that may be levied as a special charge. In accordance with Council's Special Rates and Charges Policy, when determining this levy amount consideration is given to the level of benefit received by the wider community in comparison with the level of special benefit received by the abutting properties.

The policy broadly:

- Recognises that property owners who receive a benefit from infrastructure improvements are liable to contribute in a fair, equitable, consultative and consistent manner.
- Commits Corangamite Shire to contribute a minimum of 35% of the total cost but may contribute more if the community benefit is higher.
- Provides for a range of repayment options for scheme participants.

The proposed footpath is consistent with the following strategy in Theme 5 Safety and Healthy Communities in the Council Plan 2017-2021:

Continue focus on improving strategic footpath connections in our towns.

The installation of this footpath also supports Council's Municipal Public Health and Wellbeing Plan 2017-2021 by providing infrastructure that will support active transport, access and connectivity and improve the physical health of our community.

Internal / External Consultation

A preliminary letter and survey form were sent on 24 September 2019 to affected property owners to gauge initial support for the proposal. The preliminary letter had advised that there was to be further opportunity for owners at a later stage to comment on the proposal.

An on-site meeting was also held on 9 October 2019 between the property owners, Councillor Lesley Brown and Council officer John Kelly to give owners further opportunity to ask questions of the proposal.

Of the four owners, three owners including the Lismore Primary School have indicated either written or verbal support for the proposal whilst one owner has not replied.

Based on the majority support from owners to proceed with the process, a statutory public notice was placed in the Warrnambool Standard on 12 October 2019 and a letter was sent out to the benefitting property owners on 16 October 2019 regarding the proposed declaration of the Special Charge Scheme. All scheme documents, plans and schedules were made available at the Corangamite Shire office.

The period within which any person may make a written submission to Council expired on 13 November 2019. There have been no submissions during this period.

Financial and Resource Implications

There is considered to be a high community benefit with the footpath constructed in this section of William Street with improved access for students to and from the Lismore Primary School. Based on the community benefit and the special amenity and access benefits to the abutting property owners, it is determined that 75% of the cost of construction of the footpath should be borne by Council and 25% is to be borne by the abutting owners.

The estimated costs of the works and cost recovery from abutting property owners is as follows:

Total Cost of Works	\$12,974
Total Property Owner contribution	\$3,243
Council contribution	\$9,731

The Council has sufficient budget allocated for the footpath works in William Street in 2019-2020.

Options

Council may proceed, vary or abandon the proposed special charge scheme.

Conclusion

Since there has been majority support from owners to the proposal it is recommended that Council resolve to declare a special charge to finance the construction of the 150m concrete footpath and associated works on the southern side of William Street from approximately 100m east of Cunningham Street to the Lismore Primary School entrance.

RECOMMENDATION

That:

1. A special charge be declared for the purpose of defraying a portion of the cost of construction work in relation to provision of concrete footpath and associated works on the southern side of William Street from approximately 100m east of Cunningham Street to the Lismore Primary School entrance, Lismore under S163 (1) of the *Local Government Act 1989*, which Council considers will be of special benefit to those persons required to pay the special charge and who are described in the succeeding part of this declaration.
2. The following be specified as the criteria on the basis of which the special charge is so declared:
 - (a) The special charge is based on a total estimated "scheme" cost of \$12,974 with the distribution of the charge being based upon:
 - (i) the frontage of mid allotments and the lesser of the frontage/sideage of a corner allotment included in the scheme as receiving a benefit
 - (ii) 25% of the total cost of concrete footpath construction, nature strip reinstatement and administration cost to abutting allotments.

3. The following be specified as the area of which the special charge is so declared:
 - (a) The land shown, identified with street addresses on the map in Attachment 1.
4. The following be specified as the land in relation to which the special charge is so declared:
 - (a) The properties listed in column 6 of Attachment 2, Schedule of Properties and Special Charge Apportionment.
5. The following be specified as the manner in which the special charge so declared will be assessed and levied:
 - (a) A charge per property which is abutting the said street where the footpath is proposed.
6. The following be specified as the period for which the special charge remains in force:
 - (a) The special charge remain a charge on the respective properties until such time the special charge is paid in full with any interest thereof.
7. Having regard to the preceding parts of this declaration, it be recorded that:
 - (a) The owners of the land described in column 6 of Attachment 2 will be liable for the respective amounts set out in subsequent columns thereof.
 - (b) The special charge be paid within 30 days of the owner receiving accounts of the works, or by 20 quarterly instalments as approved by Council bearing interest at the rate of interest as set by Council pursuant to Section 172(2) of the *Local Government Act 1989*.
8. The Revenue/Rates Co-ordinator be directed and authorised by the Chief Executive Officer to demand payment of and recover the special charge, in accordance with the *Local Government Act 1989*.

COUNCIL RESOLUTION

MOVED: Cr Brown
SECONDED: Cr Oakes

That the recommendation be adopted.

CARRIED

Attachments

1. Attachment 1 - Plan for Footpath in William Street, Lismore
2. Attachment 2 - Apportionment William Street Lismore Footpath Special Charge Scheme
3. Proposed Declaration of Special Charge Scheme William Street Lismore Footpath - Under Separate Cover
4. Public Notice for Proposed Declaration of Special Charge Scheme for William Street Footpath Lismore - Under Separate Cover
5. Letter to Property Owners Re Proposed Declaration of William Street, Lismore Footpath Special Charge Scheme - Under Separate Cover
6. Comments from Property Owners on Proposed Footpath and Special Charge Scheme in William Street, Lismore - Under Separate Cover
7. Determination of Maximum Total Levy - Mitchell Street, Lismore Special Charge Scheme

ATTACHMENT 1



ALIGNMENT PLAN OVERVIEW
SCALE 1:750



LEGEND

1. PROPOSED FOOTPATH 75mm	
2. PROPOSED FOOTPATH 125mm	

PUBLIC UTILITIES CHECK	Initial	Date	AMENDMENTS	Date	Approved
U/G Power Cable					
U/G Telecom Cable					
Gas Main Proving					
Water Main Proving					
Gas Main High Pressure					
Fire Services					
Sewer Mains					

Date: / /
Assets Planning Manager

Date: / /
Director Works & Services



CORANGAMITE SHIRE COUNCIL			
Survey XXXX		WILLIAMS ST, EXTENSION TO SCHOOL, LISMORE, SOUTH SIDE. FOOTPATH PROPOSAL. CONCEPT PLAN	
Design BH			
File 1.750		PLAN NUMBER XXXX	
Scale shown			
Checked	Date XXXX/XX/XXXX	Level Datum ARBITRARY	A3
		Est. Bk. No.	Sheet 1 of 3

ATTACHMENT 2

SCHEDULE OF PROPERTIES & SPECIAL CHARGE APPORTIONMENTS

SPECIAL CHARGE APPORTIONMENT FOR CONSTRUCTION OF A CONCRETE FOOTPATH
 WILLIAM STREET, (SOUTH SIDE), LISMORE
 25% OF TOTAL ESTIMATED COSTS TO BE APPORTIONED TO OWNERS OF ABUTTING PROPERTIES
 DISTRIBUTION OF APPORTIONED COSTS BASED ON LENGTH OF FRONTAGE OF ALLOTMENTS

ESTIMATED COST OF WORKS: \$12,974
 ESTIMATED COST OF WORKS TO BE RECOVERED BY PROPERTY OWNERS: \$3,243
 FRONTAGE UNIT OF APPORTIONMENT: 3,243/150.86 = \$21.5000

DESCRIPTION OF WORKS AND SPECIFICATIONS	QUANTITY lineal metre	ESTIMATED COST		PROPERTY NUMBER	DESCRIPTION OF PROPERTY	LOT FRONTAGE TO FOOTPATH(m)	SIDEAGE TO FOOTPATH	CHARGEABLE FRONTAGE (m)	APPORTIONMENT OF COST	VEHICLE CROSSING THICKENING			Total Estimated Owners Cost
		RATE (\$/m)	AMOUNT							WIDTH (m)	RATE (\$)/Lm	AMOUNT (\$)	
CONSTRUCTION OF A 75 MM THICK 1.5 M WIDE CONCRETE FOOTPATH, REINSTATE NATURE STRIP AND ASSOCIATED WORKS.	150.86	80.00	\$12,069	2016	61 WILLIAM STREET LOT 1 LP33790	20.12		20.12	\$433	3	20.00	60.00	\$493
				2017	63 WILLIAM STREET LOT 1 LP129532	22.25		22.25	\$478	3	20.00	60.00	\$538
				2018	67 WILLIAM STREET ALLOTMENT 2 SECTION 11 TOWN & PARISH OF LISMORE	40.49	50.62	40.49	\$871	3	20.00	60.00	\$931
				2019	77 WILLIAM STREET ALLOTMENT 1 SECTION 7A TOWN & PARISH OF LISMORE	68		68	\$1,462	3	20.00	60.00	\$1,522
SUB TOTAL			\$12,069										
7.5% ADMINISTRATION			\$905										
TOTAL			\$12,974			150.86		150.86	\$3,243	12.00		240.00	\$3,483

Special Charge Scheme

Construction of Footpath

Southern side of William Street from 100m east of Cunningham Street to the Lismore Primary School Entrance

A Purpose

To construct a footpath to provide pedestrian access for properties on the above section of William Street and for the community travelling along William Street to access the Lismore Primary School. There are currently existing paths on Dover Street and Adams Street. Currently there is only nature strip to walk along William Street to and from the school.

B Coherence

All of the properties abutting onto the proposed footpath are considered to receive a special benefit. The works are physically connected to the properties.

C Total Cost

Rate for construction of 1.5m wide footpath and associated works based on previous works is \$80/m. There is 150.9m length of footpath.

Therefore, the Total Estimated Cost is

Footpath	\$80 x 150.9	= \$12,069
7.5% admin costs		=\$ 905
<u>Total</u>		<u>=\$12,974</u>

This does not include strengthening of driveways which are at the owners' cost.

D Identify Special Beneficiaries

4 properties in William Street will abut the footpath and are considered to be receiving special benefits.

E Determine Properties To Include Scheme (TSBs – In & Out)

All 4 properties abutting the footpath are considered to be subject to the scheme.

Therefore TSB(in) =100%, TSB(out)=0%

F Estimate Total Special Benefits

For this scheme, it is assumed that the greater proportion of benefits is for pedestrian access – given the defined purpose of the scheme. Therefore, it is considered that 75% of benefits relate to access and 25% to amenity. These proportions are consistent with those adopted in examples provided with the Special Rates and Charges Ministerial Guidelines 2004.

- Projected pedestrian use of the footpath is 100% for the adjoining properties.
- Projected amenity benefits are based on frontage. 100% of the length of the footpath is in front of the properties.

G Estimate Total Community Benefits (TCB)

There would be a large community benefit with the footpath constructed on William Street with improved access provided for those accessing the Lismore Primary School to the west of the path. For the purposes of the calculations it is estimated that 120 households would benefit.

H Calculate "Benefit Ratio"

The proportion of special benefits compared with community benefits is shown in the table below.

	4 Properties TSB (in)	120 households TCB
Access (70%)	$75\% \times 4/124 = 2\%$	$75\% \times 120/124 = 73\%$
Amenity (30%)	$25\% \times 1 = 25\%$	Nil
Total Benefits	27% say 25%	73% say 75%

Therefore the contribution to the scheme from abutting owners is estimated at 25%. Ratio R = 0.25.

I Calculate Maximum Total Levy

$R \times C \text{ (cost)} = S \text{ (Scheme Contribution)}$

$0.25 \times \$12,974 = \$3,243$

10.7 Slurry Sealing Contract 2019-2020

Author: John Kelly, Manager Assets Planning

File No:

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

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

Author - John Kelly

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

Summary

This report seeks to award the contract for slurry sealing of various local roads in Corangamite Shire in 2019-2020.

Introduction

Bituminous slurry sealing, otherwise known as micro-surfacing, is an alternative to sprayed sealing and thin layer asphaltting. It is a mixture of bitumen emulsion, aggregate and water spread over the road surface in thin 10 to 15mm layers without the need of heating or compaction. The road can be opened to traffic later that day once the treatment has been given time to cure.

More so than a regular sprayed seal, slurry sealing can provide minor road shape correction and as a result, improved rideability for vehicles. At an approximate cost of \$15/m² the slurry seal is a low-cost alternative to a thin asphalt layer which is approximately \$40/m².

It is proposed that the slurry sealing treatment be trialled on the surfaces of select local roads in Corangamite Shire which have been identified as having minor rutting and/or shape loss but do not currently require pavement strengthening and/or rehabilitation. The expectation is that the condition of the treated roads would be preserved further and rideability of the road improved. For this initial year of slurry sealing, sections of Park Road in Camperdown and Vite Vite Skipton Road north of Derrinallum which have minor shape loss have been selected to be treated.

Issues

Three tenders have been received for the slurry sealing works on local roads in 2019-2020. It is considered that the best overall value for Council is provided from the tender submitted by Downer EDI Works at a price of \$302,550 (plus GST).

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

Policy and Legislative Context

The contract for the slurry sealing of various local roads in 2019-2020 was advertised for public tender, as required under the *Local Government Act* and Council policy, as it is a purchase greater than \$150,000.

Corangamite Shire's Council Plan 2017-2021 emphasises our commitment to maintaining our local roads. Relevant objectives in our Plan are:

Maintain our local road network at current or improved standards.

Council will focus on the provision of high-quality roads.

Internal / External Consultation

Tenders were invited for these works by way of a newspaper advertisement in the Herald Sun in October 2019. A set of tender documents was sent to seven prospective tenderers on request.

Financial and Resource Implications

The current available budget for the sealing works in Corangamite Shire this financial year is \$300,000.

Based on the tender price from Downer EDI Works, the cost to complete the 2019-2020 slurry sealing contract is \$302,550 which is a \$2,550 shortfall on the budget. A portion of the savings from the budget from the recently awarded contract for the annual sprayed seal program could be put towards meeting this shortfall. This can be reconciled as a part of Council's mid-year budget review.

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

The lowest priced tenderer, Downer EDI Works, is the foremost contractor for slurry sealing in Victoria and regularly undertakes these works for VicRoads. The company currently is the recommended tenderer for several slurry sealing jobs in VicRoads' South West Region in 2019-2020. Officers from that region have been impressed with the professionalism of Downer EDI and the quality of its slurry seal work in previous jobs. The company has also previously applied this treatment on the angled parking areas of both sides of Curdie Street in the Cobden CBD in early 2013. These parking areas have since required negligible remedial work.

Options

Council has the option to award the tender to Downer EDI as recommended or to select an alternate tenderer.

Conclusion

The slurry sealing contract has been tendered and evaluated in accordance with Council policy and the evaluation criteria. It is considered that the best overall value for Council is provided from the tender submitted by Downer EDI Works. Based on the tender price from Downer EDI, the budget to complete the proposed works would be required to be increased by a further \$2,550.

RECOMMENDATION

That Council:

1. Awards Contract No. 2020010 – Slurry Sealing of Various Local Roads in 2019-2020 to Downer EDI Works for the contract sum of \$302,550 plus GST.
2. Affixes the Common Seal of Council to the contract.
3. Approves that any variations to the contract sum be approved under the delegation of the relevant Council officer up to CEO delegation level.

COUNCIL RESOLUTION

MOVED: Cr Illingworth

SECONDED: Cr Durant

That the recommendation be adopted.

CARRIED

Attachments

1. Summary Table of Tender Prices for Slurry Sealing Contract - Under Separate Cover - Confidential
2. Copies of Declarations of Tender Evaluation Members - Under Separate Cover - Confidential
3. Tender Evaluation Report for Slurry Sealing Contract - Under Separate Cover - Confidential

10.8 Quick Response Grants Allocation November 2019

Author: David Rae, Director Corporate and Community Services

File No:

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

In providing this advice to Council as the Acting 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 November 2019 allocation of funds under the Quick Response Grants Program.

Introduction

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

Issues

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

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

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

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

Policy and Legislative Context

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

We are committed to working towards ensuring the safety, health and wellbeing of our communities.

Council will continue to provide and support a range of community and social support services.

Council will provide and support a range of opportunities that support people to engage in healthy and active lifestyles, the arts, recreation and sport.

Improved educational outcomes in Corangamite Shire.

Support our small towns and dispersed population.

Improve the health and wellbeing of our community.

Internal / External Consultation

Applications for the Quick Response Grants Program are available from Council's website or by contacting Council's Community Relations team. Applicants are encouraged to discuss their application with the respective Ward Councillor prior to submission. Applicants 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, including return of unexpended amounts.

Financial and Resource Implications

The 2019-2020 Quick Response Grants Program budget allocation is \$17,500. Annual allocations for each Ward shall not exceed 1/7th of the fund's annual budget in the case of North, South West, Coastal and South Central Wards, and 3/7th of the fund's annual budget in the case of Central Ward. Should the allocations be approved as recommended in this report, the remaining allocation is outlined in the table below.

Ward	Annual Allocation \$	Previous Allocations \$	This Allocation \$	Remaining Allocation \$
Coastal	2,500.00	999.00	0.00	1,501.00
North	2,500.00	1,000.00	500.00	1,000.00
South Central	2,500.00	0.00	360.00	2,140.00
South West	2,500.00	1,478.00	0.00	1,022.00
Central	7,500.00	1,409.00	1,000.00	5,091.00
	17,500.00	4,886.00	1,860.00	10,754.00

Options

Council can consider:

1. Allocating the funds as requested by the applicants
2. Allocating the funds for a reduced amount
3. Not allocating funds 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 November 2019:

Applicant	Purpose	Ward	Amount
Camperdown Cricket Club	Assistance with costs to replace engine of lawn mower.	Central	\$500.00
Terang RSL	Design and print costs of Terang RSL 2020 service booklet.	Central	\$500.00
Lismore Oddfellows Cricket Club	Assistance with purchase cost of new synthetic grass cricket pitch.	North	\$500.00
Bostock's Creek Hall	Costs associated with repair to window within the hall.	South Central	\$360.00

COUNCIL RESOLUTION

MOVED: *Cr Illingworth*

SECONDED: *Cr Brown*

That the recommendation be adopted.

CARRIED

Attachments

1. QRG Assessment - November 2019 Allocation - Under Separate Cover
2. QRG Application - Camperdown Cricket Club (Part A) - Under Separate Cover
3. QRG Application - Camperdown Cricket Club (Part B) - Under Separate Cover
4. QRG Application - Terang RSL (Part A) - Under Separate Cover
5. QRG Application - Terang RSL (Part B) - Under Separate Cover
6. QRG Application - Terang RSL (Part C) - Under Separate Cover
7. QRG Application - Lismore Oddfellows Cricket Club (Part A) - Under Separate Cover
8. QRG Application - Lismore Oddfellows Cricket Club (Part B) - Under Separate Cover
9. QRG Application - Bostocks Creek Hall - Under Separate Cover

10.9 Community Group Loan Guarantee Application - Camperdown Football Netball Club Inc.

Author: Adam Taylor, Manager Finance

File No:

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

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

Author - Adam Taylor

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

Summary

This report recommends Council agree to act as Guarantor for a commercial loan being sought by the Camperdown Football Netball Club Inc. for the purpose of completing the Camperdown Leura Reserve Oval and Netball Lighting Project.

Introduction

Camperdown Football Netball Club has been successful in receiving a \$204,700 grant for the purpose of design, supply and installation of lighting on the oval and netball courts at Leura Oval Reserve. Initial cost estimates for the lighting project have been around approximately \$320,000. The club will be seeking a Council guarantee of a loan for an amount not exceeding \$100,000 to complete the project.

Issues

Council's Community Group Loan Guarantee Policy (Policy) sets out the guidelines and principles that need to be followed when evaluating whether Council should act as a guarantor.

Council officers have assessed the application (attached under separate cover) against the Policy which is summarised below.

Criteria	Evaluation
Purpose of Loan	<ul style="list-style-type: none"> The loan will be used to partly fund the lighting project with the majority of funding coming from grants The project is of a capital nature
Eligibility of Project	<ul style="list-style-type: none"> The project will improve the current facility The applicant is a non-profit organisation The project is compatible with the Municipal Public Health and Wellbeing Plan and the Recreation and Open Space Strategy

	<ul style="list-style-type: none"> The Football Club have a history of sound financial management as evidenced by its most recent audited financial statements and previous loans with the Council
Council Limits	<ul style="list-style-type: none"> The amount to be guaranteed and term requested is within maximum amounts prescribed by the Policy
Council Impacts	<ul style="list-style-type: none"> Loans guaranteed by Council are recognised as a contingent liability in its Annual Financial Statements There is currently no other loan guaranteed by Council as at 30 June 2019
Information Submitted	<ul style="list-style-type: none"> With the assistance of Officers the Committee have met the information requirements set out in the Policy

Financial Analysis

The Camperdown Football Netball Club as at 31 October 2019 had \$130,000 in cash and cash equivalents. It is estimated this will be reduced to Nil and a bank overdraft or loan of \$50,000 and \$100,000 guaranteed loan drawn upon to complete the project. The balance of funding will be paid by grants (\$40,700) which are to be received after the completion of the project. Projected loan repayments (based on 4% interest rate) on a 10-year loan are approximately \$1,012 per month which can be accommodated by the projected net operating cash flow over the ten-year term of the loan. A detailed financial analysis, loan guarantee application, previous financial statements and cashflow projections are attached under separate cover.

Policy and Legislative Context

Consideration of this report is in accordance with Council's Community Group Loan Guarantee Policy and the following commitments in the Council Plan 2017-2021:

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

Council will provide and support a range of opportunities that support people to engage in healthy and active lifestyles, the arts, recreation and sport.

Improve the health and wellbeing of our community.

Internal / External Consultation

Council's Finance Manager has consulted extensively with the Camperdown Football Club Inc.

Financial and Resource Implications

Council has in the past acted as loan guarantor for community groups (including the Camperdown Football Netball Club) to assist with capital investments. These projects have resulted in a variety of community owned assets and provided direct benefits to community groups and their members. No community group that has been a beneficiary of a Council loan guarantee has defaulted in the past. Nevertheless, default by the Committee during the term of the loan exposes Council to repaying the outstanding loan principal.

Options

Council may choose to act as loan guarantor for the Committee or not.

Conclusion

Loan Guarantees provide opportunities for community groups to undertake developments and complete strategic projects where otherwise they would not have the capacity to do so. The application by the Camperdown Football Netball Club is in accordance with Council's Community Group Loan Guarantee Policy. A loan guarantee by Council will ensure the short and long-term objectives of the Football Netball Club can be fulfilled.

RECOMMENDATION

That Council agree to act as loan guarantor for the Camperdown Football Netball Club Inc. with the following conditions:

- 1. The loan will be used to cover the shortfall in funding for the lighting project at Leura Oval.**
- 2. The loan guarantee will be for an amount not exceeding \$100,000;**
- 3. The term of the loan guarantee will not exceed 10 years;**
- 4. The loan to be guaranteed will be reducing principal and interest with no redraw facility.**
- 5. The Committee must meet all reporting and monitoring requirements under the Community Group Loan Guarantee Policy; and**

COUNCIL RESOLUTION

MOVED: *Cr Gstrein*
SECONDED: *Cr Illingworth*

That the recommendation be adopted.

CARRIED

Attachments

1. Camperdown Football Netball Club - Loan Guarantee Application - Under Separate Cover - Confidential
2. Camperdown Football Netball Club - Detailed financial analysis - Under Separate Cover - Confidential
3. Camperdown Football Netball Club - 2018 Financial Statements - Under Separate Cover - Confidential
4. Camperdown Football Netball Club - Balance Sheet as at 31 October 2019 - Under Separate Cover - Confidential
5. Camperdown Football Netball Club - Profit and Loss to 31 October 2019 - Under Separate Cover - Confidential
6. Camperdown Football Netball Club - Budget - Under Separate Cover - Confidential
7. Leura Oval Lighting Project - Estimate - Under Separate Cover - Confidential

10.10 Records of Assembly of Councillors

Author: Andrew Mason, Chief Executive Officer

File No:

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

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

Summary

This report documents the Assembly of Councillors to be reported since the last Ordinary Meeting of Council on 22 October 2019.

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 be 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 classed as 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 considered
- 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 2017-2021 objective that “Council will demonstrate high levels of ethical behaviour and governance standards”.

Conclusion

The records documenting the below Assembly of Councillors are attached:

- Councillor Briefing 22 October 2019
- Councillor Briefing 12 November 2019.

RECOMMENDATION

That Council accepts the attached Records of Assembly of Councillors.

COUNCIL RESOLUTION

MOVED: *Cr Illingworth*

SECONDED: *Cr Brown*

That the recommendation be adopted.

CARRIED

Attachments

1. Record of an Assembly of Councillors Briefing 22 October 2019
2. Record of an Assembly of Councillors Briefing 12 November 2019

Council

Record of an Assembly of Councillors



Councillor Briefing

Date: 22 October 2019

Time: 2.00 pm

Place: Killara Centre

Present:

- Cr Beard Cr Brown Cr Durant Cr Gstrein
 Cr Illingworth Cr Oakes Cr Trotter

Officers:

- Ian Gibb Brooke Love Andrew Mason David Rae
 Aaron Moyne (Item 2)

Guests:

- Richard and Ashley Nessler and Trent Kneebush (Item 2)
 Nic Kaiser, CEO South West Academy of Sports and students. (Item 3)

Issues Discussed:

Item	Discussion Topic
1	Port Campbell Town Centre Project – Schematic Design Consultation
2	Peterborough Airfield – Proposed Planning Scheme Amendment Update
3	South West Academy of Sport
4	Hot Topics: <i>Agenda Items, ICT Shared Service Update, Lakes and Craters Update, GOR Standing Advisory Committee, Rural Councils Victoria Update, MAV Update, Australia Day.</i>
5	Councillor Items: <i>Lawrence St Truck Parking, Recreation Reserve Contributions, Old Great Ocean Road Subsidence, Fiji Monument, Noorat Picnic Tables, Lismore Water Tower, Derrinallum Exercise Equipment, Graincorp, Cobden Spring Fest, Rail Trail, Christmas Function.</i>

Conflict(s) of Interest declared: Nil.

Councillor(s) left the meeting at: NA

Councillor Conflict of Interest Form(s) Completed: NA

Meeting close: 6.00 pm

Note taker: Andrew Mason

Council

Record of an Assembly of Councillors

**Councillor Briefing****Date:** 12 November 2019**Time:** 10.00 am**Place:** Killara Centre**Present:**

Cr Beard Cr Brown Cr Durant Cr Gstrein
 Cr Illingworth Cr Oakes Cr Trotter

*Cr Illingworth left at 12.30 pm***Officers:**

Ian Gibb Brooke Love Andrew Mason David Rae

Penny MacDonald (Items 1 and 2)

Rory Neeson (Items 3 and 4)

Lyll Bond (Item 5)

Aaron Moyne (Item 6 Airfield application discussion)

Guests:

Joe Toohey, CEO and Jo Grant, Creative Arts Facilitator from Regional Arts Victoria (Item 3)

Issues Discussed:

Item	Discussion Topic
1	Annual Action Plan 2020-2021 Workshop
2	Mayoral Elections and Councillor Appointments to Committees 2020
3	Great South Coast Creative Industries Strategy Update
4	Australia Day Awards
5	Climate Change Projects Update
6	Hot Topics: <i>Cyber Security, Vehicle List, RDV Infrastructure Fund, COR Action Plan Consultation Plan, GOR Protection Bill, Cobden SES, Indigenous Action Plan, Princes Hwy Strategy, Airfield Application.</i>
7	Councillor Items: <i>Regional Roads Update, Lismore Indigenous Garden, South West Health Sat?? Lunches, Derrinallum Tourism Sign, Condition of Terang Mortlake Rd, Unregistered Vehicles, Roadside Slashing, Carpendeit Hall AGM, Response to Correspondence, Lawn Mowing, Dust Suppressant, Ayreford Hall AGM, Timboon Fire Plan, Condition of Timboon -Nullawarre Rd.</i>

Conflict(s) of Interest declared: Nil.**Councillor(s) left the meeting at:** NA**Councillor Conflict of Interest Form(s) Completed:** NA**Meeting close:** 4.00 pm**Note taker:** Andrew Mason

11. OTHER BUSINESS

Nil.

12. OPEN FORUM

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

The following item was submitted:

- Former councillor Mr Geoff Smith congratulated the Mayor, Cr N. Trotter, and Deputy Mayor, Cr R. Gstrein, on re-election. Mr Smith raised the issue of unused road reserves, suggesting Council consider planting trees on these reserves and cutting and baling growth on roadsides for use by distressed farmers in north of the state.

COUNCIL RESOLUTION

MOVED: Cr Gstrein

SECONDED: Cr Beard

That standing orders be suspended for supper

CARRIED

Standing Orders were suspended at 8.09 pm for supper

Mr Adam Taylor and Mr John Kelly left the meeting.

COUNCIL RESOLUTION

MOVED: Cr Oakes

SECONDED: Cr Brown

That standing orders be resumed.

CARRIED

Standing Orders were resumed at 8.22 pm. Members of the public left the 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.

COUNCIL RESOLUTION

MOVED: Cr Beard
SECONDED: Cr Gstrein

That the recommendation be adopted.

CARRIED

The meeting moved into confidential items at 8.22 pm.

13.1 2020 Australia Day Awards

COUNCIL RESOLUTION

MOVED: Cr Durant
SECONDED: Cr Illingworth

That the meeting move out of confidential items.

CARRIED

The meeting moved out of confidential items at 8.29 pm.

Meeting Closed: 8.29 pm

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

CONFIRMED:

(Chairperson)

DATE:
