

minutes



CORANGAMITE
SHIRE

CORANGAMITE SHIRE

ORDINARY MEETING OF COUNCIL TUESDAY 22 OCTOBER 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
22 OCTOBER 2019**

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 Mikayla Hein, Manager Works John Kelly, Manager Assets Planning Aaron Moyne, Manager Planning and Building Services Adam Taylor, Manager Finance

1. PRAYER

The prayer was read by the Mayor, Cr N. Trotter.

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

Amen.”

2. ACKNOWLEDGEMENT OF COUNTRY

An Acknowledgement of Country was made by the Mayor, Cr N. Trotter.

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

3. APOLOGIES

Nil.

4. DECLARATIONS OF CONFLICT OF INTEREST

Nil.

DISCLAIMER

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

5. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the Corangamite Shire Ordinary Council meeting held on Tuesday 24 September 2019 be confirmed.

COUNCIL RESOLUTION

MOVED: Cr Oakes

SECONDED: Cr Brown

That the recommendation be adopted.

CARRIED

COUNCIL RESOLUTION

MOVED: Cr Beard

SECONDED: Cr Illingworth

That standing orders be suspended for Citizenship Ceremony.

CARRIED

Standing orders were suspended at 7.02 pm and a Citizenship Ceremony was held.

COUNCIL RESOLUTION

MOVED: Cr Oakes

SECONDED: Cr Beard

That standing orders be resumed.

CARRIED

The meeting resumed at 7.21 pm.

6. 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 Steve Cumming, regarding Agenda Item 8.2 – PP2018/068 Buildings and works associated with existing airfield, 1577 Timboon-Peterborough Rd, Peterborough.

7. COMMITTEE REPORTS

7.1 Audit Committee Report - 12 September 2019 Meeting

Author: David Rae, Director Corporate and Community Services

File No:

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

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

Author - David Rae

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

Summary

This report provides Council with a summary of business considered at the 12 September 2019 meeting of the Audit Committee.

Introduction

The Audit Committee (the Committee) is an independent advisory committee to Council. The primary objective of the Committee is to assist Council in the effective conduct of its responsibilities for financial reporting, management of risk, maintaining a reliable system of internal controls and facilitating the organisation's ethical development.

Issues

Attendees at the Committee meeting were as follows:

Councillors:	Cr Lesley Brown, Cr Neil Trotter (Alternate)
Independent Members:	Colin Hayman (Chairperson), Andrew Jeffers, Matt Makin
Apologies:	Cr Helen Durant
Officers:	Andrew Mason, Chief Executive Officer David Rae, Director Corporate and Community Services Adam Taylor, Manager Finance
Guests:	Gabrielle Castree (Crowe Horwath – Internal Auditor) Narelle McLean (McLaren Hunt - VAGO Agent)

Declaration of Conflict of Interest: Cr Trotter and Andrew Mason, Item 6.3

The Committee considered the following matters at the meeting:

- CEO and Mayor Credit Card Use 1 July-31 August 2019
- 2018-2019 Financial Statements and Performance Statement
- Management Letter and Closing Report for the year ended 30 June 2019
- Finance Report as at 30 June 2019 and provisional result 2018-2019
- Corporate Risk Register Update
- Fraud Control Plan Annual Review
- Health and Safety Management System Review
- Incident and Injury Report 2018-2019
- JMAPP Risk Maturity Appraisal Report
- ICT Disaster Recovery Plan Biennial Review
- Asset Valuation and Revaluation Policy
- Procurement Policy Review 2019-2020
- 2018-2019 Procurement Summary
- Proposed Investment - Victorian Funds Management Corporation
- VAGO Performance Audit: Fraud and Corruption Control - Local Government
- Council Briefing and Meeting Activity
- Internal Auditor - Annual Performance Review and Two-Year Contract Extension.

Policy and Legislative Context

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

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

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

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

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

Financial and Resource Implications

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

Conclusion

The next meeting of the Audit Committee is scheduled for December 2019 and a report on that meeting will be presented at the January 2020 Council meeting. Council is requested to receive the Committee's report for 12 September 2019.

RECOMMENDATION

That Council receives the Audit Committee Report for 12 September 2019.

COUNCIL RESOLUTION

MOVED: *Cr Brown*

SECONDED: *Cr Durant*

That the recommendation be adopted.

CARRIED

7.2 Cobden Aerodrome Committee of Management 2019-2020

Author: Mikayla Hein, Manager Works

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 - Mikayla Hein

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

Summary

This report seeks Council endorsement of the nominated Committee of Management for the Cobden Aerodrome for 2019-2020.

Introduction

The Cobden Aerodrome Committee of Management manages the Cobden Aerodrome on behalf of Council delegated under Section 86 of the *Local Government Act 1989*.

The Committee consists of a broad representation of community members to ensure that the Aerodrome is managed in a manner that will provide most benefit to the community.

Council appoints a Councillor Representative to the Committee with voting rights and a Council officer to act as Executive Officer to the Committee.

Issues

The Annual General Meeting of the Cobden Aerodrome Committee of Management was held on 3 October 2019 in the Cobden Civic Hall at 6.30 pm.

Representation on the Committee is as follows:

- Council Representative – one position (as appointed by Council at the November Council meeting)
- Community Representatives – six positions
- Cobden Hospital Representative – one position
- Cobden Aero Club Representative – one position
- Progressing Cobden Representative – one position
- Industry Representative – one position.

Committee members have a three-year term. The term for Committee members is three years with two positions vacated each year and which are advertised annually prior to the Annual Meeting. Retiring committee members may renominate.

In 2018, nominations for the retiring positions filled by the Cobden Aero Club, Progressing Cobden and Industry was overlooked, hence they were deemed declared vacant and open for nomination along with two community representative positions, as follow:

- Community Representative – Don Mackinnon
- Community Representative – Gary Evans
- Aero Club Representative – Bill Woodmason
- Progressing Cobden Representative – Eunice Dawe
- Industry Representative – Warren Ponting.

Bill Woodmason and Eunice Dawe were renominated in writing by their organisations respectively.

Written nominations were received for the positions of community representative from Anthony Bodey and Don Mackinnon, and for the Industry Representative position from Warren Ponting.

A verbal nomination was also received from an individual for a Community Representative position. Since the meeting, this nomination has been withdrawn.

The following members have been nominated to the committee for Council endorsement.

Organisation	Representative	Elected
Community	Les Mulholland	2017-2020
Community	Des Pekin	2017-2020
Cobden Hospital	Duncan Morris	2017-2020
Community	Philip Robertson	2018-2021
Community	Peter Rohan	2018-2021
Community	Anthony Bodey	2019-2022
Community	Don Mackinnon	2019-2022
Aero Club representative	Bill Woodmason	2019-2022
Progressing Cobden	Eunice Dawe	2019-2022
Industry	Warren Ponting	2019-2022
Councillor	Council appointment	Annual
Council (Non-voting Executive Officer)	Works Manager (Mikayla Hein)	Council Appointed

Bill Woodmason and Warren Ponting were duly voted unopposed to the Committee as Chairperson and Vice Chairperson, respectively.

Terms of Reference have been developed to guide the conduct of committee members, and provide clarity of meeting procedures, the role of the Group in delivery of maintenance activities and projects and on the appropriate mechanisms and processes for reporting operational matters to Council. A copy of the Draft Terms of Reference is attached under separate cover.

Policy and Legislative Context

The Cobden Aerodrome Committee of Management is a Special Committee of Council and has delegated decision making responsibilities under Section 86 of the *Local Government Act 1989*.

The Cobden Aerodrome Committee of Management is considered an extension of Council and can exercise powers only in accordance with its Instrument of Delegation and guidelines or policies which Council from time to time adopts.

The Terms of Reference have been developed to include reference to the *Instrument of Delegation* and to Corangamite Shire Council's *Councillor Code of Conduct* and *Meeting Procedures Local Law No.3 2016*.

Election of committee members is conducted in accordance with the Instrument of Delegation. Committees of management are supported by the Council Plan 2017-2021 commitments to "deliver high quality, optimally used, sustainable community facilities".

Internal / External Consultation

The Annual General Meeting and committee vacancies were advertised in the Cobden Timboon Coastal Times on Wednesday 18 and 25 September 2019 and on the Council Website from 7 September 2019 to 4 October 2019.

Financial and Resource Implications

The Committee operates within an annual recurrent budget allocation from Council which is overseen by Council's Works Manager. The 2019-2020 budget allocation is \$9,066.

The 2019-2020 budget has an additional allocation of \$15,000 to investigate future use opportunities for the aerodrome which was a carry forward from 2018-2019 following confirmation of the Naroghid Windfarm VCAT appeal proceedings.

Options

Council may appoint the nominated members for the forthcoming year or reject the recommendation and request an alternate Committee membership.

Conclusion

The Committee membership will enable the continued active management and operation of the Cobden Aerodrome.

RECOMMENDATION

That Council:

1. Appoints the following nominees to the Cobden Aerodrome Committee of Management 2019-2020 as follows:

Organisation	Representative
Community	Les Mulholland
Community	Des Pekin
Community	Philip Robertson
Community	Peter Rohan
Cobden Hospital	Duncan Morris
Community	Anthony Bodey
Community	Don Mackinnon
Aero Club representative	Bill Woodmason
Progressing Cobden	Eunice Dawe
Industry	Warren Ponting
Councillor	Council appointment

Council (Non-voting Executive Officer)	Manager Works (Mikayla Hein)
Office Bearers	
Chairperson	Bill Woodmason
Vice Chairperson	Warren Ponting

2. Endorses the Cobden Aerodrome Committee of Management Terms of Reference.

COUNCIL RESOLUTION

MOVED: Cr Beard
SECONDED: Cr Gstrein

That the recommendation be adopted.

CARRIED

Attachments

1. Cobden Aerodrome Committee of Management Terms of Reference - Under Separate Cover

8. PLANNING REPORTS

8.1 PP2019/080 - Use of Land for Food and Drink Premises, 32 High Street, Lismore

Author: Sophia MacRae, Planning Officer

File No:

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

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

Author - Sophia MacRae

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

Summary

Council must consider a planning permit application seeking approval for use of the land for Food and Drink Premises on the vacant lot at 32 High Street, Lismore.

Fifteen submissions have been received for the application, each an objection to the proposal.

Following an assessment of the application, it is recommended that Council issue a Notice of Decision to Grant a Planning Permit.

Introduction

Planning Permit Application PP2019/080 was received by Council on 29 July 2019 and seeks approval for:

- Use of the land for food and drink premises, conducted from a mobile van which does not require a planning permit for development, as it is a registered vehicle.

The land is a vacant lot which has recently been granted a permit for a boundary realignment.

Public notice of the application has been given and Council has received 15 objections raising issues which can be summarised as:

- Commercial competition
- Proponent is not a local
- Car parking
- Streetscape presentation and character
- Pressure on public facilities (bins and toilets)
- Compliance with food and health regulations
- Road and traffic safety
- Pedestrian safety

- Vermin
- Noise impact
- Precedent for more mobile food vans.

This report provides a planning assessment of the application.

History

A summary of the planning history for the land is provided below:

- Planning Permit PP2018/098 was approved in June 2018 and allows for '*Two Lot Subdivision*' subject to conditions. The endorsed plans include a proposed double crossover to be constructed for shared use of both proposed lots.

Subject Land

The subject site is located on High Street within the commercial area of Lismore, with residential land adjoining to the rear. The lot currently has 20m frontage to High Street and an area of approximately 1011m².

The eastern lot boundary of the site currently goes through an existing building (Pharmacy); for this reason, the land owner sought a planning permit (PP2018/098) to realign the lot boundary. A fence is located on the future eastern lot boundary, making the effective frontage of the subject site 14.5m. There is also a fence parallel to the street inside the lot, approximately 13m from the front boundary fence, with gap for vehicles to pass through to rear of lot. The front boundary has a chain link fence with two sets of double swing gates for vehicles.

The site contains some planted trees but is otherwise vacant. The topography is flat.

Figure 1 provides a planning zone map and Figure 2 an aerial map.

Surrounding Area

Land use characteristics within the surrounding area include:

- All of Lismore is zoned as Township Zone (TZ). The commercial area extends along High Street between Cunningham Street and Ferrers Street, with commercial premises interspersed with residential properties.
- High Street is divided by a wide median, with public toilets, fixed outdoor benches and tables, and public garbage bins located opposite the subject site.
- Marked vehicle parking spaces (unrestricted on-street parking) are provided along High Street. There is space for approximately 46 parked cars between Heriot Street and Ferrers Street.
- Residential properties are located along Gray Street to the rear of the subject site and other adjoining sites.

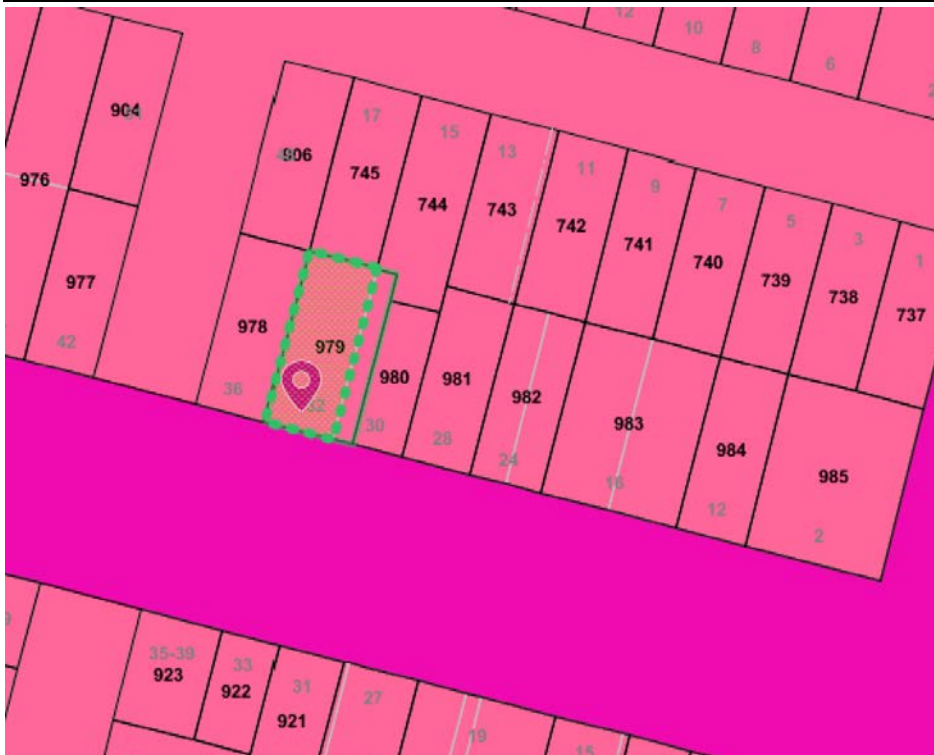


Figure 1. Planning Zone Map



Figure 2. Aerial Map

Proposal

The proposed use will include:

- Trading from the van, selling takeaway food and drinks.
- Operating hours between 8.30 am to 5.00 pm, seven days per week. Applicant does not intend to operate for the full extent of these hours.

- Van will be parked approximately 1.2m from the property boundary to the street, and approximately 1.2m from the existing eastern side fence. A pad of gravel will be laid down for the van parking area.
- The van will generally remain parked on the subject lot, but on some occasions will be taken out to other events and returned to the subject site. Conditions on any permit will require that a vehicle crossover is constructed before the use begins.
- The van is approximately 5m by 2m, being 10m². It is painted in colours black and yellow-orange, with the name and logo 'Café Nu-Deli'. The applicant proposes to erect a portable marquee placed next to the van, and cooking will take place under the marquee on portable electric appliances.
- The van will have power and water coming from the existing supply on the property. The food preparation will use electrical power and no gas cooking will occur. Wastes from the use will be collected by the operator in portable containers and disposed of off-site at the applicant's existing food premises.
- No on-site car parking for customers is proposed.

A complete set of application documents, including plans, are provided for Councillors under separate cover.

Policy and Legislative Context

Zoning

The subject land is located within the Township Zone (TZ) which requires a planning permit for the use of land for 'Food and Drink Premises'.

Overlays

There are no overlays affecting the subject land.

Planning Policy Framework (including Municipal Strategic Statement and local policy)

The following clauses from the PPF are considered relevant to this permit application:

Clause 11 Settlement

- Clause 11.01 Victoria
 - Clause 11.01-1S Settlement
 - Clause 11.01-1R Settlement – Great South Coast
- Clause 11.03 Planning for Places
 - Clause 11.03-1S Activity Centres

Clause 13 Environmental Risks and Amenity

- Clause 13.05 Noise
 - Clause 13.05-1S Noise Abatement
- Clause 13.06 Air Quality
 - Clause 13.06-1S Air Quality Management
- Clause 13.07 Amenity and Safety
 - Clause 13.07-1S Land Use Compatibility

Clause 17 Economic Development

- Clause 17.02 Commercial
 - Clause 17.02-1S Business

Clause 21 Municipal Strategic Statement

- Clause 21.01 Introduction
 - Clause 21.01-2 Key Issues and Influences – key planning issues include:
facilitating small business opportunities in townships; maintaining the viability of

townships and rural communities in the face of declining population; protecting and enhancing the unique characteristics of towns and smaller settlements; enhancing the urban design and streetscape presentation of townships.

- Clause 21.04 Economic Development
 - Clause 21.04-3 Commercial and Industrial Areas – seeks to maintain and strengthen township retail centres by facilitating the establishment of small businesses in township areas. Small businesses and new retail and hospitality will be encouraged to locate in township areas.
- Clause 21.06 Local Areas
 - Clause 21.06-4 Lismore – seeks to facilitate the consolidation of commercial and retail land use and development within existing commercial precincts.

Particular Provisions

Clause 52.06 Car Parking

Based on the proposed floor area, no on-site car parking spaces are required to be provided.

Internal / External Consultation

Referrals

No mandatory Section 55 referrals under the *Planning and Environment Act 1987* were required by the Planning Scheme for the application.

Internal Referrals	Response
Assets Planning	Any damage caused to Council assets by the occasional movement of food van must be repaired to the satisfaction of Council. No effluent or polluted water of any type to enter Council's stormwater drainage system.
Environmental Health	All wastewater, waste oils, grease and fat deposits must be collected and adequately disposed of, to the satisfaction of Council.

Advertising

Notice of the application was provided in accordance with the *Planning and Environment Act 1987* to adjoining and nearby landowners and occupiers, and notice being placed on Council's website.

Fifteen submissions were received, provided for review under separate cover.

The matters raised in the objections are summarised as:

- Commercial competition
- Proponent is not a local
- Car parking
- Streetscape presentation and character
- Pressure on public facilities (bins and toilets)
- Compliance with food and health regulations
- Road and traffic safety
- Pedestrian safety
- Vermin
- Noise impact

- Precedent for more mobile food vans.

Consultation

Copies of the objections were provided to the applicant and no further response was received.

An on-site Council site inspection was held on 3 September 2019 in which an application summary and overview was provided, along with an opportunity to discuss specific aspects of the application. Objectors were also provided a chance to raise their concerns.

Planning Assessment

Assessment of the planning application will address how the proposal responds to the applicable planning controls of the Corangamite Planning Scheme, including the Planning Policy Framework (PPF), zone and decision guidelines of Clause 65.

The application raises matters for Council to consider, including support and facilitation for new businesses, environment, amenity, safety, and car parking.

Planning Policy Framework

The PPF provides broad support for settlements in Victoria to have opportunities for small businesses within the central commercial area of townships and seeks to support development and investment in small towns that are facing economic and population challenges. Small scale businesses that meet the needs of local residents and workers in convenient locations should be supported.

The PPF also seeks to control adverse amenity impacts to the community, while facilitating appropriate commercial uses, and refers to various Environment Protection Policy documents to achieve this.

At a local level the PPF seeks to facilitate small business opportunities in townships and encourages the activation of commercial land in the Shire's towns, to provide more vitality to the commercial area of each town. A key planning issue is to protect and enhance the unique characteristics of towns and enhance the urban design and streetscape presentation of townships.

The proposed use of the site for Food and Drink Premises, to sell takeaway food and drink from a parked van, complies with policy direction for townships to have small businesses using land in the commercial areas of the Shire's towns.

The Council Plan (2017-2021) and the Economic Development Strategy (2017-2021) reinforce Council's commitment and support for economic development, township vitality and new business activity.

Subject to a detailed assessment of technical matters and consideration of amenity impacts, the proposal is supported by the PPF.

Township Zone

The purpose of the zone is to provide for residential development and a range of commercial and other uses in small towns, and to encourage development that respects the neighbourhood character of the area.

Having regard to the decision guidelines of the zone, the following comments are made:

- The existing character of the locality is mixed. There is no identified or established character for Lismore’s town centre in the planning scheme, apart from “wide streets and open spaces through residential areas”. In the Township Zone, a mix of land uses and development is expected. Small businesses selling takeaway food and drink are a normal part of the character of small rural towns. The food van, whilst not a permanent building, will contribute to the mix of commercial uses within the town.
- The proposal, being based on the use of a mobile van, will not place excessive demand on the utilities that currently service the subject site (electricity and potable water). All wastewater generated by the use will be required to be collected and removed from the site by conditions on a permit.
- Existing uses on adjoining and nearby land are commercial (to the west and east) and residential to the north, which is consistent with the purpose of the Township Zone. The proposed use is unlikely to generate amenity impacts that significantly impede on the adjoining and nearby land uses, provided appropriate conditions and measures are put in place.
- The proposed use is small scale and low intensity. The subject site has the capability to accommodate the proposed use.
- The use of the site for ‘Food and Drink Premises’ will generate some traffic and demand for on-street car parking, and potentially some extra demand for public facilities. Due to the small scale of the proposed use, it is considered that there is sufficient capacity for on-street parking and other facilities to accommodate the expected demand.

The proposed use aligns with the zone purpose to provide for a range of commercial and other uses in addition to residential development in small towns. Another purpose of the zone is to encourage development that respects the neighbourhood character of the area. Lismore has a mixed township character. The food van will provide for a new commercial use on vacant land and will contribute to the mix of uses. Conditions on a permit will control environmental and amenity impacts. The proposed use complies with the decision guidelines of the zone.

Response to Objections

Fifteen submissions objecting to the application have been received. A copy of these submissions can be found under separate cover.

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

Objection	Officer response
Streetscape presentation and character	<u><i>Objection supported in part</i></u> The existing streetscape and character of High Street is mixed use, with a mix of building styles. The street consists of small businesses in established buildings, interspersed with residences and vacant lots. The proposed mobile van is a new style of business for the street.
Car Parking	<u><i>Objection not supported</i></u> Based on the area required for the proposed use, no on-site car parking is required to be provided. There is sufficient on-

Objection	Officer response
	street car parking to accommodate the proposed use and demand for existing businesses.
Pressure on public facilities (bins and toilets)	<i>Objection not supported</i> Based on the scale of the proposed use, the potential increased demand on public facilities is acceptable.
Road, traffic and pedestrian safety	<i>Objection not supported</i> Based on the scale of the proposed use, the potential impact on road, traffic and pedestrian safety is acceptable.
Compliance with food and health regulations	<i>Objection not supported</i> Council's Environmental Health Unit has reviewed the application and does not raise any concerns. The permit holder will be required to comply with food and health regulations as applicable, to the satisfaction of Council.
Vermin	<i>Objection not supported</i> A management condition can be included on any permit. The permit holder will be required to control vermin, to the satisfaction of Council.
Noise impact	<i>Objection not supported</i> A management condition can be included on any permit. The permit holder will be required to control noise emissions, to the satisfaction of Council.
Commercial competition	<i>Objection not supported</i> Commercial competition is not an issue to be considered under the <i>Planning and Environment Act 1987</i> .
Proponent is not a local	<i>Objection not supported</i> This is not an issue to be considered under the <i>Planning and Environment Act 1987</i> .
Precedent for more mobile food vans	<i>Objection not supported</i> Nothing within the planning scheme dictates that a mobile food van cannot operate from private land, subject to obtaining relevant approvals. Any proposal for Use of Land for Food and Drink Premises will be assessed on its own merits.

Options

Council has the following options:

1. Issue a Notice of Decision to Grant a Planning Permit, subject to conditions as set out in the recommendation. (Recommended option). This option provides an opportunity for Council to impose conditions to control the use and address environment and amenity impacts.
2. Issue a Notice of Decision to Grant a Planning Permit, with changes to recommended conditions.
3. Issue a Notice of Refusal to Grant a Planning Permit.

Conclusion

The application for the Use of the Land for Food and Drink Premises is supported on balance by the relevant policy and decision guidelines of the Corangamite Planning Scheme.

The Council Plan 2017-2021 provides an essential framework for the Shire's land use planning and development. The content of the Municipal Strategic Statement is written to implement and achieve the Council Plan objectives. The Council Plan and the Corangamite Planning Scheme contain policy direction to support small businesses in the central commercial areas of the Shire's towns.

Whilst the proposal is not considered to visually enhance the established streetscape and character of High Street Lismore, this must be weighed against the policy in the scheme which supports economic development. New business activity should be encouraged, provided that potential adverse environmental and amenity impacts be managed. For this proposal, all environmental and amenity impacts can be managed by conditions on a permit.

On balance, the proposal complies with the purpose of the Township Zone and the policy in the PPF. The proposed use will be managed by clear and detailed permit conditions and will result in a proper and orderly planning outcome.

It is recommended that Council issue a Notice of Decision to Grant a Planning Permit.

RECOMMENDATION

That Council having caused notice of Planning Permit Application No. PP2019/080 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987*, decides to issue a Notice of Decision to Grant a Permit under the provisions of the Corangamite Planning Scheme in respect of the land known and described as 32 High Street, Lismore, Lots 1 and 2 TP226958F, for Use of Land for a Food and Drink Premises, subject to the following conditions:

Layout Not Altered

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

Hours of Operation

2. The use hereby permitted must operate only between the following hours, unless varied with the written consent of the Responsible Authority:
 - (a) Monday to Sunday 8.30 am – 5 pm

Waste and Wastewater Disposal

3. All wastewater, waste oils, grease, fats, and all other waste materials, must be collected and removed from the land and adequately disposed of, to the satisfaction of the Responsible Authority.
4. No effluent or polluted water of any type must enter Council's stormwater drainage system, to the satisfaction of the Responsible Authority.

Amenity

5. The use must be managed so that the amenity of the area is not unreasonably affected, through the:
 - (a) transport of materials, goods or commodities on the land;
 - (b) appearance of any building, works or materials;
 - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - (d) presence of vermin and insects or otherwise.

Access

6. Before the use starts, a vehicle crossover must be provided to the site, to the satisfaction of the Responsible Authority.
7. Vehicle access to and from the land will only occur via the approved and constructed vehicle crossover.

Permit Expiry

8. This permit will expire if the use is not commenced within two years of the date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, the Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months of the permit expiry date, where the use allowed by the permit has not yet started.

COUNCIL MOTION

MOVED: Cr Illingworth
SECONDED: Cr Oakes

That the recommendation be adopted.

LOST

COUNCIL RESOLUTION

MOVED: Cr Brown

SECONDED: Cr Durant

That Council having caused notice of Planning Application No. PP2019/080 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of *the Planning and Environment Act 1987*, decides to issue a Notice of Decision to Refuse to Grant a Permit under the provisions of the Corangamite Planning Scheme in respect of the land known and described as 32 High Street, Lismore (Lots 1 and 2 TP226958F), for Use of Land for a Food and Drink Premises, based on the following grounds:

1. The use does not provide an acceptable outcome or net community benefit in terms of the Planning Policy Framework.
2. The use does not respond appropriately to provisions of the Township Zone, and would not result in the orderly and proper planning of the Lismore Township.
3. The use would be detrimental to neighbourhood character, and result in an unacceptable level of amenity and environmental impact
4. The use will not provide for a satisfactory outcome in terms of site access and traffic management.

CARRIED

Attachments

1. PP2019/080 Planning Application Lismore - Under Separate Cover
2. PP2019/080 Combined Submissions Lismore - Under Separate Cover

8.2 PP2018/068 - Buildings and works associated with existing airfield (relocation of hangar, construction a taxiway and parking for vehicles and aircraft), 1577 Timboon-Peterborough Road, Peterborough

Author: Aaron Moyne, Manager Planning and Building Services

File No:

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

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

Author - Aaron Moyne

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

Summary

Council must consider a planning permit application seeking approval for buildings and works associated with the existing Peterborough Airfield at 1577 Timboon-Peterborough Road, Peterborough.

Three submissions have been received for the application, each an objection to the proposal.

Following an assessment of the application, it is recommended that Council issue a Notice of Decision to Grant a Planning Permit.

Introduction

Planning Permit Application PP2018/068 was received by Council on 19 July 2018 and seeks building and works approval for:

- Relocation and construction of the existing hangar building
- Construction of a taxiway strip and parking area for aircraft
- Construction of a new sealed vehicular access and car parking area
- Associated on-site drainage works.

Peterborough Airfield is an existing facility which operates under a 1993 Heytesbury Shire planning permit, allowing use for commercial aviation purposes. The application does not seek to change the nature of aviation operation on the land, nor does it relate to upgrade works currently being undertaken to widen and seal the existing runway, including on-site drainage works, as approved by PP2015/073.

Public notice of the application has been given and Council has received three objections, raising issues which can be summarised as:

- Stormwater and drainage management

- Siting of the proposed development
- Car parking and site access
- Native vegetation impacts
- On-site aviation management
- Cultural heritage.

This report provides a planning assessment of the application.

History

A summary of the planning history for the Peterborough Airfield is provided below:

- In 1993 a planning permit was approved by the former Heytesbury Shire for *'Construction of an Aircraft Hangar and Use of Airport for Commercial Purposes'*.
- In 2010 VCAT issued a declaration on the use of the facility for commercial aviation purposes, including helicopters.
- In 2012 Amendment C30 to the Corangamite Planning Scheme was approved. The amendment rezoned Peterborough Airfield to Special Use Zone (Schedule 5), consistent with the recommendations of the Tourism Opportunities Study.
- In December 2015 the final Shipwreck Coast Master Plan was released, recognising the airfield facility and identifying a potential future 'Park and Ride Hub'.
- Planning Permit PP2015/073 was approved in November 2015 and allows for the *'Development of Land for a Runway Extension'*, subject to conditions. Works included the runway widening and drainage works to upgrade the facility, currently being undertaken.

Subject Land

The subject site is located east of the Peterborough Township and Curdies River, on the Great Ocean Road towards Port Campbell. With direct road frontage and vehicular access from Timboon-Peterborough Road.

The site has a total area of approximately 60ha and contains an existing aviation facility referred to as Peterborough Airfield (the Airfield). The Airfield incorporates an existing unsealed aviation runway (running east-west), hangar building and associated infrastructure.

The site is generally devoid of any established vegetation, including native vegetation, whilst the land increases in gradient in an easterly direction.

Figure 1 provides a planning zone map and Figure 2 an aerial map.

Surrounding Area

Land use characteristics within the surrounding area include:

- Municipal boundary with Moyne Shire on the western edge of the Curdies River with the Peterborough Township located approximately 1.4km from the site.
- Directly adjoining the site to the north and west are various rural-residential properties containing existing dwellings and associated outbuildings, situated in the Rural Conservation Zone.
- Further north and east of the site are larger properties used for agricultural purposes.
- The southern boundary of the site adjoins the Great Ocean Road with the Port Campbell National Park also running parallel to the site within the coastal strip.

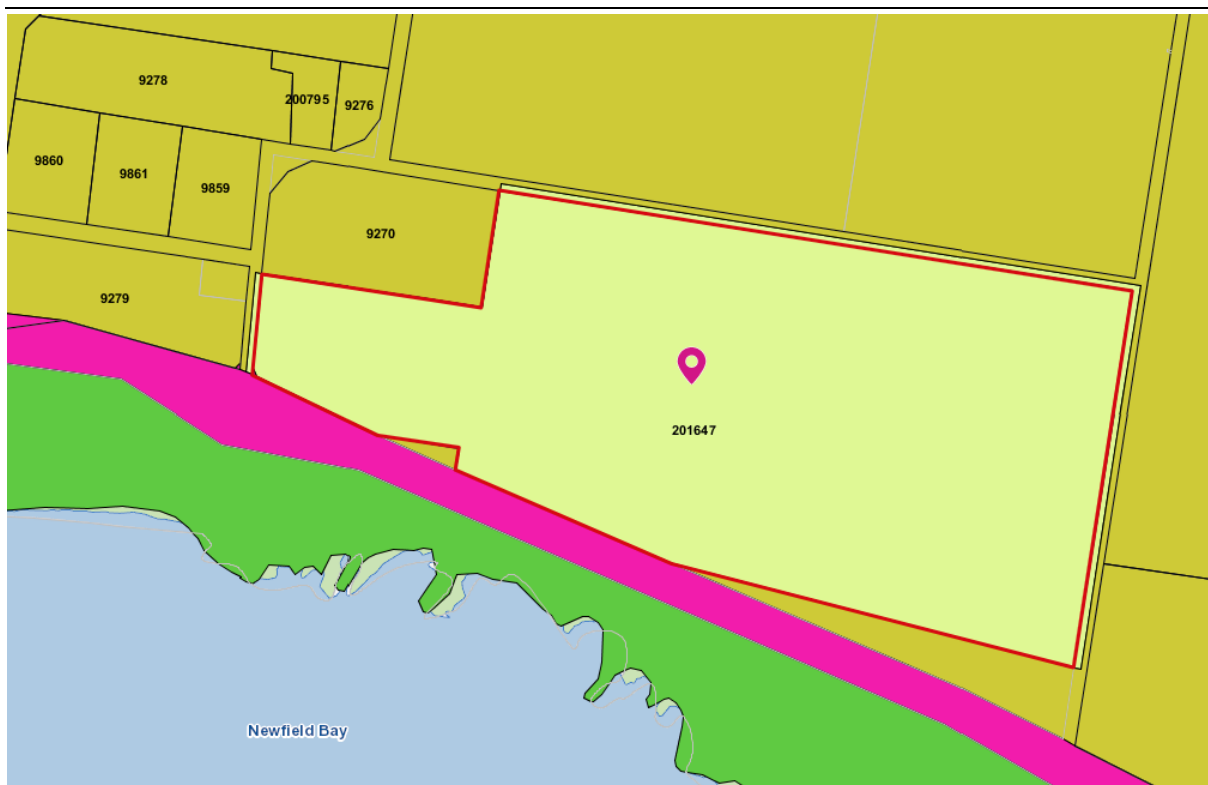


Figure 1. Planning Zone Map



Figure 2. Aerial Map

Proposal

The proposed buildings and works will involve:

- Relocation of the existing hangar building from its current location to a site further south towards the Great Ocean Road, with a setback of 20m from the title boundary.
- Construction of a new sealed taxiway runway for aircraft to the south-east connecting with the existing runway.
- Construction of a new sealed internal access road with car parking in the south-west corner of the site, with access from Timboon-Peterborough Road.
- Associated on-site drainage works.

The hangar building has dimensions of 10.9m x 19.55m with a maximum height of 4.68m and will be constructed from Colorbond corrugated iron 'Pale Eucalypt'.

A complete set of application documents, including plans, are provided for Councillors under separate cover.

Policy and Legislative Context

Zoning

The subject land is located within Special Use Zone (Schedule 5) which requires a planning permit for the buildings and works. The schedule to the zone specifically seeks to recognise the tourism role of Peterborough Airfield.

Overlays

The site is also located within the Significant Landscape Overlay (Schedule 3), Design and Development Overlay (Schedule 5) and Bushfire Management Overlay. A permit is required for buildings and works under the SLO and DDO. The BMO does not require a permit as the use is not included within the provisions.

SLO3 relates to the Great Ocean Road Landscape Area (Peterborough to Princetown) and seeks to recognise and protect the coastal environment.

DDO5 refers to Tourism Opportunity Sites and seeks to ensure that development at Peterborough Airfield is integrated and responsive to its natural surrounds.

Planning Policy Framework (including Municipal Strategic Statement and local policy)

The following clauses from the PPF are considered relevant to this permit application:

- Clause 11 Settlement
 - Clause 11.01-1S Settlement
 - Clause 11.01-1R Settlement – Great South Coast
- Clause 11.03 Planning for Places
 - Clause 11.03-4S Coastal Settlement
 - Clause 11.03-5R The Great Ocean Road Region
 - Clause 11.03-6S Regional and Local Places
- Clause 12 Environment and Landscape Values
- Clause 12.02 Coastal Areas
 - Clause 12.02-1S Protection of Coastal Areas
- Clause 12.05 Significant Environments and Landscapes
 - Clause 12.05-2S Landscapes
- Clause 13 Environmental Risks and Amenity

- Clause 13.02 Bushfire
 - Clause 13.02-S Bushfire Planning
- Clause 13.05 Noise
 - Clause 13.05-1S Noise Abatement
- Clause 13.06 Air Quality
 - Clause 13.06-1S Air Quality Management
- Clause 13.07 Amenity and Safety
 - Clause 13.07-1S Land Use Compatibility
- Clause 14 Natural Resource Management
- Clause 14.02 Water
 - Clause 14.02-1S Catchment Planning and Management
- Clause 17 Economic Development
- Clause 17.04 Tourism
 - Clause 17.04-1S Facilitating Tourism
 - Clause 17.04-1R Tourism – Great South Coast
 - Clause 17.04-2S Coastal and Maritime Tourism and Recreation
- Clause 18 Transport
- Clause 18.04 Airports
 - Clause 18.04-1S Planning for Airports and Airfields

Clause 21 Municipal Strategic Statement

- Clause 21 Municipal Profile
- Clause 21.03 Environment and Natural Resources
 - Clause 21.03-2 Landscapes – seeks to specifically protect the scenic values and landscape character of the Great Ocean Road.
- Clause 21.04 Economic Development
 - Clause 21.04-2 Tourism – seeks to focus coastal related tourism development at identified sites which have specific tourism attributes, with a strategy to support tourism development in accordance with the Shipwreck Coast Master Plan. Peterborough Airfield is identified for use as an airport and group accommodation.
- Clause 21.05 Infrastructure and Transport
 - Clause 21.05-1 Infrastructure
 - Clause 21.05-3 Aviation and Airfield Management – recognises the role of aviation in supporting tourism and seeks to support the expansion of aviation related operations that support agriculture and tourism.

General Provisions

Clause 63 Existing Uses

The Peterborough Airfield operates under a 1993 Heytesbury Shire planning permit, allowing the site to be used for commercial aviation purposes.

The site benefits from an existing use right on this basis which may continue provided no buildings and works are constructed without a permit.

Internal / External Consultation

Referrals

No mandatory Section 55 referrals under the *Planning and Environment Act 1987* were required by the Planning Scheme for the application.

Section 52 - Notice authority	Response
Parks Victoria (c/o DELWP)	Provided no formal comment.
Corangamite Catchment Management Authority	Does not object to the granting of a permit.

Internal Referrals	Response
Assets Planning	No objection. Comments provided regarding stormwater management.

Advertising

The application has been advertised in accordance with Section 52 of the *Planning and Environment Act 1987*, by:

- Sending notices to owners and occupiers of adjoining land
- Placing a sign on-site
- Notice on Council's website.

Council has received three objections to the application, raising issues which can be summarised as:

- Stormwater and drainage management
- Siting of the proposed development
- Car parking and site access
- Native vegetation impacts
- On-site aviation management
- Cultural heritage.

Copies of the objections were provided to the applicant and are available under separate cover.

A further response addressing the key issues raised in the objections was received on behalf of the applicant on 23 August 2019 and subsequently provided to the submitters.

Consultation

An on-site Council site inspection was held on 3 September 2019 in which an application summary and overview was provided, along with an opportunity to discuss specific aspects of the application. Objectors were also provided a chance to raise their concerns.

Planning Assessment

Assessment of the planning application will address how the proposed buildings and works respond to the applicable provisions of the Corangamite Planning Scheme, including the Planning Policy Framework (PPF), zone and overlays.

Importantly, it needs to be recognised that Peterborough Airfield is an existing facility which operates under a 1993 planning approval and with existing use rights, albeit the site is undergoing current development for a runway extension and widening. The application does not affect or seek to change the nature of aviation operations on the land.

Planning Policy Framework

The PPF provides support for new economic investment and development which contributes to enhanced tourism opportunities, particularly along the Great Ocean Road. At a regional level for the Great South Coast, this includes policy direction for flexibility and opportunities for a diverse range of tourism development and infrastructure.

Specifically, for airports and airfields, the PPF seeks to strengthen their role within the State's economic and transport infrastructure by facilitating their siting and expansion, and protecting their ongoing operation.

Consideration must also be given to protection of significant landscapes along the Great Ocean Road by ensuring that any new development responds appropriately to the identified landscape character, whilst coastal areas, environmental risks and impacts from noise and air quality must also be managed.

At a local level within the Municipal Strategic Statement (MSS) and arising from the Corangamite Shire Tourism Opportunities Study, the PPF seeks to focus coastal related tourism development at identified sites which have specific tourism attributes, aligned with strategy to support development in accordance with the Shipwreck Coast Master Plan. Peterborough Airfield is directly identified for continued use for an airfield and future accommodation.

Local transport and infrastructure policy further recognises the role of aviation in supporting tourism and seeks to support the expansion of aviation related operations to this sector.

Subject to detailed assessment of the buildings and works against zone and overlay controls, the proposal is supported by the PPF and at State, regional and local level and, on balance, will provide for an appropriate planning outcome.

Special Use Zone (Schedule 5)

The purpose of the zone specifically seeks to recognise the use and development of land for a specific purpose. Schedule 5 to the zone, applied as a result of Amendment C30 to implement to recommendations of the Tourism Opportunities Study, recognises the tourism role of Peterborough Airfield and the opportunity for future tourism development and low-scale aviation operations.

Overall, the proposed buildings and works to relocate the aviation hangar and construct a plane taxiway and car parking area, aligns with the specific purpose of the zone to facilitate the continued airfield operations on the land.

Having regard to the decision guidelines for SUZ5, the following comments are made:

- Development and upgrade of the site will support the current and ongoing use of the land as an airport and enhances an existing infrastructure asset associated with tourism development.
- The site has a valuable opportunity to provide a direct aviation transport option for tourists to access the Great Ocean Road and Great South Coast region, which directly aligns with the PPF and other strategic objectives for the area.
- The proposed buildings and works will not result in any cumulative impact to existing or proposed tourism facilities within the area.
- The proposal only seeks to upgrade and develop the site to provide for an enhanced airfield facility. The approved and existing use of the land will not change and the development will not have an adverse impact on adjoining uses, including nearby rural-residential properties.
- The land is capable of accommodating the proposed development and the plans have been designed in a way to provide for the best configuration and most efficient use of the site, accounting for the alignment of the existing runway and vehicular access from Timboon-Peterborough Road.
- Relocation of the hangar building will result in a negligible coastal landscape impact based on the modest design and scale of the building and its muted external colour.
- Environmental impacts have been adequately addressed and can be managed. No native vegetation will be removed, whilst the applicant has submitted a Stormwater Management Plan to demonstrate measures to manage any impacts to local roads or adjoining rural-residential properties. No on-site wastewater disposal is proposed.
- A Cultural Heritage Management Plan (CHMP) has been prepared and approved for the site, confirming that no impact will be caused to cultural heritage.

Significant Landscape Overlay (Schedule 3)

SLO3 applies to the land and refers to the Great Ocean Road – Peterborough to Princetown area. The overlay specifically seeks to recognise the landscape significance of the coastal environment and protect the visual character and environmental quality of the area.

The key component of the application for assessment against SLO3 is the relocated hangar building which already exists on-site. Although the building will be relocated further south within the site towards the Great Ocean Road with a 20m setback, becoming more visible when leaving Peterborough towards Port Campbell, the modest design and scale of the building factored with its muted external colour, will not be dissimilar to any typical farm shed within the rural context. The building's relocation is therefore appropriate.

Other components of the application including the taxiway and plane parking area and the proposed visitor car parking are designed to address site characteristics and will not adversely affect landscape character. The submitted plans incorporate a 'landside development area' free of development along the Great Ocean Road, which will assist to preserve view lines and the open rural character.

Design and Development Overlay (Schedule 5)

DDO5 relates to the tourism opportunity site identified and implemented by Amendment C30 for the Tourism Opportunities Study.

In response to the provisions of the overlay control for Peterborough Airfield, the proposed buildings and works for hangar relocation, taxiway and plane parking and visitor parking

incorporate a low-scale design which integrates adequately within the landscape. The hangar building has external colours that will blend with the natural coastal surroundings.

Whilst the schedule to the overlay does refer to an indicative location for development within the site further east and adjoining the Great Ocean Road, it is emphasised that this is not mandatory and does not preclude development from occurring in other proposed locations.

Response to Objections

Three submissions objecting to the application have been received. A copy of these submissions can be found under separate cover.

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

Objection	Officer response
Stormwater and drainage management	<u><i>Objection not supported</i></u> It is acknowledged there are legacy roadside drainage issues within the area. A Stormwater Management Plan has been submitted with the application. Whilst the plans require minor modification, impacts arising from stormwater flows can be managed.
Siting of the proposed development	<u><i>Objection not supported</i></u> The plans have been prepared to maximise efficiency and use of the site. Whilst DDO5 does refer to an indicative development location, it does not preclude development elsewhere. The siting and design of the proposed development are acceptable.
Car parking and site access	<u><i>Objection not supported</i></u> Plans for the application show a new site access from Timboon-Peterborough Road with on-site roadway and parking, including provision for long vehicles. Car parking and site access will not adversely affect adjoining properties and is acceptable as proposed.
Native vegetation impacts	<u><i>Objection not supported</i></u> No native vegetation is proposed or will be removed for the development.
On-site aviation management	<u><i>Objection not supported</i></u> The site is used for an airfield but adjoins rural-residential properties. The planning scheme provides no specified buffer distance or policy for noise from on-site aviation operations. However, a condition can be included on any permit to address and manage on-site operations. The landowner/operator is responsible for on-site aviation management. Once aircraft are flying, Commonwealth regulations apply for noise management. The operator will need to comply with these requirements regulated by the Civil Aviation Safety Authority (CASA).
Cultural Heritage	<u><i>Objection not supported</i></u> A CHMP has been prepared and approved for the site based on the proposed development.

Options

Council has the following options:

1. Issue a Notice of Decision to Grant a Planning Permit, subject to conditions as set out in the recommendation. (Recommended option). This option enables development to be undertaken to upgrade Peterborough Airfield as a strategically identified tourism infrastructure asset.
2. Issue a Notice of Decision to Grant a Planning Permit, with changes to recommended conditions.
3. Issue a Notice of Refusal to Grant a Planning Permit.

Conclusion

The application for buildings and works associated with Peterborough Airfield is supported by the relevant policy direction and planning controls of the Corangamite Planning Scheme. The site itself benefits from specific strategic policy direction that seeks to facilitate its continued use as an airfield and for future tourism accommodation.

The proposal complies with the purpose and decision guidelines of Special Use Zone (Schedule 5), Significant Landscape Overlay (Schedule 3) and Design and Development Overlay (Schedule 5) and will result in and proper and orderly planning outcome.

It is recommended that Council issue a Notice of Decision to Grant a Planning Permit.

RECOMMENDATION

That Council having caused notice of Planning Permit Application No. PP2018/068 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987*, decides to issue a Notice of Decision to Grant a Permit under the provisions of the Corangamite Planning Scheme in respect of the land known and described as 1577 Timboon-Peterborough Road, Peterborough VIC 3270 (Lot 2 TP 83407F and Lot 1 TP171804M Parish of Narrawaturk), for Buildings and Works associated with Existing Airfield (relocation of hangar, construct a taxiway and parking for vehicles and aircraft), subject to the following conditions:

Layout Not Altered

1. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

Stormwater Management

2. Before the development starts, an amended Stormwater Management Plan must be submitted to and approved by the Responsible Authority. The amended plan must be generally in accordance with report prepared by PM Design Group dated 17 December 2018, but modified to show:
 - (a) Computations and plans for a storm event exceeding the 1 in 10 year Average Recurrence Interval (ARI) showing how stormwater will be retained on-site or diverted to a legal point of discharge.
 3. The permit holder must construct, at not cost of the Responsible Authority, all works as approved in the Stormwater Management Plan, to the satisfaction of the Responsible Authority.
-

Construction Management

4. The permit holder must use appropriate construction and site management practices to prevent the transfer of mud, dust, sand or slurry from the site into drains or onto nearby roads and properties. In the event that a road, drain or adjoining property is affected, the owner must upon direction of the Responsible Authority, take the necessary steps to clean the affected portion or road, drain or property to the satisfaction of the Responsible Authority.

Colours and Materials

5. The external finishes of the development (including walls and roof materials) must be constructed in muted, non-reflective materials and tones which blend in with the landscape of the area to the satisfaction of the Responsible Authority.

External Lighting

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

Car Parking

7. Car parking spaces, access lanes and driveways must be kept available and maintained for these purposes, to the satisfaction of the Responsible Authority.

Permit Expiry

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

In accordance with section 69 of the *Planning and Environment Act 1987*, the Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months of the permit expiry date, where the development allowed by the permit has not yet started; or within 12 months of the permit expiry date, where the development has lawfully started before the permit expires.

Permit Note

The permit holder must obtain approval from Council's Assets Planning Unit for construction and upgrade of the vehicular crossover from Timboon-Peterborough Road.

COUNCIL RESOLUTION

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

That Council having caused notice of Planning Application No. PP2018/068 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987*, decides to issue a Notice of Decision to Refuse to Grant a Permit under the provisions of the Corangamite Planning Scheme in respect of the land known and described as 1577 Timboon-Peterborough Road, Peterborough VIC 3270 (Lot 2 TP 83407F and Lot 1 TP171804M Parish of Narrawaturk), for Buildings and Works associated with Existing Airfield (relocation of hangar, construct a taxiway and parking for vehicles and aircraft), based on the following grounds:

1. The development does not provide an acceptable outcome or net community benefit in terms of the Planning Policy Framework.
2. The proposal is inconsistent with local planning policy at Clause 21.04-2 of the Planning Policy Framework.
3. The development does not respond appropriately to provisions of the Special Use Zone (Schedule 5), and does not sufficiently relocate the heliport on the site.
4. The development does not respond appropriately to provisions of Design and Development Overlay (Schedule 5) for Tourism Opportunity Sites.
5. The development will not result in the proper and orderly planning of the area.

CARRIED

Attachments

1. PP2018/068 Planning Application Peterborough - Under Separate Cover
2. PP2018/068 Combined Submissions Peterborough - Under Separate Cover

8.3 PP2019/055 - Use of Land for a Place of Assembly and Reduction of Car Parking, 56 Curdie Street, Cobden

Author: Sophia MacRae, Planning Officer

File No:

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

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

Author – Sophia MacRae

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

Summary

Council must consider a planning permit application seeking approval for use of the land for a Place of Assembly in the existing building at 56 Curdie Street, Cobden.

Nine submissions were received, provided for review under separate cover. Two of these were objections received prior to the site inspection and seven were received in support of the proposal, after the site inspection.

Following an assessment of the application, it is recommended that Council issue a Notice of Decision to Grant a Planning Permit.

Introduction

Planning Permit Application PP2019/055 was received by Council on 7 June 2019 and seeks approval for:

- Use of the building to conduct events, including movies screenings, workshops, exhibitions, live music, etc.
- Reduction of 13 onsite car parking spaces.

Part of the existing building is used for Industry ('Alderwood Speakers'). During the first half of 2019, the building has been used for community events.

These events were authorised with 'Place of Public Entertainment' (PoPE) building permits. It is proposed to continue with similar events without having to apply regularly for a PoPE, with planning approval in place.

Public notice of the application was given and Council received nine submissions, comprising two objections and seven submissions in support, raising issues which can be summarised as:

- Amenity impact from noise, music and patrons
- Car parking
- Commercial competition.

This report provides a planning assessment of the application.

History

A summary of the planning history for the land is provided below:

- In 2019, two permits for 'Place of Public Entertainment' (PoPE) were issued under the Building Act, for Phoenix Project Events (Live Music and Movies) held between February to June 2019.
- Planning Permit PP2018/098 was approved in October 2018 and allows for the '*External Alterations, repairs and maintenance, and external painting of an existing building*', subject to conditions.

Subject Land

The subject site is located on Curdie Street within the commercial area of Cobden, with residential land adjoining to the rear. The site has 20m frontage to Curdie Street and two double vehicle crossovers, one which provides access to the rear of the site.

The site has a total area of approximately 1024m² and contains an existing building, the former Mechanics Institute constructed 1884. The building has an open walled shed attached to the eastern side of the hall. The building is used for Industry ('Alderwood Speakers') carrying existing use rights.

The site does not contain native vegetation. The topography is flat.

Figure 1 provides a planning zone map and Figure 2 an aerial map.

Surrounding Area

Land use characteristics within the surrounding area include:

- Commercial Zone (C1Z) extending along Curdie Street between Adams Street and Walker Street, and along Victoria Street.
- The land under C1Z to the west of Victoria Street is under Heritage Overlay 218 (HO218) 'Cobden Commercial and Civic Precinct'.
- General Residential Zone (GRZ1) is directly adjoining the site to the north and is 50m to the west of the site on the opposite side of Adams Street.
- Marked car parking spaces (unrestricted on-street parking) are provided along Curdie Street. There are 18 marked car parking spaces within 30m of the subject site.

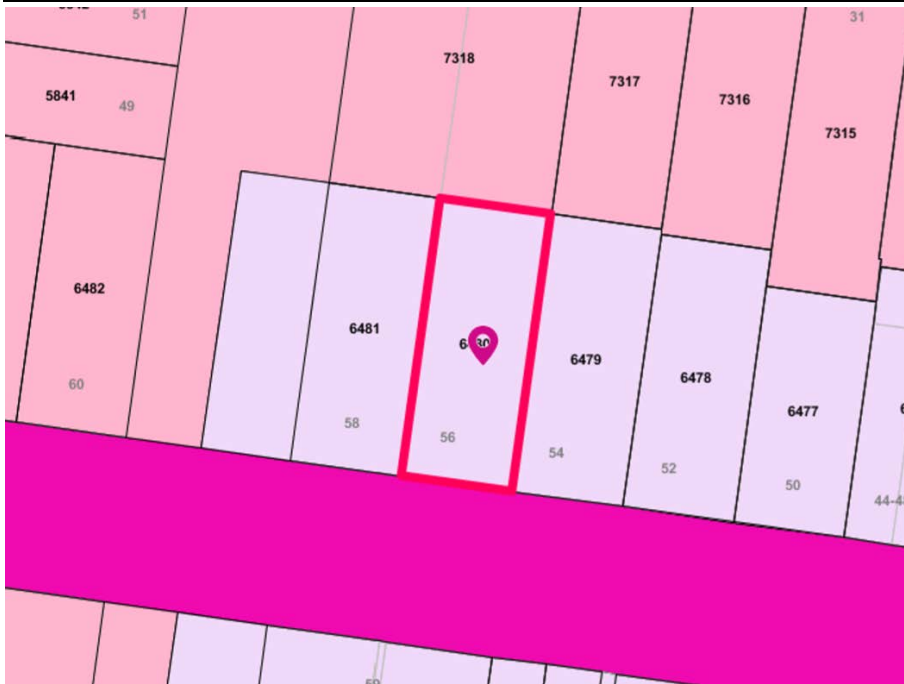


Figure 1. Planning Zone Map



Figure 2. Aerial Map

Proposal

The proposed use for Place of Assembly will include events such as:

- creative workshops
- live music performance
- movie screenings
- markets/pop up shops
- trivia nights
- exhibitions
- bingo
- jam sessions
- dance classes
- choir practice.

All events will take place within the main building.

Event schedules will vary. There will be:

- Maximum of one live music event per month between the hours of 6 pm-10 pm Friday or Saturday, or 1 pm-4 pm Sunday
- Maximum of one movie screening per month between the hours of 6 pm-11 pm Friday or Saturday
- Workshops, which will have a maximum of 20 attendees, and will occur between the hours of 6 pm-9 pm Thursday or Friday, or 10 am-3 pm Saturday
- Other events, which will take place outside of business hours, concluding by 9 pm Monday to Wednesday, by 10 pm on Thursday, and 11 pm Friday to Sunday.

Two on-site car parks will be provided for Alderwood Speaker staff.

Signage will be displayed internally to remind patrons to be considerate to the amenity of neighbours when leaving the premises.

The building has one male and one female toilet for patron use, and therefore under building regulations has capacity for 50 patrons.

It is not proposed to alter the building internally or externally, apart from works relating to safety and access that may need to be undertaken to be granted building approval for the proposed use.

A complete set of application documents, including plans, are provided for Councillors under separate cover.

Policy and Legislative Context

Zoning

The subject land is located within the Commercial 1 Zone (C1Z) which requires a planning permit for the use of land for 'Place of Assembly'.

Overlays

The site is also located within the Heritage Overlay (Schedule 218). The proposed use does not trigger any permit requirement under the Heritage Overlay provisions.

Planning Policy Framework (including Municipal Strategic Statement and local policy)

The following clauses from the PPF are considered relevant to this permit application:

Clause 11 Settlement

- Clause 11.01 Victoria
 - Clause 11.01-1S Settlement
 - Clause 11.01-1R Settlement – Great South Coast
- Clause 11.03 Planning for Places
 - Clause 11.03-1S Activity Centres

Clause 13 Environmental Risks and Amenity

- Clause 13.05 Noise
 - Clause 13.05-1S Noise Abatement
- Clause 13.07 Amenity and Safety
 - Clause 13.07-1S Land Use Compatibility

Clause 19 Infrastructure

- Clause 19.02 Community Infrastructure
 - Clause 19.02-3S Cultural Facilities
 - Clause 19.02-4S Social and Cultural Infrastructure

Clause 21 Municipal Strategic Statement

- Clause 21.01 Introduction
 - Clause 21.01-2 Key Issues and Influences – seeks to maintain the viability of townships and rural communities in the face of declining population.
 - Clause 21.01-3 Vision and Strategic Framework Plan – seeks the protection and enhancement of places of cultural heritage; strives for a connected and thriving community
- Clause 21.04 Economic Development
 - Clause 21.04-3 Commercial and Industrial Areas – seeks to promote the Shire as an attractive and desirable place to work, live, visit and invest; seeks to maintain and strengthen township retail centres.
- Clause 21.06 Local Areas
 - Clause 21.06-2 Cobden – seeks to maintain the existing commercial centre and encourage commercial infill, and protect and enhance the heritage features of the built landscape.

Particular Provisions

Clause 52.06 Car Parking

The current capacity of the premises is 50 patrons (Building Regulations), with 15 car parking spaces required onsite, based on the table in the Clause. A permit is required to reduce the number of car parking spaces.

Two car parking spaces will be provided on-site for staff. A reduction of 13 is required.

Internal / External Consultation

Referrals

No mandatory Section 55 referrals under the *Planning and Environment Act 1987* were required by the Planning Scheme for the application.

Internal Referrals	Response
Assets Planning	No objection. Comments for on-street parking.
Environmental Health	No objection.
Heritage	Support proposed use of heritage building
Building	No objection. Building permit for proposed use will be required.

Advertising

The application has been advertised in accordance with Section 52 of the *Planning and Environment Act 1987* by:

- Sending notices to owners and occupiers of adjoining and nearby land
- Placing a sign on-site
- Notice on Council's website.

Nine submissions were received, provided for review under separate cover. Two of these were objections received prior to the site inspection and seven were received in support of the proposal, after the site inspection.

The matters raised in the objections are summarised as:

- Amenity impact from noise, music and patrons
- Car parking
- Commercial competition.

Copies of the objections were provided to the applicant with a response provided on 2 October 2019 and sent to submitters.

Consultation

Consultation for the application was undertaken with the applicant and Planning Officer during April and May 2019, before the submission of the application.

An on-site Council site inspection was held on 1 October 2019 in which an application summary and overview was provided, along with an opportunity to discuss specific aspects of the application. Objectors were also provided a chance to raise their concerns.

On 2 October 2019, the applicant provided a letter of response to objector concerns and matters raised at the Council site inspection. The applicant also provided letters of support for the proposed use.

Planning Assessment

Assessment of the planning application will address how the proposal responds to the applicable planning controls of the Corangamite Planning Scheme, including the Planning Policy Framework (PPF), zone and decision guidelines of Clause 65.

The application raises matters for Council to consider, including appropriateness of the use, amenity, safety and car parking.

Planning Policy Framework

The PPF provides broad support for settlements in Victoria to have community facilities that add to a strong cultural environment and provide increased access to arts, recreation and other cultural facilities. Cultural and community facilities should be centrally located and highly accessible. Cultural facilities in small towns add to a strong identity and sense of place and can support resilient communities. The PPF also seeks to control adverse amenity impacts to the community.

At a local level the PPF encourages the activation of commercial zoned land in the Shire's towns, to provide more vibrancy and assist in making the Shire's towns attractive and desirable places to work and live. Local policy also supports the use of heritage buildings in a manner that will enhance the identified heritage significance of the buildings.

The proposed use of the site for Place of Assembly, to enable small scale cultural and community events, is considered to comply with policy direction for townships to have accessible and centrally located cultural facilities.

The Council Plan (2017-2021) and the Economic Development Strategy (2017-2021) reinforce Council's commitment and support for economic development, business investment and community facilities.

Subject to a detailed assessment of technical matters and consideration of amenity impacts, the proposal is supported by the PPF.

Commercial 1 Zone

The purpose of the zone is to create vibrant mixed-use commercial centres, including retail, entertainment and community uses, and to provide for residential uses at densities complementary to the role and scale of the commercial centre.

Where land in the Commercial Zone is used for residential purpose, the amenity is not expected to be the same level as the General Residential Zone, as the purpose of the zone is aimed at commercial and cultural activity, which can take place during daytime and evening hours.

Provisions in the zone require that land use must not detrimentally affect the amenity of the neighbourhood, including through the emission of noise.

Having regard to the decision guidelines of the zone, the following comments are made:

- The impact of the proposed use on the adjoining residential areas is considered to be acceptable. The amenity impact of the intended use can be controlled by conditions on the permit, including the hours of operation, and the requirement to comply with EPA regulations for noise.
- The existing use of the site ('Alderwood Speakers') is not expected to have any adverse impact on the proposed use. The existing uses of adjoining land are consistent with typical commercial areas and are unlikely to significantly impede on the proposed use provided appropriate conditions and measures are put in place.
- The use of the site for 'Place of Assembly' will generate some traffic and demand for on-street car parking. The site has a capacity for 50 patrons, based on the number of toilets provided (building regulations). The proposed events will mostly be held in evenings, outside of business hours. There is sufficient capacity for on-street parking to accommodate the maximum demand.

The proposed use aligns with the zone purpose to create vibrant mixed use commercial centres, which includes entertainment and community uses. The proposed use complies with the decision guidelines of the zone. Conditions on the permit will control any adverse amenity impacts to the neighbourhood due to noise.

Car Parking

Impacts related to the lack of on-site car parking are considered to be acceptable, given the availability of on-street parking, and the proposed hours for most of the events being outside of business hours. Having regard to the particular provisions at 52.06 for Car Parking, 15 car parking spaces are required to be provided on-site. The applicant proposes to provide two on-site car parking spaces. There are 18 on-street car parking spaces within 30 metres of the subject site. The shortfall of on-site car parking for the proposed use is not considered likely to lead to unreasonable adverse amenity or parking access customers for the nearby businesses.

Response to Objections

Two submissions objecting to the application have been received. Seven submissions were received in support of the application. A copy of these submissions can be found under separate cover.

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

Objection	Officer response
Car Parking	<u><i>Objection not supported</i></u> Two car parks will be provided on-site for staff. There is sufficient on-street car parking to accommodate the proposed use and demand for existing businesses.
Amenity impacts from noise, music and patrons.	<u><i>Objection supported in part</i></u> The proposed place of assembly may result in noise emissions. A condition will be included on any permit to ensure that noise emissions from the facility comply with EPA requirements at all times, whilst hours of operation will be controlled to further manage the use.
Commercial competition	<u><i>Objection not supported</i></u> Commercial competition is not an issue to be considered under the <i>Planning and Environment Act 1987</i>

Options

Council has the following options:

1. Issue a Notice of Decision to Grant a Planning Permit, subject to conditions as set out in the recommendation. (Recommended option). This option enables the use to continue without the need to repeatedly apply for a PoPE and provides an opportunity for Council to impose conditions to control the use and address site management and amenity.
2. Issue a Notice of Decision to Grant a Planning Permit, with changes to recommended conditions.
3. Issue a Notice of Refusal to Grant a Planning Permit.

Conclusion

The application for the Use of the land for a Place of Assembly and Reduction of Car Parking, is supported by the relevant policy and decision guidelines of the Corangamite Planning Scheme.

The proposal complies with the purpose of the Commercial Zone, providing for cultural and entertainment activities to occur, managed by clear and detailed permit conditions, and will result in a proper and orderly planning outcome.

It is recommended that Council issue a Notice of Decision to Grant a Planning Permit.

RECOMMENDATION

That Council having caused notice of Planning Permit Application No. PP2019/055 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987*, decides to issue a Notice of Decision to Grant a Permit under the provisions of the Corangamite Planning Scheme in respect of the land known and described as 56 Curdie Street, Cobden, Lot 1 TP 328933, for Use of Land for a Place of Assembly and Waiver of Car Parking, subject to the following conditions:

Layout Not Altered

- 1. The use as shown on the endorsed plans must not be altered without the written consent of the responsible authority.**

Hours of Operation and Events

- 2. The use hereby permitted must operate only between the following hours, unless varied with the written consent of the Responsible Authority:**
 - (a) Live music concert (maximum once per month): Friday or Saturday 6 pm-10 pm, or Sunday 1 pm-4 pm**
 - (b) Movie screening (maximum once per month): Friday or Saturday 6 pm-11 pm**
 - (c) Workshops: Thursday to Friday 6 pm-9 pm, Saturday 10 am – 3 pm**
 - (d) Other events: Monday to Wednesday 5 pm-9 pm, Thursday 5 pm-10 pm, Friday 5 pm-11 pm, Saturday to Sunday 10 am-11 pm**

Amenity

- 3. The use must be managed so that the amenity of the area is not unreasonably affected, through the:**
 - (a) transport of materials, goods or commodities on the land;**
 - (b) appearance of any building, works or materials;**
 - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;**
 - (d) presence of vermin and insects or otherwise.**

Noise

4. The use must be designed and operated to comply with State Environment Protection Policy (Control of Music Noise from Public Premises) N-2 to the satisfaction of the Responsible Authority.

External Lighting

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

Car Parking

6. A minimum of two car parking spaces must be provided on-site for the use to the satisfaction of the Responsible Authority.

Permit Expiry

7. This permit will expire if the use is not commenced within two years of the date of this permit.

In accordance with section 69 of the *Planning and Environment Act 1987*, the Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months of the permit expiry date, where the use allowed by the permit has not yet started.

Permit Note

This permit does not authorise expansion of the use of the land for Place of Assembly beyond the area of the existing building, as shown on the endorsed plans.

COUNCIL RESOLUTION

MOVED: Cr Beard
SECONDED: Cr Illingworth

That the recommendation be adopted.

CARRIED

Attachments

1. PP2019/055 Planning Application Cobden - Under Separate Cover
2. PP2019/055 Combined Submissions Cobden - Under Separate Cover

9. OFFICERS' REPORTS

9.1 Annual Report 2018-2019

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 information regarding the 2018-2019 Annual Report, which has been previously provided to Councillors.

Introduction

Council is required to prepare and circulate an annual report for each financial year based on requirements in the *Local Government Act 1989* (the Act) and *Local Government (Planning and Reporting) Regulations 2014*.

The Annual Report was sent to the Minister for Local Government by 30 September 2019, as required by the Act, and is available on Council's website www.corangamite.vic.gov.au. Printed copies are available from Council's Community Relations team on request.

Issues

The Annual Report details Council's activities throughout the previous financial year and includes:

- The Report of Operations, demonstrating how Council performed against the 2017-2021 Council Plan, the Annual Action Plan and Budget for 2018-2019
- Audited performance statement and audited financial statements
- Council's measures for the Local Government Performance Reporting Framework indicators.

During the year, Council farewelled Cr Bev McArthur after she was elected to State Parliament as Member for Western Victoria, and welcomed Cr Wayne Oakes following a Victorian Electoral Commission countback to fill the vacancy.

Overall, Council continues to be in a strong financial position, delivering an operating surplus of \$7.21 million, against the predicted surplus of \$2.56 million. Council's revenue in 2018-

2019 was \$56.84 million, with expenditure of \$49.62 million. Council remained debt free, with no new borrowings during the year, and delivered a capital works program of \$12.07 million. \$25.31 million was secured in grants funding, including \$680,000 for fire recovery following the South West Complex Fires in March 2018. The general rate increase was 2.25 %, with a municipal charge of \$197.65 and waste management charge of \$360.

Throughout 2018-2019 Council completed the \$5.2 million Castle Carey Bridge project, upgraded 200 km of local roads, concluded its Fire Recovery program after 15 months following the South West Complex Fires, and experienced a significant increase over a range of performance areas in the annual Community Satisfaction Survey ratings. Other highlights and challenges experienced during the year are identified below.

Highlights during 2018-2019

- Funding of more than \$100 million for Shipwreck Coast Master Plan projects from the State and Federal governments
- An increase in the value of building permit activity by \$12.5 million from the previous year
- Stage 2 of the Camperdown Streetscape to improve accessibility and amenity in the Clocktower precinct.
- Installation of a new concrete bridge for Bones Access Road, near Chapple Vale
- Successful advocacy for Federal funding of a mobile phone tower in Jancourt East, a vital step towards addressing one of the Shire's mobile phone black spot areas
- Delivery of more than 4,000 kitchen FOGO caddies to households
- Successful Arts and Cultural events, including performances of Much Ado about Nothing and The Tempest
- After School and Kindergarten programs commencing in Timboon and Terang
- Replication of Council's We Know Your Name But Not Your Story project by other councils
- Launching of Corangamite Shire E-News in February 2019, sending a monthly e-newsletter to an existing database of 3,300 emails
- Participation in the development of the Dairy Supply Chain Study Investment Prospectus; a business case for State Government investment in the arterial road network to support the Dairy Industry
- Secured \$4.5 million in funding from the Rural Councils Transformation Program for a collaborative Information Technology project with Moyne Shire and Warrnambool City Council.

Challenges during 2018-2019

- The crumbling 603 km arterial road network continues to be chronically underfunded by the State Government, affecting industry
- Lack of confidence by households due to the recycling crisis may have affected good waste disposal practices
- A dramatic rise in visitor numbers to the Twelve Apostles/Port Campbell National Park is adversely impacting the surrounding environment
- Local emergency services groups are under strain, calling out for support from the State Government
- A new Local Government Act will require resourcing to implement changes
- Corangamite's population is predicted to remain stagnant at approximately 16,000
- An ageing population will increase demand for Council services.

It is acknowledged that Council's achievements and ability to meet its challenges are due to the contribution of Councillors, staff, committee members, volunteers and community partners.

Policy and Legislative Context

Sections 131, 132 and 133 of the *Local Government Act 1989* require Council to prepare an annual report, containing the relevant statutory reporting data, and submit the report to the Minister for Local Government within three months of the end of the financial year, in addition to making the report available to the public. The *Local Government (Planning and Reporting) Regulations 2014* details the reporting requirements.

Section 134 of the Act requires Council to consider the Annual Report in a meeting open to the public, after the report has been submitted to the Minister and made publicly available.

Preparation and discussion of the Annual Report 2018-2019 at a public meeting is also consistent with the Council Plan 2017-2021 which states:

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

As required by the Act, a public notice was placed in local newspapers to advise that the Annual Report for 2018-2019 has been prepared and will be considered by Council at the October Council meeting.

The Annual Report was prepared in consultation with managers, senior officers, other staff and Councillors.

In relation to the performance and financial statements, Council provided in-principle approval to the statements for the year ending June 2019 at the 24 September Council Meeting and endorsed Councillors Durant and Brown to certify the statements in their final form. Council's Audit Committee considered the draft statements at its meeting on 12 September and recommended in-principle approval of the statements by Council.

Financial and Resource Implications

Preparation, design and publication of the 2018-2019 Annual Report was achieved through existing budget allocations.

Options

Council is required to consider the Annual Report at a meeting of Council open to the public.

Conclusion

The Annual Report 2018-2019 provides an overview of the highlights and challenges for Corangamite Shire, as well as reporting on Council's performance results measured against the Council Plan, Annual Action Plan, Budget and prescribed performance indicators.

Councillors, staff, committee members, volunteers and community partners are commended for their contribution towards Council's achievements during 2018-2019.

RECOMMENDATION

That Council considers the 2018-2019 Annual Report.

COUNCIL RESOLUTION

MOVED: Cr Durant

SECONDED: Cr Oakes

That the recommendation be adopted.

CARRIED

9.2 Urban Street Tree Management Policy

Author: Mikayla Hein, Manager Works

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 - Mikayla Hein

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

Summary

This report seeks Council endorsement of the Urban Street Tree Management Policy, which along with the Procedures provide a framework for the management of Corangamite Shire's urban street trees.

The policy was incorporated in the Urban Street Tree Asset Management Plan 2018-2028. Since that time the Long Term Asset Management Plan 2019-2029 (with corresponding Schedule 5: Urban Street Trees Asset Management Plan) has been adopted by Council and the Urban Street Tree Asset Management Plan (including the policy) revoked. The policy remains unchanged and has now been developed as a separate document for the management of Corangamite Shire's tree assets and to align with the Long Term Asset Management Plan 2019-2029.

This policy has had extensive review by way of community consultation and internal Council consultation previously as the "Urban Street Trees Asset Management Plan" adopted in April 2018 by Council. The attached Urban Street Tree Management Policy is now recommended for adoption.

Introduction

The Urban Street Tree Management Policy (the Policy) and Procedures have been developed to formalise and guide the way in which Council manages its tree assets. The Policy also assists Council in meeting its obligations under the relevant codes, legislation, Australian Standards and guides.

The Urban Street Tree Management Policy and Procedures have been designed to maintain each town's unique character while managing risk and other potential conflicts. The Policy provides policy principles and a framework for how Corangamite Shire addresses the following areas:

- Tree Management
- Risk Identification and Mitigation

- Tree Inspections and Assessments
- Tree Selection and Planting
- Tree Removal
- Tree Protection
- Infrastructure Protection
- Electric Line Clearance
- Tree Maintenance
- Environmental and Community Imperatives
- Pests and Disease control
- Significant Trees
- Existing Tree Controls and Regulation.

In maintaining each town's unique character; the Policy also considers, recommends and limits the appropriate replacement trees species. These replacement species have been selected based on the current town plantings and streetscape developments, town character, maintenance requirements and to reduce conflict between the tree assets and other assets close by, namely infrastructure and property.

Issues

There are several main issues that currently cause concern in the community and within Council. These are:

- Large trees under power lines and the maintenance pruning by third parties
- Species selection and plantings
- Public liability, damage to private property and personal injury
- Inappropriate selection of replacement trees
- Conflict with infrastructure assets owned by Council, public and privately-owned infrastructure both above and below ground and private property
- Consultation with community and residents directly affected is *ad hoc*
- The level of commitment to filling vacant tree spaces.

In order to address all these issues, the Urban Street Tree Management Policy and Procedures formalise the way in which Council will respond to, and handle, any of these issues. They also assist Council in meeting its obligations under the relevant codes, legislation, Australian Standards and guides.

The framework looks at providing a whole-of-life tree management procedure rather than the shorter-term removal and replacement approach. It deals with appropriate species selection to minimise conflict between infrastructure assets and trees as well as the community, whilst maintaining the current town character as its basis for species selection.

Policy and Legislative Context

The Urban Street Tree Management Policy and Procedures are in keeping with the commitments in the 2017-2021 Council Plan:

Improve the appearance of our towns and public spaces.

Township infrastructure will contribute to safe and accessible public areas.

The Urban Street Tree Management Policy and Procedures will assist in delivering on Council's obligations in the following areas:

- *Road Management Act (2004)*
- *Local Government Act (1989)*

- *Electrical Safety (Electric Line Clearance) Regulation 2015*
- Victorian Native Vegetation Framework (DSE 2007)
- AS 4373 1996/07 – Pruning of Amenity Trees
- AS 4970 2009 – Protection of Trees on Development Sites
- Risk Management Policy
- Camperdown Electrical Line Clearance Management Plan
- VicRoads – “A Guide to Tree planting within the Road Reserve”
- Corangamite Shire – Planning Permit – Tree Removal
- Native Vegetation Retention Controls
- Rural Roadside Management Plan – Feb 2012
- Powercor: ‘Your Guide to Planting Near Electricity Lines’
- *Code of Practice for Powerline Clearance (Electricity Act).*

Internal / External Consultation

Consultation in each of the towns and with internal staff was undertaken as a part of the development of the Urban Street Tree Asset Management Plan in 2017. Since this time the Policy has been referenced as required and provided the appropriate direction to guide decisions for Council, residents and the broader community.

There have been no changes to the Policy since it was adopted by Council as part of the previous Urban Street Tree Asset Management Plan.

Financial and Resource Implications

The cost to manage Council’s urban street trees is considered on an annual basis as a part of the development of the annual capital and maintenance budgets. The Policy will provide direction on spending for maintenance budgets and priorities as well as Capital street tree project.

Options

Council can choose to adopt the Urban Street Tree Management Policy as presented, or opt to amend or reject the policy and request further review and presentation to a future Council Meeting.

Conclusion

The Urban Street Tree Management Policy and Procedures aims to provide a framework around how the Council manages its tree assets, guide a greater commitment to street tree plantings and manage the risks that are associated with the tree assets.

The Policy and Procedures provide a comprehensive plan for dealing with issues around tree management, planting schemes, tree species selection and risk management.

RECOMMENDATION

That Council adopts the Urban Street Tree Management Policy dated October 2019.

COUNCIL RESOLUTION

MOVED: Cr Gstrein
SECONDED: Cr Illingworth

That the recommendation be adopted.

CARRIED

Attachments

1. Policy Council Urban Street Trees - October 2019
2. Procedure Council Urban Street Trees - October 2019 - Under Separate Cover



**CORANGAMITE
SHIRE**

Urban Street Trees Management Policy

Corangamite Shire
October 2019

Council Policy



Urban Street Trees Management Policy

Introduction

Background

The Corangamite Shire Council is committed to providing aesthetic, environmentally pleasing and sustainable landscape for the community.

The objective of this policy is to provide the Council with a strategic direction for managing urban street trees. The outcome of this policy is to provide Council staff, contractors and planners guidelines which will assist with any decision making involving urban trees.

Framework

Any works associated with street trees planned by Council, contractors, authorities or any other person working on Council managed land must consult this policy and the relevant policies.

It does not include:

- Rural roadsides (refer Rural Roadside Management Plan)
- The Elm Avenue on Manifold Street, Camperdown (refer Avenue Restoration Management Plan)
- The Camperdown Botanic Gardens (refer Camperdown Botanic Gardens and Arboretum Conservation Management Plan).

The policy and its associated procedures are to be reviewed three years from adoption by Council.

Purpose and Objectives

This policy has been developed to meet the following objectives:

- To establish best practice in the management of trees which are significant asset to the Council and its communities.
- To identify and quantify the trees throughout the Shire's towns in order to ensure the correct management of all the trees across the Shire.
- To reduce the inappropriate species selection in nature strip plantings by establishing species lists for each town.
- To select replacement species which have:
 - High survival potential
 - Minimal maintenance requirements
 - Aesthetically pleasing
 - Minimal impact on infrastructure.
- Establish guidelines for the appropriate method of removal and replacement of urban street trees.
- To enhance the overall aesthetics of Council's streetscapes for the enjoyment of the community.

Adopted at Council on:
Agenda Item:
Responsibility: Manager Works
Document Number:

Department: Works
To be reviewed by: October 2022
Policy Number:
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Scope

Tree Management Responsibilities

The tree management responsibilities defined within this document are applicable only to those areas directly under the control of the Corangamite Shire Council and within the town boundaries of those townships mentioned above including streets and parks. It is often difficult to define where the various boundaries of responsibility begin and end as there are many other Responsible Authorities, including private property owners and committees of management.

Approximately 2,070 trees reported in 2012 were not the responsibility of Council and have not been included in the condition audit and assessment and consequently are not subject to this policy. An additional 1,332 additional trees from Council sites have been included from areas such as Cobden Racecourse Reserve (588), Jaycees Park Simpson (80), Jaycees Park Camperdown (68) and Apex Park Camperdown (21).

Tree Management Issues

The costs, financial and social, of not managing trees correctly can be high. Trees, just like other infrastructure, need to be managed to maximise their benefits and minimise any adverse effects and cost. Assets such as trees do not behave evenly over their life and are prone to many factors outside the control of the tree owner/steward such as drought, weather, disease and ageing.

Trees take many years to develop to maturity and provide maximum benefits to the community and the local ecology. They cannot be quickly replaced. In considering climate change theory, trees will have to endure whatever climatic changes occur in their life-time. Given that trees may live for a period of up to one hundred years or more, pre-empting possible changes is important. Climate variability has been recorded for 150 years. Reviewing the species that were planted locally and their performance over time provides useful data on which to evaluate the future use of these species or alternate similar species.

Any tree asset comes with a level of inherent risk. Identifying and managing (minimising) that risk is essential. In urban environments, people, buildings and other infrastructure will be in close proximity to trees. In public areas containing trees, Council, and some other authorities, have a duty of care to provide all residents and visitors with a safe environment. The potential for ongoing conflict of trees with persons and property is magnified as populations grow and ageing trees decline.

Insurance companies require a certain standard for identifying all trees and their hazards, recording information and developing tree management strategies, policies and maintenance programs. The cost to Council of not correctly managing their various assets can be significant. Insurance premiums (which are based on the quality of management) and legal duty of care responsibilities have the potential to impact significantly on the finances of Council.

Many tree management practices of the past were poorly considered and based on short-term goals. Arboriculture as a science has progressed significantly over the last twenty five years and there is now a greater understanding of items such as tree physiology, branch structure, wounding response, and root-growth characteristics.

Detailed information on an asset is required to effectively manage it. Council collects and

Adopted at Council on:
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Department: Works
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Corangamite Shire Council Policy - Urban Street Trees Management Policy

maintains an inventory of all trees (Data-base) that includes their location, species, condition, size and surrounding environment which provides the basis for making qualified and informed decisions. It is essential to be able to interrogate and update this data.

Controlling the diversity in age and species is very important in creating a “sustained amenity” approach. Analysis of the makeup of the tree population is now much easier using computer software but does rely on regular and timely updating of the information. The effectiveness of decision-making can be determined relatively quickly by tracking any changes in the asset.

Trees create very emotive feelings in residents and can often polarise the community. The two main divides are those who wish to “Retain” versus “Remove” trees and preferences for “Native” versus “Exotic” trees. Unlike most residents, trees are not transitory and should not be subject solely to the preferences of the residents or individuals of the time. Decisions made today are going to determine the tree scape and quality of the Urban and Park environment for several generations to come. Policies and Procedures for considering residents’ views, explaining management rationale, and minimizing any conflicts are essential in managing the tree asset.

A programmed approach to managing an asset is essential. Residents expect a professional level of response to tree problems or requests. Weather and vehicle accidents for example can also create a need for unplanned tree works. The conflict between Programmed and Reactionary Maintenance will always be present and needs to be managed carefully when Council’s level of resources is constrained.

Risk Mitigation or Hazard Abatement should be the determining factor in balancing Programmed versus Reactionary works. Powerlines Works, infrastructure development, disease, climate and a combined desire for rational uniformity provide a consistent challenge in trying to achieve an effective, valued landscape.

Urban Trees

Trees and infrastructure often conflict with each other within the urban environment and enhancing the benefits of trees whilst minimising the disadvantages is a challenge. Choosing the right species for the right location or creating the right location and/or environment for the desired species is key. There is now a much wider variety of ornamental and native tree species to select from that are tolerant of or predictable in, harsh urban conditions. Providing sufficient space for and raising public awareness of the advantages and the disadvantages of large trees is also important – whilst more and larger trees for the future are desirable, the consequences are also greater.

Definitions

‘Arborist (Qualified)’ - person with a Certificate IV in Arboriculture as a minimum (or equivalent qualification) or higher and a minimum of three years of relevant industry experience.

‘Diameter at Breast Height (DBH)’ – a pertinent measurement taken at approximately 1.4 metres above the ground, that being a convenient height at which to measure a tree’s diameter. For trees on slopes, multi-trunked trees, leaning trees or where branches are growths interfere with measuring at 1.4 metres refer to the Australian Standard AS 4970 2009 – Protection of Trees on Construction Sites.

Adopted at Council on:
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Responsibility: Manager Works
Document Number:

Department: Works
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Corangamite Shire Council Policy - Urban Street Trees Management Policy

'Hazard Tree' - A structurally unsound tree deemed to be an immediate risk to persons, property or infrastructure.

'Immediate Risk' - An 'Immediate Risk' (AKA Hazardous) relates to risk where "*the danger is to be present, immediate or imminent and not remote either as to likelihood or as to time of occurrence (in other words something not to be expected for years to come)*". Usually a situation with serious implications of damage (or worse) to persons or property - within 24 hrs of its notification

'Poor Health' – foliage colour and density plus annual shoot/extension growth plus wound wood development all severely retarded and/or outer canopy dying back and/or pest and disease/s present and causing significant affects.

'Poor Structure' – extensive decay and/or structural defects affecting the main branch/trunk framework, extensive remedial work required or not practical/possible.

'Sustained Amenity' – (AKA Urban Forestry) is the creation and management of a tree population that contains a range of species and age classes within a local population; from new planting right through to mature trees. Amenity is sustained i.e. visual amenity of the landscape managed in this way does not fluctuate wildly. The need to remove many trees at the same time and rapid changes in the local landscape is avoided. Removal and replanting of trees take place continually or irregularly throughout the whole of the tree population.

'Tree Incident' - the failure of any part of a tree that caused or realistically could have caused damage or injury to persons or property or where damage or injury was caused to a tree by another party.

Definitions of Tree Descriptions and Terminology

Age

Young	Juvenile tree recently planted. Last 1 – 5 years
Semi-mature	Tree still growing
Mature	Specimen has reached expected size in current situation
Senescent	Tree is over mature and in decline.

Form

Good	Canopy full and symmetrical
Fair	Minor asymmetry or suppression. Considered typical for species in situation.
Poor	Canopy suppressed, major asymmetry. Stump regrowth

Health

Adopted at Council on:
Agenda Item:
Responsibility: Manager Works
Document Number:

Department: Works
To be reviewed by: October 2022
Policy Number:
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Corangamite Shire Council Policy - Urban Street Trees Management Policy

Good	Crown full, with good density. Foliage entire with good colour; minimal or no pathogen damage. Good growth indicators, e.g. extension growth. No or minimal canopy dieback. Good wound-wood development.
Fair	Tree is exhibiting one or more of the following symptoms: <ul style="list-style-type: none"> • tree has <30% dead wood • minor canopy dieback • foliage generally with good colour, some discolouration may be present • minor pathogen damage present • typical growth indicators, e.g. extension growth, leaf size • canopy density for species in location may be slightly abnormal.
Poor	Tree is exhibiting one or more of the following symptoms: <ul style="list-style-type: none"> • tree has >30% dead wood • canopy die-back present • discoloured or distorted leaves and/or excessive epicormic growth • pathogen is present and/or stress symptoms that could lead to or are leading to decline of tree.
Dead	Tree is dead.
Structure	
Good	Good branch attachment and/or no minor structural defects. Trunk and scaffold branches sound or only minor damage. Good trunk and scaffold branch taper. No branch over extension. No damage to structural roots and/or good buttressing present. No obvious root pests or diseases.
Fair	Some minor structural defects and/or minor damage to trunk. Bark missing. Cavities could be present. Minimal or no damage to structural roots. Typical structure for species type.
Poor	Major structural defects and/or trunk damaged and/or missing bark. Large cavities and/or girdling or damaged roots that are problematical.
Hazardous	Tree poses immediate hazard potential that should be rectified as soon as possible.
Vigour	Good, fair or poor: this describes the ability of a tree to promote extension growth and wound-callus effectively; this is directly related to the annual progress of tree growth, including root systems, which are dependent on in-situ and environmental conditions.
General condition	Describes a tree or group of trees in a broad term of convenient precis that considers all these tree descriptors.

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Useful Life Expectancy (ULE) Life Useful Life Expectancy (ULE) means that in a planning context the length of time a tree can be maintained as a useful amenity and not a liability is by far the most important long-term consideration. Trees are a renewable resource.

Definitions of Remedial Tree Pruning Works Descriptions

All Remedial Pruning Works recommendations are not essentially aesthetic; they are necessary for reinvigorating or preserving older trees and reducing the potential for further immediate failure. These perspectives are effective when extending the Useful Life Expectancy (ULE) of older trees. The natural role of Plant Growth Regulators (AKA Hormones) can be enhanced by appropriate pruning to promote the specimen.

Due to the age, size, condition, history and proximity to public access it is necessary to apply Remedial Works to minimise the typical large limb failure potential for which some Mature Trees are known.

'Crown Thinning' (**CT**) - is the selective removal of branches to increase light penetration and air movement through the canopy, it may also serve to reduce the weight of certain branches or Branch Fork Unions; this technique is also known as Drop-Crotching.

'Crown Reductions' (**CR**) - reduce the potential wind influence upon a tree and consequently encourage new growth lower down within the canopy. This in-turn promotes new root growth, which is of the utmost importance for older trees thereby allowing the tree to feed more effectively and improve root anchorage.

'Dead Wood' (**DW**) - Removal reduces Pest & Disease infestation and eliminates current potential for public liability.

'Limb Reduction' (**LR**) and 'Weight Reduction' (**WR**) - serve to enhance a truer Tree Form whilst focusing new growth in a desired direction by the influence of inherent natural Plant Growth Regulators; this may be necessary in an altered or contrived environment or to maintain Tree Form whilst reducing the potential for Branch Drop.

'Under Pruning' (**UP**) - serves to allow public egress, sight distance, security, light spill or to achieve vehicular access.

References

- AS4373 1996/2007 – Pruning of Amenity Trees
- Tree Pruning Guidelines, Performance Committee, International Society of Arboriculture; 1995
- Arboriculture, Integrated Management of Landscape, Trees, Shrubs and Vines. Harris, Clark & Matheny
- Urban Landscape Management. Dr James Hitchmough, 1994

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Policy Detail

1. Tree Management

Principles

Trees provide net benefits to communities and form an essential part of existing and newly developed areas. Corangamite Shire has a significant tree legacy and Council has a responsibility to preserve and enhance that legacy. The promotion of the benefits of public and private trees and correct maintenance and protection practices can create a greater appreciation of and pride in the Shire's tree heritage.

Public trees can however conflict with other essential infrastructure, whether it be public or private. General infrastructure management must serve to minimise these conflicts without serious detriment to the tree assets. Trees are just one component within a network of assets that Council has management responsibility for.

Trees are vulnerable and need a high degree of monitoring and protection to ensure their survival and development. Many activities or works can significantly affect the condition of the public tree asset. All works within or adjacent to public land needs to be properly planned and implemented to avoid or minimize any detrimental impacts on public trees.

Plans and procedures for trees should be reviewed regularly to ensure they remain effective and current. Trees potentially live for many generations and their environment, peoples' attitudes and management practices can change significantly over their life span.

Policy

- 1.1. Public areas including streets, parks, and car parks to be planted with trees consistent with policies.
- 1.2. A register of trees significant to Corangamite Shire and relevant protective management procedures be maintained over time.
- 1.3. Council promote professional tree care practices where appropriate amongst the local community and contractors (relevant to various benchmarks including the Australian Standard for the 'Pruning of Amenity Trees' AS 4373 1996/07).
- 1.4. All development projects incorporate planting of new trees where appropriate in conformance with section 4.0 "Tree Selection and Planting".
- 1.5. All works in the vicinity of existing trees within development projects incorporate protection of trees in conformance with section 6.0 "Tree Protection" (also refer Australian Standard AS 4970 2009 – Protection of Trees on Development Sites) Corangamite Shire seeks to provide adequate maintenance funding and pursue appropriate grant funding opportunities to ensure its tree population remain healthy and in a safe condition.
- 1.6. Council seeks to liaise with other authorities involved in public land to formulate agreements that minimise the conflicts between Council trees and other infrastructure and ensures compliance with the Road Management Act (2004).

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- 1.7. Council's tree maintenance works are focused on and prioritised towards tree protection and risk mitigation.
- 1.8. Tree issues and information are incorporated into a tree asset database and management system.
- 1.9. This Urban Street Tree Management Policy & Procedures, including all supporting procedures and lists, be subject to periodical review and continuous improvement.

Related Documents

- Road Management Act (2004)
- Victorian native Vegetation Framework (DSE)
- Corangamite Shire Roadside Management Plan
- AS 4373 1996/07 – Pruning of Amenity Trees
- AS 4970 2009 – Protection of Trees on Development Sites

2. Risk Identification and Mitigation

Principles

Trees have an inherent risk that must be managed effectively. A formal risk assessment of all situations where trees exist needs to be undertaken to accurately identify the risks, determine appropriate actions and assign priorities.

The risk associated with trees is a combination of the condition of the tree and the use around and in the vicinity of the tree. Council has a duty of care to reduce the level of risk to the public and potential financial burden on ratepayers.

Risk assessment/ potential should be the overriding factor in determining priority for works and allocating resources. Risks include hazardous trees, deadwood, falling fruit, sight distance issues, impact on public and private infrastructure and power lines clearance. The Australian Standard, Risk Management (AS/NZS 4360:2004) provides a sound methodology for managing risk.

The risk assessment based on selection of replacement plantings should consider but not be limited to the following:

- high survival potential
- minimal maintenance requirements
- fit with the current street scape theme for the town
- Potential effects on infrastructure e.g. power line clearance, tree root structure and size

Works by other sections of Council and external contractors and land-owners can have a significant impact on the risk potential of Council trees. Control over or awareness of works in the vicinity of Council trees is necessary to ensure risk minimization.

Policy

- 2.1. A formal risk assessment program in general conformity with the process set out in AS/NZS 4360:2004 is undertaken on the tree asset group.

- 2.2. Tree management practices and procedures adopt the general approach as laid out

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in AS/NZS 4360:2004.

- 2.3. Tree inspections are undertaken every 4 years with annual programs of tree maintenance works to be developed and documented based on the priorities identified in Council's tree risk assessment.
- 2.4. Tree risk management issues and information are incorporated into the asset database and management system.
- 2.5. All works and events likely to impact on, or be affected by, Council trees, be referred to Council's Manager Environment and Emergency at the planning stage.
- 2.6. The degree of use and nature of the use, likely impact on infrastructure of fully-grown tree, be major considerations in determining the location and species of trees to be planted.

Related Documents

- Risk Management AS/NZS 4360:2004
- Electrical Line (Electric Line Clearance) Regulation 2010
- Camperdown Electrical Line Clearance Management Plan

3. Tree Inspections and Assessments

Principles

Council has responsibility for trees in most of its streets, parks and roadsides and in public facilities such as Council Buildings, Swimming Pools and Community Halls. It is important that these trees are identified and assessed.

Council trees need to be inspected and assessed to determine their potential for public risk. Trees in "High Risk or High Use" areas and "Significant Trees" may require more frequent and / or detailed inspections. Inspections and risk assessments require standardised and documented procedures. Inspections should be undertaken by appropriately qualified and experienced people. This may involve Council use of external expertise and / or include education of Council personnel in appropriate Hazard Tree Assessment procedures.

An up-to-date computerised tree inventory system is required for effective tree management decision making and programming of works. Review of Council's tree inventory, inspection and works data should be undertaken regularly to review and adjust priorities.

Condition Assessment

A visual assessment of all urban nature strip trees be carried out. Previous audits were carried out in 2003, 2008 and 2012. The most recent assessment was carried out on foot with each tree inspected from multiple ground level aspects as well as spatially plotted via GPS.

All street trees are spatially located. Information is stored in the Strategic Asset Management software.

Formal street tree audits will be carried out every 4 years.

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The data to be collected and recorded includes:

Data Collection Field	Data Descriptions
Asset ID	Unique number auto generate on creation
GIS Ref	Automatic capture using DGPS Easting/Northing, Lat/Long
Street Planted	Street that the tree is planted in
Property Address	Address of the adjacent property
Nature Strip Width	<1,1-2,2-4,4+
Botanical Name	Genus and species of the surveyed tree
Common Name	Common name of the surveyed tree
Digital Photography	Image of tree/vacant site
Tree Age	Young Semi mature Mature
DBH	Trunk diameter estimated
Height	Tree height estimated
Width	Canopy width estimated
Health	Very Good Good Fair Poor Very Poor Dead
Structure	Good Fair Poor Very Poor
Powerlines	Failed High Voltage Low Voltage Aerial Bundled Cable (HV) Aerial Bundled Cable (LV) Service Wire Other None

Data Collection Field	Data Descriptions
ULE	0 Years 1 to 5 Years 6 to 10 Years 11 to 19 Years 20+ Years
Tree Risk Rating	Very High High Moderate Low Very Low
Failure Potential	As detailed
Failure Size	As detailed
Target Rating	As detailed

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Risk Score	Automatically calculated in the field
Works Required	Canopy lift
	Formative prune
	Dead wood removal
	Weight reduction
	Clearance pruning
	Co-dominant management
	Remove tree
	Exclude targets
	No Works required
	Power line clearance
Works Priority	Urgent
	High
	Moderate
	Low
	None
Defects	
Comments	

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A sample report is as follows:



Corangamite Shire Council

Tree Inventory - 2017



<p>ID: 2445</p> <p>Botanical Name: <i>Grevillea robusta</i></p> <p>Common Name: Silky Oak</p> <p>Origin: Native</p> <hr/> <p>Height x Width (m): 4m x 8m</p> <p>DBH (cm): 26 TPZ (m): 3.12</p> <p>Age: Mature ULE: 11-19 years</p> <p>Health: Good Structure: Poor</p> <hr/> <p>Defects: Decay in trunk, Trunk lopped</p> <p>Works: No works</p> <p>Priority: None</p> <p>Comments:</p>	<p>Nature Strip Width: 4-6m</p> <p>Tree type: Street tree</p> <p>St Planted: MCCRAE STREET</p> <p>Address: 66 THOMSON STREET, TERANG 3254</p> <p>Latitude / Longitude: -38.232717, 142.922434</p>
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Failure Potential: 5. Very Low

Failure Size: 4. 26-100mm

Target Rating: 4. Pedestrians, 3/day to 1/hr

Risk of Harm: 1/ 500000000



Overhead Power Line: Low & High Voltage

Inspection Date: 20/06/2017

Inspection Status: Updated



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Policy

- 3.1. A four-yearly program of tree inspections in streets, parks, and other facilities be developed to satisfy Council's risk management responsibilities and protection of assets.
- 3.2. All trees within the urban areas that are to come under the control of Council are to be assessed by appropriately trained personnel for their suitability for retention and to identify any remedial works required to bring them up to a good and safe condition.
- 3.3. Council develop and maintain an up-to-date inventory of street, facility and park trees under its responsibility and seek to develop this inventory to include significant trees over time
- 3.4. The Corangamite Shire street tree inventory includes the data mentioned above for each tree

Related Documents

- Risk Management AS/NZS 4360:2004
- Electrical Line (Electric Line Clearance) Regulation 2010
- Camperdown Electrical Line Clearance Management Plan

4. Tree Selection and Planting

General Principles

Street and park tree planting are best done in a programmed and sustainable manner. This approach is sound both environmentally and economically. It is also necessary to pre-plan what tree stock will be needed to be assured of obtaining the right species, good quality stock and at the right time. Corangamite Shire currently has over 17,069 tree sites, 4,568 of which are vacant.

A "Sustained Amenity" approach (also known as Urban Forestry) to provide a balanced diversity of tree ages and sizes should be followed to achieve long term stability of the tree population and landscape character. This approach must be balanced to achieve realistic outcomes within available budgets and resources.

The right mix of species and age diversity are vital components of a sustainable tree population. A general methodology for achieving this is for no genera to make up a predominant percentage of the whole tree population. The age of trees should also be spread evenly across the Shire between young and old trees to lessen the impact of or need, to remove whole areas of trees. A sensible approach with an integrated township application is desirable.

Priority for tree planting should be given to:

- Areas with a lack of trees
- Areas where residents or community groups have requested trees and are prepared to be involved in tree establishment and after-planting care
- High profile and high use areas
- Areas where there are high percentages of old aged trees, low species diversity and/or trees in poor condition
- Sites where trees have been removed
- New developments.

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When selecting tree species for street or park tree planting the following factors must be considered:

- Preferred "Landscape Character".
- Adopted masterplans, strategies, planning overlays and development plans
- The significance of previous history of tree planting.
- Drought tolerance/ water usage.
- Longevity. Durability. Hardiness and Amenity.
- Growth habit, size and structural integrity.
- Tolerance to harsh urban or structural environments.
- Soil type.
- Root growth characteristics and tolerances.
- Pruning requirements.
- Amount and type of organic debris shed.
- Proximity and form of surrounding existing and future infrastructure and potential impact.
- Solar radiation/orientation.
- Pests & Disease susceptibility or tolerance.
- Existing and future use of the surrounding area.
- Environmental and Habitat value.
- Possible poisonous or health effects.
- Weed potential.
- Existing and likely future adjacent land use.

New tree planting should reinforce the existing character themes of areas. Character areas may have been defined through various mechanisms that include Heritage or other Planning Overlays. They might consist of character types including *Exotic; *Mixed (exotic and native); and *Native (preferably indigenous).

Tree planting in Corangamite Shire has a long history and it may be culturally important to reinforce and/or replicate these early plantings in some streets or areas. Council must be consulted and give approval for any tree planting within streets and parks it controls or will take control of as Council ultimately becomes responsible for tree planting strategy, tree maintenance and any issues arising.

Only high-quality tree stock should be used and planted correctly as substandard trees or planting can increase maintenance costs significantly and conversely good quality stock and planting techniques dramatically increases establishment rates and the community's appreciation of trees.

Street and park tree numbers generally increase over time and maintenance costs will increase correspondingly. Correct species selection and planting technique, use of good quality stock and follow-up maintenance (e.g. weed control, formative pruning etc.) in the establishment phase can dramatically reduce maintenance costs and problems in the long term.

Large growing trees provide maximum landscape and environmental benefits and create the greatest visual impact. The ability to maintain or establish large growing species is becoming limited on both private and public land.

Tree planting by developers and others in land that will become the responsibility of Council must be done in consultation with and to the satisfaction of Council to ensure compliance with the principles listed above.

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Street Tree Principles

All streets should be planted with trees where space is available. Uniform tree planting within a street or block, in terms of species, age and spacing, provides the most appropriate planting within the central and older urban areas (*Exotic and *Mixed areas). Residents have very different opinions on their preferred species of tree, and it is not practical to attempt to satisfy every resident with personal tree preferences.

Trees should generally be centered on each building lot and planted opposite one another where possible.

Plantings are to be located appropriately within the nature strip. Ensuring visibility from driveways and awareness of proximity to powerlines and underground services. Depending on the size of the nature strip more than one tree per residence maybe desirable.

Planting in streets should be confined to species that are able to satisfy clearance or set-back requirements. Trees should be selected and maintained to provide a clear single trunk (Excurrent Form) for approximately one metre. Multi-stemmed (Decurrent or Deliquescent Form) trees are also viable in the appropriate context.

The location of and selection of street trees needs to consider possible effects on all other infrastructure and services. It may not be possible to eliminate all conflicts between infrastructure within the street, road or park.

Locations of street trees in the older areas e.g. in the road shoulder, is not always the best location for optimum growth but maintaining the historic fabric in these areas is very important. It will be critical to use specific planting techniques, establishment and maintenance practices that will maximise growth in these areas.

Street trees provide many benefits and establish much quicker and grow faster when residents take responsibility for their care in the early stages. Residents should be encouraged to be involved in planting and maintaining new trees e.g. by watering, mulch (not weed clippings), weed control etc.

Selection of tree species should take advantage of the wide range now available. A diversity of species spread across the Shire has multiple benefits e.g. disease tolerance, visual and seasonal variation, lower maintenance and habitat creation and diversity.

New or replacement street trees should be an integral component of any site. Council and developers need to work together to determine the appropriate tree planting and implementation programs. Generally, tree planting should be done at the earliest practical stage of any project/ development to get the maximum benefit.

Park Tree Principles

Park tree planting should not take place without proper consideration and consultation with Heritage Overlays, user groups; for major parks and reserves this ideally should be in the form of a site-specific Master plan. Existing Master plans, historic evidence and various precedents or existing management plans are to be used to guide tree planting, species selection, locations and priorities.

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Parks should contain large growing trees as large trees provide the most environmental and cultural benefits. Parks are one of the few spaces within urban environments where there is sufficient space to grow large trees to offer cultural, historic, botanic and local amenity whilst minimising conflicts with other infrastructure.

Tree planting in parks is becoming more important to ameliorate effects of climate change e.g. increased temperatures and solar radiation. Provision of adequate shaded areas in high use areas should be a priority. Tree planting in parks is also important to maintain, uphold and promote botanical, historical and cultural diversity.

Policy

- 4.1. Annual tree planting programs be developed and undertaken for Street Trees in Corangamite Shire's Townships with reference to township management plans.
- 4.2. All Corangamite Shire tree selection and planting programs conform to the "Tree Selection and Planting" principles.
- 4.3. The type of Street and park trees to be planted generally conform to the "Proposed Tree Planting Strategy for Townships" (refer Appendix 1)
- 4.4. No more than two different species generally to be used in any one street, or specific and definable sections of the street, within the "Exotic" and "Mixed" areas.
- 4.5. For the overall urban Council tree population: aim to have any one genre limited to no more than 30% and have an even spread of "age" classifications.
- 4.6. A "Tree Planting Procedure" or "Standard Guidelines for Tree Planting" be developed and implemented with trees to be planted in conformance with this procedure.
- 4.7. A method for consulting with residents and property owners that are immediately affected by Council tree plantings and any service authorities that may be affected be developed and included within Council's "Tree Planting Procedure" or "Standard Guidelines for Tree Planting".
- 4.8. All roads, street and car park designs include capacity for tree planting while minimising conflicts with other infrastructure to the satisfaction of Council. (See 'Standard Guidelines for Tree Planting' Pro-Forma.)
- 4.9. The species selected for planting should be selected on mature tree size considering the constraints of the site to create a definite visual impact on the site and provide for the necessary physical clearances.
- 4.10. All new development sites incorporate new tree planting within the adjoining street frontages and any open space areas where appropriate to the approval of Council. The provision of tree planting and establishment, for a minimum period of two years, to be at the developers cost.

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- 4.11. Any person or organisation wishing to plant trees, shrubs, herbaceous plants, or undertake any landscaping within a road reserve, park or other land under the control of Council must have permission in writing from Council.
- 4.12. Any trees or shrubs planted without Council permission and not in conformance with section Policy '4.0 Tree Selection and Planting' or Procedure 'Guidelines for Tree Planting') will be removed in accordance with Council's Tree Removal Procedure
- 4.13. All tree planting within a VicRoads controlled road to be undertaken after consultation with VicRoads and as far as is practicable comply with their planting procedures and the Road Management Act 2004.

Related Documents

- Victorian Native Vegetation Framework (DSE)
- Roads Act 2004
- Vic Roads – "A Guide to Tree planting within the Road Reserve."

5. Tree Removal

Trees can take many years to develop fully and once removed cannot be quickly replaced. Urban trees are organisms with a finite life-span; they grow in an environment frequently less favourable than needed, subject to numerous forms of damage, and can become a hazard. Removal of trees will therefore be a regular and necessary activity for Council and especially as tree assets age.

Removal of any tree has the potential to create a great deal of conflict as trees often instill very emotive feelings, both for and against removal. Tree removal decisions must therefore be done systematically and with due consideration of all factors and with an appropriate level of consultation.

General Principles

All state and local planning requirements controlling the removal of trees must be adhered to the following policies will be in addition to those requirements.

Any person or organisation wanting to remove a street, park or roadside tree has a responsibility to obtain permission through a permit system from Council as the managing authority of the road reserve or open space. Planning Permits are required for vegetation removal or lopping in accordance with Native Vegetation Retention Controls (NVR) when:

- The vegetation is an Australian Native or a Rare and Threatened Species or Community
- If it is indigenous vegetation greater than ten years old and is on land greater than 0.4 hectares
- On the register of significant trees

A permit is requested from the Council Planning Department who will refer the application to the Department Sustainability and Environment for guidelines and advice, or any other referral authority as appropriate to the application.

A planning permit is not required when if the vegetation is not indigenous, presents an immediate risk of personal injury or damage to property or is proclaimed as a noxious weed (further details can be found in the NVR and Councils Rural Roadside Management Plan).

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Removal of problem trees, reducing nuisance and costly public liability situations will be an ongoing responsibility of Council. Analysis of suitable Street and park trees for Corangamite Shire and ongoing assessment of the health and structure of existing trees must be undertaken to identify priorities for tree removal.

All Council tree removals should involve consultation with affected parties. Tree removal often causes serious differences of opinion. It is appropriate to assume residents and community members will have, to varying degrees, some emotional and/or physical attachment to adjacent trees. Prior consultation and involvement in the decision-making process generally minimizes concern and provides for good tree management.

Council trees can become an "Immediate Risk" to Persons and/ or Property and, simply cannot wait until a consultation process is undertaken. In these situations, a detailed record of the status of the tree should be made with information forwarded to Council's Manager Works for action. The recorded information may be also provided to adjacent residents upon request.

Trees are living organisms and have a finite life, so removal is inevitable. In an urban environment the location and/or use in the vicinity of a tree is a significant determining factor in the timing of the removal. Any trees removed should be replaced as a matter of principle if the opportunity exists in order to maintain the sustainability of the overall tree asset. Any decision to remove a tree should be based on the best long-term outcome for the treed landscape and the community. Removal of trees for relatively minor matters only (e.g. leaf/litter drop or personal dislikes) should not occur.

Trees contained within the proposed "Corangamite Shire's Significant Tree Register" – a register to be developed over time - are worthy of wider consideration and consultation before any final decision to remove them is made. Many residents and visitors in Corangamite Shire have strong personal attachment to and important historical information on local trees. It is important to identify these trees and collate the information to ensure these trees are not removed without due consideration.

Council trees will often need to be removed for reasons that are not visibly apparent to the general public (e.g. healthy, full-canopied trees that are in danger of splitting apart, roots damaging property). A planning permit is not generally required to remove dead or hazardous trees. Education and involvement of residents should assist greatly in overcoming perceived poor tree management and decision-making.

Some other authorities can become involved in removing Council trees. Wannon Water for example has the power under the Water Act to remove trees interfering with their assets. Powercor and Vic Roads also have legislative and statutory interest in these trees.

When considering the removal of street trees, an inspection of the tree will be carried out to assess whether it meets the following criteria for removal. Some criteria for that may need to be considered are if:

- It is severely diseased, or pest infested
- It has significant rot, dieback or collar-stress
- It is dead
- It exhibits excessive canopy overhang or poor structural condition

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- It is a poor specimen or unsuitable species
- It is restricting access to properties
- It poses a threat to public safety (instant removal).
- The tree has potential high maintenance costs
- The tree is posing health concerns to the property owner or the adjoining property owner (to be confirmed by a Medical Certificate)
- The tree is posing or causing damage to private property or other infrastructure; e.g. footpath or road
- Debris from the tree is causing a public hazard
- The tree occurs in a road segment (block) where in excess of 30 % of trees have already been removed or have an ULE of less than 5 years and
- Other, as determined by the Officer.

Where Council trees have been removed, or require to be removed due to vandalism, poisoning or willful damage done without first receiving permission in writing from Council, the offending party should be responsible for the full cost of removing and replacing the tree and reasonable compensation for the loss of amenity to the neighbourhood. The monetary value of the tree/s should be payable in these instances.

The removal of trees, shrubs or landscaping that have been planted or installed in streets, parks or roadsides without Council permission would normally be at the cost of the person who planted or installed them.

Street Trees Principles

Removal of a street tree can impact on more than just the adjacent resident, so it is important to consult with a selection of people likely to be affected. Where a formal petition to remove a tree or trees is presented to Council then a report to Council may be appropriate.

Any trees not conforming with proposed street tree planting themes or that are categorised as being "Hazardous" or in either "Poor Health" or "Poor Structure" (in accordance with the Corangamite Shire's "Tree Inspection Procedure") may be removed at the discretion of the Manager Works. Reporting and documentation protocols are to be followed in these cases.

Park Trees Principles

Some of the major parks and gardens in Corangamite Shire have will require consultation with user groups, committees of management and the wider community. Tree removals in these parks should follow the recommendations in adopted strategies. User groups should be generally consulted through the relevant committee of management.

Council's neighbourhood parks contain large numbers and many sizeable and significant trees. Their removal can affect many people and often there are no identifiable user groups to consult with. Documentation is important to substantiate decisions on removal that may be made.

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Policy

- 5.1. Consideration for and consultation regarding removal of street and park trees will be in accordance with Council's Procedure "Tree Removal"
- 5.2. Council's Manager Works or delegated Team Leader has the delegated authority to remove any street, park or roadside tree:
 - Assessed as being Hazardous or an "Immediate Risk."
 - Assessed as being "Dead" or in "Poor" health and/or structure.
 - Where its removal is essential for the construction of an approved development.
 - Not in accord with the preferred species for that street.
 - Not in accord with "Standard Guidelines for Tree Planting".
 - Recommended for removal in an adopted Master plan.
- 5.3. All trees removed are to be replaced as soon as is practical unless otherwise directed by the relevant Director.
- 5.4. Council will not remove a tree or undertake any formal removal consideration process based purely on the following reasons:
 - Falling leaves, bark, twigs, fruit or flowers.
 - Failure to establish grass under the tree
 - Obscuring vistas.
 - Perceived aesthetic concerns.
- 5.5. The removal and replacement of Street and park trees to facilitate private development works including driveways and service connections, is to be at the cost of the requestor unless otherwise determined by the relevant Director or with the exception of trees that meet the criteria in policy 5.2.
- 5.6. A recognised method for determining the monetary value of amenity trees be adopted and used as required to determine an appropriate level of compensation for trees removed without written permission from Council or that require to be removed due to poisoning or damage not approved by Council. 'The VCAH Burnley Method' (Melbourne) for the Evaluation of Amenity Trees is a generally well-accepted method for determining monetary value.
- 5.7. No person is allowed to remove any tree on land owned or managed by Council without written permission from Council. The contractor or person performing the works must also be approved in writing. Tree removal on Council land is only to be done by people with appropriate qualifications, experience and insurances.
- 5.8. A program of removal of "unsuitable species" in streets and parks to be developed over time.
- 5.9. Any trees/ shrubs planted without Council permission and not in conformance with section 4.0 "Tree Selection and Planting" principles and policies may be removed in accordance with Council's Tree Removal Procedure).
- 5.10. The removal of non-approved landscaping on Council land and any necessary reinstatement is to be at the cost of the person/s that undertook or arranged such landscaping.

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Related Documents

- Corangamite Shire – Planning Permit – Tree Removal
- Native Vegetation Retention Controls
- Rural Roadside Management Plan – Feb 2012

6. Tree Protection

Principles

Trees and infrastructure are essential items in a modern environment.

Trees are regularly subject to damage from civil works. When civil works are proposed in the vicinity of trees an assessment and works plan is necessary to ensure tree damage is avoided or minimised. There are various guidelines for determining what can be classed as in the “vicinity” of a tree - age, size and/or vigor of the tree are usually the determining factor. For example, guidelines to avoid unacceptable root damage may include “exclusion zones” equal to a radius 12 times the trunk diameter or the area contained within the “Dripline” of the tree.

Significant trees, older trees or larger trees need the greatest protection owing to the potential for a major public risk event and / or property damage.

Some form of physical protection of trees (e.g. solid fencing) is very important and can often be the only way trees are effectively protected. The circumstances at each works site can vary significantly so using general or rigid guidelines/ rules does not always produce the best outcome for either the tree or the proposed works.

The growth of the above and particularly the below ground parts of trees plus the long-term consequences of damage is generally best understood by qualified and experienced arborists. The underground parts of trees are as important as the above ground parts. Underground or root damage may not be obvious and may take many years before a failure occurs. Trees may not show any signs of stress or failure until long after damage or disturbance occurs with inspection/ assessment required before and after works.

A referral is required from Assets, Planning, Facilities, Building if construction works are being carried out not directly by Parks and Gardens.

All protection issues should be identified at the design stage with any protection plans finalized prior to any works commencing. Successful protection of trees relies on a commitment from all parties involved in the project. Council should not accept the responsibility for any trees below an acceptable condition/ standard. Any development or works within a street or park should take all practical steps to preserve existing trees in a healthy and safe condition.

Trees growing beyond the “scope of works”, due to the potential extent of their root system, changes to drainage patterns etc. can be seriously damaged. Capital and maintenance works should be designed and managed to avoid private trees being impacted by Council works and Council trees being impacted by private works.

Many authorities and private contractors have responsibility for conducting works adjacent to Council trees, particularly in streets. All parties need to give due consideration to all tree assets that they are likely to impact upon.

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Above ground parts of trees are subject to damage by high vehicles, abrasion from telecommunication cables etc. No pruning of Council trees by others is allowed without prior consultation and permission from Council. Overhead electrical cables have the greatest impact on trees. The issues involved are complex and are covered in Section 8.0.

Policy

- 6.1. All works likely to impact on Council trees to be referred to the Manager Works at the planning/ design stage.
- 6.2. Tree condition information, including photos, be provided for all Council projects where trees (public and private) may be impacted by works.
- 6.3. Council trees, or trees that will become the responsibility of Council, be protected during all works.
- 6.4. All works within the vicinity of a Council tree (or trees that will become the responsibility of Council) should comply with Council's Procedure "Works in the Vicinity of Trees.
- 6.5. A "Tree Protection Plan" be provided and implemented to the satisfaction of Council for all projects likely to impact on trees
- 6.6. A Significant Tree Register is developed in order to define trees requiring specific tree protection.
- 6.7. All works within streets and roadsides comply with Council's Road Opening reinstatement standards and requirements.
- 6.8. Trees identified to be retained and that are damaged either deliberately or through neglect by works be rectified where practicable and as soon as possible.
- 6.9. Costs associated with clauses 6.7 and 6.8 be the responsibility of the person/ contractor who caused the damage and be subject to compensation where applicable
- 6.10. Council seek to develop a tree and infrastructure protection agreement with other authorities and contractors who undertake works within Council land.

Related Documents

- The Australian Standard for the Pruning of Amenity Trees – AS 4373 1996/07
- The Australian Standard AS 4970 2009 – Protection of Trees on Development Sites

7. Infrastructure Protection

Principles

Infrastructure and trees are essential items in a modern environment. It is not possible to avoid all conflicts. They can however be minimized through innovative design and correct management of maintenance strategies and activity. Liaison between other infrastructure managers, Utilities, Responsible Authorities and Council, is essential in ensuring infrastructure damage is prevented or kept to a minimum.

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Corangamite Shire Council Policy - Urban Street Trees Management Policy

Infrastructure is regularly subject to damage from adjacent trees. When any tree plantings are proposed in the vicinity of above and below ground infrastructure careful consideration of species selection, soil type, planting technique, available root space and the appropriateness of root control measures are needed to ensure damage is avoided or minimized.

Infrastructure within land outside of Council control can also be affected. Tree planting and growth from Council trees should not place any undue burden in the form of risk or maintenance on adjacent land or property.

It is often easier to design and construct new infrastructure to withstand impacts from tree roots rather than control root growth or provide sufficient space for root growth. There are ongoing opportunities to do this as infrastructure may be replaced or changed several times throughout the life of adjacent trees. Consideration needs to be given to designing and constructing infrastructure that will not be adversely affected by existing established trees.

Overhead assets such as cables and street-lights can be detrimentally impacted by trees. The Office of the Chief Electrical Inspector largely has control over this issue, though council has a responsibility to not plant new trees which will cause significant adverse effect these assets.

Policy

- 7.1. All proposed tree planting or tree maintenance works likely to impact on, or affect, Council infrastructure, be referred to Council's Asset and Works sections for comment at the design or planning stage.
- 7.2. All tree selection and planting programs conform to the "Tree Selection and Planting" Principles listed in Section 4.0
- 7.3. Any person or organisation wishing to plant trees, shrubs, herbaceous plants, or undertake any landscaping within a road reserve, park or other land under the control of Council must have permission in writing from Council.
- 7.4. Any trees or shrubs planted without Council permission and not in conformance with Council's Tree Selection and Planting principles and policies will be removed in accordance with Council's Tree Removal Procedure
- 7.5. Council's tree programs and maintenance activities are prioritised to ensure that all statutory obligations are met, and that infrastructure damage and public nuisance are minimised.
- 7.6. All designs for roads, streets, and/or parks under, or that will become under the control of Council, include adequate capacity for tree planting and growth whilst minimising conflicts with other infrastructure to the satisfaction of Council.
- 7.7. Where it is cost effective in the long term, infrastructure be selected and/or constructed to a standard that is capable of withstanding damage from existing tree

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7.8. Council liaise with other authorities that have infrastructure within land managed by Council that may be impacted by trees prior to any major tree planting.

7.9. Council seeks to ensure tree and infrastructure protection is supported by other authorities and contractors who undertake works within Council land.

Related Documents

- Powercor: 'Your Guide to Planting Near Electricity Lines'.

8. Electric Line Clearance

Energy Safe Victoria (ESV) is responsible for ensuring electrical safety. The Corangamite Shire has a statutory obligation under the Electricity Safety Act (1998) for maintaining public trees clear of overhead electric lines in the "Declared Areas" (refer to the "Corangamite Shire Electric Line Clearance Management Plan" for details on how this is managed and "Declared Areas" maps).

The Corangamite Shire Electric Line Clearance Management Plan must be resubmitted to the ESV by the 28 February each year. ESV review the Plan and will either approve it or require alterations. The responsibility for reviewing and implementing the Plan lies with Council's Manager Environment and Emergency.

The "Declared Area" in Corangamite Shire is the township of Camperdown. Maintaining overhead electric line clearances for all trees outside this area is the responsibility of the local distribution company i.e. Powercor.

Principles

A reliable and safe supply of electricity is essential to the Corangamite Shire business and residential community.

Overhead electric lines impact significantly on the aesthetics, longevity, health and structure of street trees and the best long-term solution is to relocate the electric lines underground or clear of trees e.g. using offset cross arms, increased height, aerial bundled/insulated cables.

Undergrounding of overhead electric lines is very expensive. Council should take the opportunity to significantly reduce these costs during road reconstruction, subdivisions and capital works projects e.g. by installation of underground conduits where appropriate.

The costs for any electric-line relocation project should be borne by all parties that benefit from it i.e. Council, local distribution company, residents and businesses. Opportunities for funding subsidies through the Powerline Relocation Committee should also be pursued if applicable. The Shire has many large trees and conflicts with overhead electric lines that need to be resolved over the longer term without the need to preclude retaining or planting large growing trees.

Although electric line clearance responsibilities for public trees outside the "Declared Area" lies with another organisation (Powercor) Council still has an obligation to ensure residents views and Council's policies and procedures are considered and impacts on trees are minimized.

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Policy

- 8.1. An Electric Line Clearance Management Plan be reviewed and submitted to ESV for approval annually.
- 8.2. Council seeks to undertake a formal liaison process with the distribution company (Powercor) and/or their agents with a focus on street tree planting, tree protection, pruning and electric line relocation.
- 8.3. Street tree planting, species selection and pruning practices aim to minimise conflicts with overhead electric lines.
- 8.4. Relocation of overhead electric lines be considered as a possible part of any capital works project or development and discussions held with relevant authorities at the time to progress the idea

Related Documents.

- Corangamite Shire Electric Line Clearance Management Plan
- Code of Practice for Powerline Clearance (Electricity Act)
- Powercor: 'Your Guide to Planting Near Electricity Lines'

9. Tree Maintenance

Principles

Tree maintenance should be based on a priority basis relative to Councils' annual program and budget allocations. High priority maintenance works must take precedence over reactionary or lower priority requests.

Council has the responsibility to provide adequate maintenance on trees within public streets, parks and roadsides within Council recurrent budget and resource provisions.

Maintenance of clearances (e.g. for pedestrians, vehicles, buildings and signage) and traffic sight distances is necessary. The correct maintenance regime on young and developing trees has the potential to significantly reduce the future risks and costs associated with mature trees. All trees shed litter in the form of branches, leaves, twigs, bark, flowers, fruit etc. and Council should provide a maintenance system or service to minimize the potential nuisance caused by this "natural shedding" process.

Tree maintenance should be performed to a recognised standard. The Australian Standard for the 'Pruning of Amenity Trees' – AS 4373 1996/2007 establishes a national benchmark.

Residents may wish to be actively involved in the maintenance of their street trees, but this is ultimately the responsibility of Council. Qualified and experienced people should be involved in maintaining Council trees and residents should be encouraged to undertake basic care and establishment of newly planted trees.

Where trees have been lopped or damaged without the permission of Council the offending party may be responsible for restoration of that tree or paying to Council an appropriate level of compensation for rectification of damage.

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Street and park tree numbers will likely increase every year and maintenance costs will therefore increase correspondingly. Tree maintenance budgets should keep pace with the increase in tree numbers to provide sensible and effective management.

One area of maintenance that is often neglected is the tree's root zone. Root growth of trees can be less than desirable owing to the constraints of the root zone environment and damage to infrastructure from tree roots may require measures to be taken that impact on the tree.

Policy

- 9.1. Council develop prioritised programs of pruning and tree maintenance to improve the condition of Council trees and to minimize any potential hazard or nuisance.
- 9.2. Young and developing trees are formatively pruned with an emphasis on preventing future and long-term structural problems.
- 9.3. Council's tree maintenance programs are based primarily on a priority system.
- 9.4. The development of a leaf (or "tree litter") pick up service and composting advice be investigated to assist residents manage Street and park tree litter that falls from Council trees.
- 9.5. Residents are encouraged to provide watering to young Council trees to aid their establishment.
- 9.6. Council seek to promote modern tree management techniques to assist residents and contractors make the best decisions on how to correctly manage tree assets.
- 9.7. Council regularly review the numbers and condition of trees it has responsibility for, methods of maintenance and budget requirements.

Related Documents

- AS 4373 2007 – Pruning of Amenity Trees

10. Environmental and Community Imperatives

Principles

Residents generally have an interest and often strong view on tree issues that are close to their properties. Consultation with residents can create a much better understanding of tree issues and a wider acceptance of the role and works undertaken by Council.

The community are generally aware of works and other activities that are or are about to be happening around their area. They are on site more often than Council staff and can quickly identify issues or threats to trees.

Many trees throughout the Shire provide a range of habitat for fauna e.g. hollows, nesting sites and roosting sites. Preserving these values can conflict with normal tree management practices. Alternative tree management practices may be warranted for trees with high habitat or ecological value.

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Trees as ameliorators of air pollution and climate change will be an increasing area of value. Large trees are the most effective sinks of old carbon and their protection and further planting is important in overcoming greenhouse effects.

Recycling of material from tree maintenance operations such as woodchip, leaves, stump grubbing tailings and timber can reduce costs and provide a valuable source of materials to gardens, craft and trades people. The Shire's trees contain a valuable timber resource with the reusing of this material valuable in reducing dependence on landfill.

Many trees have the potential to become environmental weed species. A tree's weed potential needs to be an important consideration when selecting species.

The tree issues within the Corangamite Shire are not unique to the Shire. Many of the surrounding Councils and local communities deal with similar issues and opportunities to assist each other should be explored. For example, Elm Leaf Beetles do not respect boundaries, wildlife corridors should not stop at boundaries, Land Care and community groups do not limit themselves to Council boundaries.

Policy

- 10.1. The Corangamite Shire will consult with adjacent residents when new or major tree works are being proposed or undertaken.
- 10.2. The Corangamite Shire will encourage the wider community to be aware of tree issues and to contact Council for information or when matters of concern are noticed. Protection and planting of large growing trees be actively encouraged, and Council's tree planting programs aim at providing maximum community and environmental benefits.
- 10.3. Council will minimize maintenance close to trees with due consideration to environmental impact.
- 10.4. A list of tree species that have a high weed potential if planted in the Shire area be developed with this information made available to the community.

Related Documents

Nil.

11. Pest and Disease Control

Principles

Trees are subject to a range of pests and diseases. The concept of eradication is not practical in most cases and harm minimization should be the best approach.

Pests and diseases do not recognise boundaries, so a co-operative approach is required between land owners/ managers. Where pests and diseases have the potential to affect Council's tree asset or "Significant Trees" Council should seek to assist residents and other land managers where possible in being aware of potential problems and control options.

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Council has a responsibility to protect assets from harm or loss. Corangamite Shire has an exceptional collection of Elms that require special protection. Biodiversity is particularly important given our rapidly changing environment and possible threat from new pests and diseases.

Policy

- 11.1. Council develop and implement specific control programs where appropriate for major pests and diseases likely to affect trees under the control of Corangamite Shire.
- 11.2. All trees to be planted conform to the 'Pests and Diseases' Principles listed above.
- 11.3. Council seek to develop relationships with surrounding municipalities, government agencies and local community groups to share information and resources to respond to the management challenges associated with pest and disease impacts on public and private trees.

12. Significant Trees

Principles

There are many trees or groups of trees within Corangamite Shire that are of state and local significance. Some of these are recognised by the National Trust of Australia (Victoria) and are listed on their Significant Tree Register. This does not afford them any legal protection however. Some of these and others are protected under the Corangamite Shire Planning Scheme. There remain many significant trees that are not protected nor recognised in any way with identification, recognition and protection of these trees yet to be developed.

Protection measures for significant trees are critical. There are a variety of ways to ensure their protection e.g. including them within the planning scheme and/or section 173 agreements.

Assessment of and, agreement of what is significant is subjective. A process of nomination and registration may be best undertaken by a panel of people with a wide range of expertise and viewpoints; this should assist in creating community stewardship of these trees.

Community awareness of significant trees and the implications of having a Significant Tree Register are important. It will be the Community in most cases that identifies what trees are significant and, through their monitoring, that which best helps to protect them.

A register of significant trees (individuals and groups) covering the range of selection criteria in Appendix 3 can act as a valuable educational resource.

Policy

- 12.1. A formal program to identify and assess public trees (individuals and groups) that are significant to the Shire and the local community be promoted within the community.
- 12.2. The Corangamite Shire in conjunction with the interested significant tree community and owners seek to develop appropriate measures of protection (including the possible use of a Local Law and Local Government Act) and promotion for each significant tree or group of trees.

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- 12.3. The Corangamite Shire Significant Tree Register should generally follow the criteria used by the National Trust of Australia (Victoria) as detailed in Appendix 3. It should however have a greater emphasis on what is peculiar or important to the local community rather than importance at a state level. The community be encouraged in nominating trees for inclusion on the register (yet to be developed) and also make up the majority of any future panel to decide which trees are to be included in the register.
- 12.4. Trees that are significant to Corangamite Shire be clearly identified and promoted throughout the community as these trees are recognised and registered moving forward.

Related Documents

- Victorian Native Vegetation Framework (DSE)

13. Existing Tree Controls, Regulations and Legislation

There are currently existing State and Local laws and regulations that control the removal and pruning of both native and exotic vegetation on private and public land. The policies and procedures in these Plans are in support of those laws and regulations and need to be viewed as being in addition to those laws and regulations.

It is the responsibility of all persons to ensure they do not do anything that is in contravention of any existing laws and regulations. The following information is provided to assist in determining what laws and regulations may apply noting that these may change over time.

When removing a tree, permission must first be sought from Council if it is located on Council controlled land. Planning permits are also required for the removal or lopping of native vegetation over 10 years old, as stipulated in the Native Vegetation Retention Controls (NVR).

Under general maintenance, the pruning of vegetation to keep the roadway clear to maximise safe use by road users is allowed. A planning permit is not required if the vegetation is not indigenous, presents an immediate risk of:

- personal injury or damage to property or is
- proclaimed as a noxious weed (further details can be found in the NVR or Council's Rural Roadside Management Plan).

Planning permits are required for vegetation removal when:

- the vegetation is an Australian or Victorian Rare or Threatened Species or Community
- if it is indigenous vegetation greater than ten years old on land that has an area greater than 0.4 hectares.
- on the register for Significant Trees (refer Appendix 3E).

A permit is requested from the Council Planning Department who will refer the application to the Department Sustainability and Environment for guidelines and advice, or any other referral authority as appropriate to the application.

More information on this and the Department of Sustainability and Environment's (DSE) Native Vegetation Management Framework (NVMF) can be found at www.dse.vic.gov.au/planning.

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The Corangamite Shire has a variety of planning scheme overlays and local laws that specify what may or may not be undertaken with certain types of vegetation.

The overlays may include:

- Heritage Overlays with Tree Control
- Heritage Act 1995 – includes trees of State Cultural Heritage Significance
- Significant Landscape Overlays
- Environmental Significance Overlays
- Public Acquisition Overlays
- Vegetation Protection Overlays.

Other: Other relevant authorities would include but not limited to:

- VicRoads
- Catchment Management Authorities
- Wannon Water
- Parks Victoria
- Powercor.

Related Documents

Urban Street Tree Management Procedures
Townships Existing Tree and Nominated Species List
Townships Management Plan
Significant Trees (list of Significant Trees).
Significant Trees (sample criteria for selection)
Significant Trees (sample nomination form).

Review Date

October 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)*.

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9.3 Nature Strip Planting Policy

Author: Mikayla Hein, Manager Works

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 - Mikayla Hein

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

Summary

The Nature Strip Planting Policy (the Policy) is a new policy which has been developed to provide a clear objective and common goal for the planting of Council owned nature strips by adjacent property owners in the urban areas of Corangamite Shire.

Introduction

The Policy has been developed following a request from Council at its briefing on 23 October 2018 to deal with nature strip plantings as a separate process to how Council manages its urban street trees.

Whilst there are synergies between Council's Urban Street Trees Policy and Procedures and how street trees on nature strips are provided for and maintained, this policy provides direction and specifications to property owners and Council in the alteration of Council owned nature strips, maintained by property owners.

Issues

The objective of the Policy is to ensure that if nature strips are modified, they are landscaped and maintained in a way that minimises impact to pedestrians, traffic, adjoining or nearby infrastructure and which compliments the existing streetscape. Council must also be vigilant around public risk safety.

The Policy details responsibilities for residents and Council but importantly recognises that:

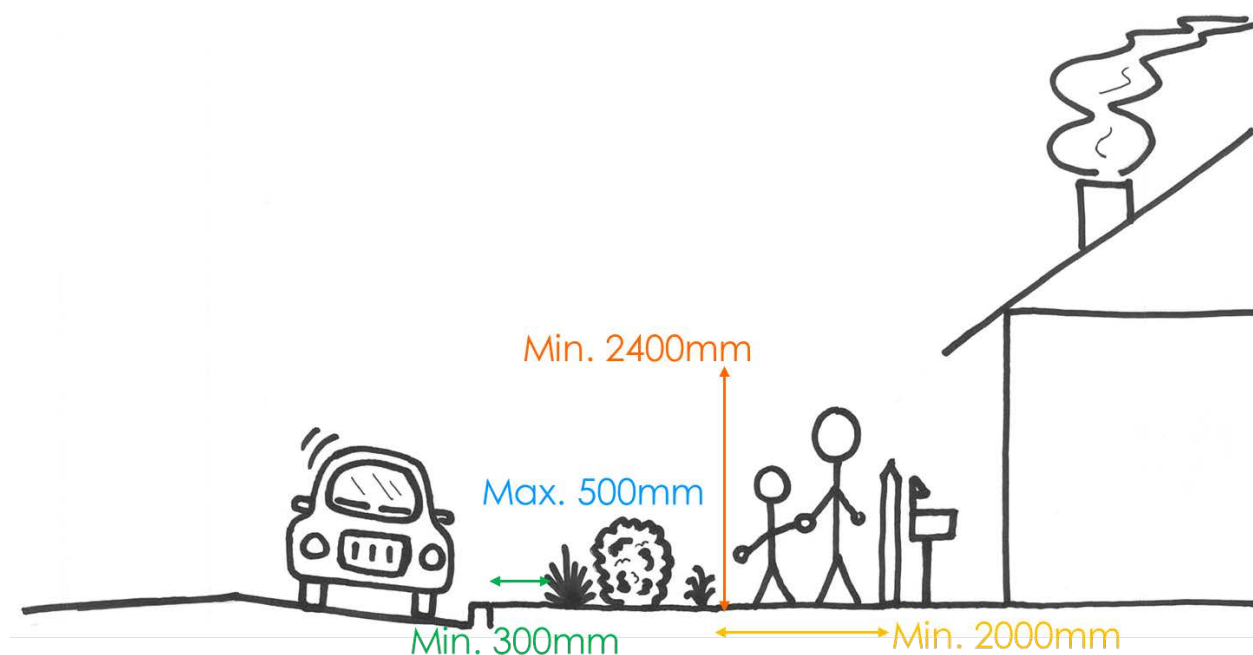
1. grassed nature strips remain the most common form of nature strip treatment within Corangamite Shire
2. where a heritage overlay exists, that these areas will be protected and alterations to nature strips in streets covered by planning heritage overlays will not be permitted, and
3. Council does not carry out renovation or regular maintenance (including mowing and watering) of nature strips and therefore any development of the nature strip is the responsibility of the property owner.

If a property owner wishes to develop their nature strip it is the responsibility of the property owner to maintain the modified nature strip.

Property owners will be required to complete Council's Local Law application form. The online form will be amended to include a specific planting section so as this is a seamless permit process for the user and as such no specific form will be required. A copy of the Nature Strip Planting Policy is attached. In determining whether to grant a permit, officers would consider if the applications meet the following proposed conditions for nature strip planting:

Sizing and dimension requirements

- Plantings must be maintained to a maximum height of 500mm
- Pedestrian access adjacent to the property boundary must be maintained with no plantings within 2m from the property boundary to allow for potential future works by Council for excavation and installation of a 1500mm shared use concrete footpath
- Plantings and any foliage must be planted and maintained to allow a 300mm clearance from the back of the kerb or boundary of the road reserve. This allows access for services such as street sweepers, waste collection, kerbside parking and bike lanes
- Planting within 10m of an intersection requires written permission from Council via a permit to ensure adequate sight lines for vehicular traffic is maintained
- Any plants around existing or established trees must be a minimum distance of 200mm from the base of the tree so as not to impact the growth or health of Council's tree asset.



What will not be permitted

- Permanent synthetic turf as this poses issues for access to utility and Council-owned assets
- Total coverage of a nature strip with something other than grass or plantings
- Lawn clippings around plantings
- Hard surfaces such as pavers, asphalt and small stones
- Edible gardens or edible plants of any sort.

What is permitted

- Any number of plantings within a grassed nature strip
- Plants maintained at a height no greater than 500mm
- Mulch around plantings.

Policy Oversight

- Non-compliance will be managed through the relevant Local Law process
- If a property with a modified nature strip changes ownership the existing owner is responsible for communicating the requirements of this Policy to the new owner
- Any feature which is deemed by Corangamite Shire to be a risk to the public as a tripping hazard, a falling hazard, obstruction or other hazard, may be removed from the nature strip without consultation or warning at the cost of the property owner
- Alterations to nature strips in streets covered by Heritage Overlays will be considered in accordance with Corangamite Planning Scheme which contains an exemption for 'Gardening' and as a result would not require approval. Road reserves are generally not included in Heritage Overlays unless acknowledging the significance of existing tree assets. Heritage Overlays usually only apply to the property boundary or precinct area.

Existing modified nature strips not compliant with this Policy may remain, however may be issued a notice to remove items if deemed to be a risk to the public or Council, impede on pedestrians, and/or contain items listed in 'Not Permitted'.

Policy and Legislative Context

The Nature Strip Planting Policy has been developed in accordance with Council's Policy Development Framework 2017.

The Policy has been developed independent of Council's Urban Street Tree Policy and Procedures, rather than incorporated within, as it was felt that whilst each dealt with the same space or area of Council land, that the policies had a different and specific purpose.

Internal / External Consultation

The Policy has been developed in consultation with Council's Environment, Works and Assets departments and Senior Officer Group.

Policies from other Council's including local rural, regional and city Council's have been benchmarked in the development of this Policy.

Council staff have met with local community residents who have planted their nature strip or expressed an interest in planting their nature strip in the past twelve months. These residents expressed general support for the Policy, an understanding of the need for pedestrian access and vehicle clearances, and suggested a guideline be developed for residents which has a positive approach and outlines the benefits.

Financial and Resource Implications

There are no financial implications associated with the Nature Strip Planting Policy.

Options

Council can choose to accept the Nature Strip Planting Policy as presented, or opt to amend or reject the Policy and request further review and presentation to a future Council Meeting.

Conclusion

This Policy aims to provide clear direction on the responsibilities of a landowner who wishes to develop their nature strip with plantings to ensure that safety, function and aesthetics of the footpath, roadway and other infrastructure are not impacted. The process is designed to align with existing local law permits and provide a seamless process for the user.

RECOMMENDATION

That Council adopts the Nature Strip Planting Policy dated October 2019.

COUNCIL RESOLUTION

MOVED: Cr Durant

SECONDED: Cr Oakes

That the recommendation be adopted.

CARRIED

Attachments

1. Nature Strip Planting Policy October 2019



**CORANGAMITE
SHIRE**

Nature Strip Planting Policy

Corangamite Shire

October 2019

Council Policy



Nature Strip Planting Policy

Introduction

This Policy is to define a clear objective and common goal for the planting of Council owned nature strips by adjacent property owners in the urban areas of Corangamite Shire.

Purpose and Objectives

This Policy acknowledges that well maintained nature strips add to the appearance and presentation of Corangamite shire and its streetscapes. They can bring economic benefits to businesses and property owners. Corangamite Shire encourages property owners to recognise the value of nature strips and to take pride in maintaining them. Nature strips are an integral part of the Corangamite Shire urban environment.

The objective of the policy is to ensure that if nature strips are modified, they are landscaped and maintained in a way that:

- Minimises the risk to the community;
- Provides for the unobstructed and safe flow of pedestrian traffic;
- Provides access for postal deliveries and utility service providers;
- Does not impede access to fire hydrants;
- Does not impact the safety of vehicles using the road;
- Does not impact on the proper function or provision of road and road related infrastructure such as kerb and channel, footpaths;
- Will not impact on overhead infrastructure such as utility services;
- Allows kerbside parking of vehicles and safe and practical conditions for emptying waste and recycling bins;
- Compliments the existing street scape;
- Are in keeping with heritage areas where applicable;
- Can act as additional footpath space when two or more people walk together or pass by;
- Provide space for street tree planting.

Scope

This policy covers all nature strips located in the urban areas of Corangamite Shire and its towns. The policy provides clear direction and specifications for property owners and Council in the alteration of Council owned nature strips, maintained by property owners.

Definitions

'Adjacent Property Owner' – the property owner who has a Council owned nature strip between their property and the road (Council or State Road).

'Authorised Officer' – refers to any officer employed with Corangamite Shire.

Adopted at Council on:
Agenda Item:
Responsibility: Manager Works
File Number: 2814885

Department: Works
To be reviewed by: September 2022
Policy Number:
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'Nature Strip' – a nature strip is an area of public land between the property boundary and the back of kerb or table drain, excluding any public pavement. In most cases a nature strip is grassed.

'Risk' – including safety, financial, time, quality or reputational risk.

References

Corangamite Shire Local Laws 2015
Urban Street Trees Policy and Procedures 2019

Policy Detail

Nature Strip Maintenance

Council does not carry out renovation or regular maintenance (including mowing and watering) of nature strips. Council greatly appreciates and encourages property owners or residents of abutting properties to take ownership for the maintenance of plants and any landscape features on the nature strip including watering as required and in accordance with water authority restrictions where / when in force, weeding, mowing and edging turf.

Residents may wish to be actively involved in the maintenance of their street trees but this is ultimately the responsibility of Council. Residents are encouraged to provide watering to young Council trees to aid their establishment, however any other maintenance is the responsibility of Council and should not be undertaken by residents.

If a property owner does not undertake any maintenance of the nature strip, Council will implement one annual mow of the nature strip as part of its fire prevention program.

Common Nature Strips

Grassed nature strips remain the most common form of nature strip treatment within Corangamite Shire.

Written permission from Council is not required to maintain a grassed nature strip.

Street Trees on nature strips

Council is responsible for the planting, maintenance and removal of all street trees in the urban area. Trees are managed in accordance with the Urban Street Tree Asset Management Plan 2018-2028 and Urban Street Trees Policy and Procedures 2019.

Property owners are strictly prohibited from planting street trees in nature strips without written permission from Council. See *Urban Street Tree Policy and Procedures*.

Nature Strip Planting

1. Permits

A local law permit will be required for an individual to undertake planting activities on Council. All permit applications must be on the prescribed form contained within the Council *Local Laws 2015* and a permit fee will apply.

Adopted at Council on:
Agenda Item:
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2. Decision Guidelines

In determining whether to grant a permit, applicants must meet the following conditions:

a) Sizing and dimension requirements

The following requirements must be adhered to when property owners wish to alter a Council owned grassed nature strip:

- Nature strip plantings must be maintained to a maximum height of 500mm.
- Pedestrian access adjacent to the property boundary must be maintained. Pedestrian access must be minimum 2000mm width from the property boundary and minimum 2400mm height clearance. There are to be no plantings in this space. Grassed nature strip is acceptable in this space and is the responsibility of the property owner to maintain. This is to allow for potential future works by Council for excavation and installation of a 1500mm shared use concrete footpath.
- Nature strip plantings and any foliage must be planted and maintained to allow a 300mm clearance between the back of kerb and any plant or plant foliage. If no kerb is present, there must be a 300mm clearance between the boundary of road reserve and any plant or plant foliage. This allows access for services such as street sweepers, waste collection, kerbside parking and bike lanes.
- Planting within 10m of an intersection requires written permission from Council.
- Any plants around existing or established trees must be a minimum distance of 200mm from the base of the tree

b) Heritage Overlays

Road reserves are generally not included in Heritage Overlays unless acknowledging the significance of existing tree assets. Alterations to nature strips in streets covered by heritage overlays will be considered in accordance with Corangamite Planning Scheme.

c) Synthetic Turf

Use of synthetic turf is not permitted on nature strips within Corangamite Shire. Synthetic turf poses issues relating to access to assets for utility companies and Council. Potential damage may be caused to the synthetic turf during maintenance and waste collection activities leading to aesthetic issues as well as trip hazards and snake hazards.

However, if the application for synthetic turf is for a short-term application such as a display home and adheres to the following criteria, it may be permitted:

- The turf must be installed by a qualified and insured professional company; and
- The turf must be maintained in a neat and weed-free condition

Council retains the right to request removal of turf in the case of non-compliance with this policy, at the cost of the property owner.

d) Coverage of Nature Strip

Total coverage of a nature strip area with an alternative to grass or plants is strictly prohibited. This includes full coverage with mulch.

Mulch is permitted around plantings only.

e) Shrubs Around Trees

Planting of shrubs around established trees is prohibited as the planting process can impact on tree roots. Any plants around existing or established trees must be a minimum distance of 200mm from the base of the tree. Existing plantings must be managed and kept below the

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maximum height of 500mm. Approval and ordering the removal of these plantings will be made at the discretion of Council's Planning, Environment and Local Laws Departments.

f) Lawn Clippings

Depositing lawn clippings in road reserves including nature strips is prohibited. This includes placement around street trees.

g) Not Permitted on Nature Strips

Hard surfaces such as concrete, pavers, asphalt or stepping stones are not permitted in residential areas. If a hard surface is required for vehicle access purposes, a vehicle crossing permit should be obtained.

Small stones are not permitted in nature strips as they pose a safety risk. The risk associated with small stones includes the stones being thrown by other pedestrians or from activities such as whipper snipping. There is a risk of personal injury or property damage and therefore these items are prohibited.

Other requirements include:

- Irrigation systems are not permitted in nature strips
- Stone, woodchips and crushed rock are not permitted
- Rocks, bluestone pitchers, railway sleepers or retaining walls are not permitted
- Letterboxes must be established on private property and suitable access to Australia Post delivery drivers must be maintained
- Temporary or permanent electrical wiring must not be installed on to the nature strip (e.g. Lighting of trees is not permitted)
- Edible gardens or edible plants or any sort are not permitted.

Edible gardens and plants pose a health risk to property owners and persons who eat the harvest from these plants. Council cannot guarantee factors such as spraying, contamination or brake dust and other road factors have not affected these plants and therefore to address the health risk of this practice, the planting of edible gardens is prohibited in Corangamite Shire.

If a property owner wishes to modify a nature strip with one or more of the prohibited items listed in this section 3.10 Not Permitted on Nature Strips written permission is required from Council.

h) Development Master Plans

Master plans for new developments may include nature strip plantings. These plans will be assessed for suitability by Council's Planning and Environment Departments.

i) Excavation, Cultivation and Dial Before You Dig

Excavation and cultivation must be by hand as mechanical excavation or cultivation may damage infrastructure and services that may be underground. They may also cause damage to street trees and their root systems. Mechanical excavation or cultivation is strictly prohibited for nature strips unless a Road Opening Permit is obtained from Council. Hand excavation and cultivation only will be permitted. As hand digging may expose some underground services, the property owner or their contractor must contact 'Dial Before You Dig' on 1100 or via their website <https://www.1100.com.au/> to check the location of services prior to carrying out works.

Adopted at Council on:
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Responsibility: Manager Works
File Number: 2814885

Department: Works
To be reviewed by: September 2022
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The owner or occupier is solely responsible and will be held accountable for repairing all damage to underground and aboveground infrastructure, street trees and or street tree root systems caused by any landscaping works.

Utility companies, Council and Council's contractors are permitted to use mechanical excavation.

j) Utilities and Council Maintenance Work

Council and Utility companies that supply water, gas, electricity and telecommunications may require access to the nature strip to perform maintenance or capital works without notice. The utility companies and Council are required to 'make good' the nature strip following maintenance work but are not required to reinstate residential nature strips that have been landscaped other than in grass.

Reinstatement of gardens on nature strips is the sole responsibility of the property owner.

k) Risk Management and Safety

Corangamite Shire has a responsibility to provide a safe environment within urban and rural areas in the municipality. As the nature strip is public land, Council must be vigilant when it comes to recognising when a threat to public safety exists.

Any feature that is deemed by Corangamite Shire to be a risk to the public as a tripping hazard, a falling hazard, obstruction or other hazard, may be removed from the nature strip without consultation or warning at the cost of the property owner.

Non compliance will be managed through the relevant Local Law process.

Planting within 10m of an intersection requires written permission from Council.

l) How Nature Strips Are Maintained

Nature strips must always be well maintained and kept in a safe condition by the property owner by:

- Ensuring that plants are pruned so that they do not protrude from private property onto pathways, driveways or within clearance zones specified in *Section 3.4 Sizing and dimension requirements*;
- Keeping the nature strip free of weeds, rubbish and waste, any tripping hazards and any protruding objects.

m) Failure to Maintain a Nature Strip

Where a resident fails to maintain a nature strip modified in accordance with this policy and:

- The condition of the nature strip is a traffic or pedestrian hazard; or
- It does not provide appropriate pedestrian access; or
- It is a safety or fire hazard; or
- It interferes with the visibility of motorists, cyclists and pedestrians at intersections, curves in the road and near driveways;
- Impacts unfavourably and significantly on the local amenity; or
- It poses a risk;

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Responsibility: Manager Works
File Number: 2814885

Department: Works
To be reviewed by: September 2022
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An Authorised Officer may enforce the requirements of this Policy under the relevant Local Law process.

n) Property Ownership Change

If a property with a modified nature strip changes ownership the existing owner is responsible for communicating the requirements of this policy to the new owner.

It is the responsibility of the property owner to maintain the modified nature strip at all times.

Policy Implementation

The policy will be effective from the date formally adopted by Council. Existing modified nature strips not compliant with this Policy may remain, however any Nature Strips containing alterations as listed in *Section 3.10 Not Permitted on Nature Strips* may be issued a notice to remove item if deemed to be a risk to the public or Council, and/or impede on pedestrians.

This policy relates to formalised nature strips in urban areas.

Review Date

June 2022

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

Adopted at Council on:
Agenda Item:
Responsibility: Manager Works
File Number: 2814885

Department: Works
To be reviewed by: September 2022
Policy Number:
Page Number: 7

9.4 Portable and Attractive Assets Policy

Author: Brooke Love, Director Works and Services

File No:

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

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

Author - Brooke Love

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

Summary

This report recommends Council adopt the Portable and Attractive Assets Policy to provide a clear framework and control structure for Council employees to effectively manage, monitor and report on the management of portable and attractive assets.

Introduction

In 2018 an internal audit review was completed on the adequacy of Council's processes and procedures surrounding the security of attractive and valuable minor assets. This review covered the processes adopted for the requisition, purchasing, monitoring, storage, safe custody, use and disposal of attractive and valuable minor assets and the use and effectiveness of these internal control methods.

The audit found Council purchases a large range of items which are deemed to be attractive and valuable assets, which are utilised in the on-going provision of services. These assets are used throughout the organisation across all Directorates.

Key to the effective management of any of Council's assets is a sound framework and control structure for the asset lifecycle. The audit recommended Council document its governance, control structure and framework for managing attractive and valuable minor assets. This was incorporated in Council's review of its Asset Management Policy in 2018. The audit also recommended the framework include but not be limited to relevant policy, procedures and operating guidelines.

This new policy is expected to provide the appropriate governance and policy framework for how Council manages its portable and attractive assets.

Issues

Portable and Attractive Assets are defined for the purpose of Council's approach as assets of minor value such as ICT equipment, multimedia equipment, power tools and surveying equipment. These items are often those that might not be noticed immediately after their loss or disappearance.

To qualify the asset must be:

- Portable: that is, the item can be easily moved between locations by one person; and
- Attractive: 'by its nature' (size, utility, marketability) is susceptible to theft or loss.

Recognising Council's existing practice with other assets, it is proposed that a portable and attractive item will specifically exclude:

- small tools and minor equipment in the Stores (Camperdown Depot) such as shovels, hand tools, supplies which are subject to inventory control and stocktake
- all larger items including brush-cutters and chainsaws which are captured as a part of Council's plant and equipment in Council's enterprise corporate management system and associated asset register.

This policy has been developed with reference to relevant asset management controls as identified in Council's Asset Management Policy and applies to:

- all employees (full-time, part-time and casual), labour hire staff, committees of management and volunteers
- all Council assets as defined above, and located at Council's buildings, workplaces and/or employee residences.

The policy responds to the recommendations by the internal audit and documents the requirements, processes and responsibilities for staff relating to:

- Purchasing
- Registration / Recording
- Security
- Monitoring
- Loss or Theft
- Disposal.

A copy of the Portable and Attractive Asset Policy is attached under separate cover.

Policy and Legislative Context

The Portable and Attractive Assets Policy is a new policy which has been developed in accordance with Council's Policy Development Framework and is consistent with the following objective in the Council Plan 2017-2021 under the key theme of Governance and Financial Sustainability:

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

This policy has also been developed with reference to relevant asset management controls as identified in Council's Asset Management Policy, and is consistent with the Staff Code of Conduct, Fraud Prevention and Control Policy and Fraud Control Plan.

The policy has considered recommendations provided as a part of the *Management of the Security over Attractive and Valuable Minor Assets Review*, February 2018.

Internal / External Consultation

The Portable and Attractive Assets Policy has been developed in consultation with all department Managers and senior officers.

Financial and Resource Implications

The Portable and Attractive Assets Policy adoption will not directly incur financial costs however will require staff and financial resources to implement including but not limited to:

- a dedicated asset register (approximately \$800 per annum)
- tagging and identification of assets system (yet to be determined), and
- staff resources to administer.

These costs will be met as a part of Council's recurrent budget.

Options

Council may choose to adopt the Portable and Attractive Assets Policy, make changes to the policy or choose to not adopt the policy.

Conclusion

The Portable and Attractive Assets Policy provides a clear framework and control structure for Council employees to effectively manage, monitor and report on the purchasing, storage, recording, use and disposal of portable and attractive assets. It assists Council to strengthen and safeguard its integrity and governance oversight of all assets with a focus on those that can be easily moved between locations; by their nature' are susceptible to theft or loss and which might not be noticed immediately after their loss or disappearance. These assets are used in everyday business by Council employees to deliver key services to Corangamite residents.

RECOMMENDATION

That Council adopts the Portable and Attractive Assets Policy dated October 2019

COUNCIL RESOLUTION

MOVED: Cr Brown
SECONDED: Cr Illingworth

That the recommendation be adopted.

CARRIED

Attachments

1. Portable and Attractive Assets Policy

Mikayla Hein left the meeting at 8.30 pm.



**CORANGAMITE
SHIRE**

Portable and Attractive Assets Policy

Corangamite Shire
October 2019

Council Policy



Portable & Attractive Assets Policy

Introduction

Purpose

The aim of this Policy is to provide a clear framework and control structure for Council employees to effectively manage, monitor and report on the purchasing, storage, recording, use and disposal of portable & attractive assets.

Scope

This Policy applies to:

- all employees (full-time, part-time and casual), labour hire staff, committees of management and volunteers;
- all Council assets as defined below, and located at Council's buildings, workplaces and/or employee residences.

Definitions

Portable & Attractive Assets are assets of minor value such as ICT equipment, multimedia equipment, power tools and surveying equipment and which constitute items that might not be noticed immediately after their loss or disappearance.

To qualify the asset must be:

- *Portable*: that is, the item can be easily moved between locations by one person; and
- *Attractive*: 'by its nature' (size, utility, marketability) is susceptible to theft or loss.

A portable and attractive item specifically excludes small tools and minor equipment in the Stores such as shovels, hand tools, supplies which are subject to inventory control and stocktake.

All larger items including brushcutters and chainsaws are captured as a part of Council's plant and equipment in Council's enterprise corporate management system and associated asset register.

Building / Workplace includes but is not limited to offices, workshops, visitor information centres, worksites other than an office or depot e.g. homes/vehicles, halls, community centres, storage facilities, public conveniences, swimming pools, kindergartens, maternal & child health centres and child care venues, Council owned plant, equipment, heavy fleet and vehicles.

Adopted at Council on:
Agenda Item:
Responsibility: Director Works & Services
Document Number:

Department: All Departments
To be reviewed by: September 2022

Page Number: 2

Policy Detail

This policy has been developed with reference to relevant asset management controls as identified in Council’s Asset Management Policy.

Asset Register

A central register of Portable & Attractive Assets will be maintained with details of all assets and their attributes whilst in ownership at Council.

The system will be maintained with regular updating by relevant Council departments as follows:

PAA	Work Group
ICT equipment including Printers, modems, projectors, laptops / tablets, docking stations, monitors, iPad, phones, SIM card	ICT
Multimedia Equipment, including cameras and GoPros.	Community Relations
Hand held power / cordless tools, Survey equipment	Stores
Keys, dashcams	Works & Services Administration

Table 1. Responsible Departments for registering Portable & Attractive Assets

Purchasing

Assets must be purchased in accordance with Council’s Procurement Policy. Typically, assets are purchased by the relevant department with the exception of some ICT devices, such as computers, monitors, phones which are purchased for the organisation by the ICT department.

Registration / Recording

Once an asset has been purchased it must be registered in Council’s the PAA register. Details of the asset attributes where relevant including but not limited to purchase date, model, serial number, supplier, value, custodian / storage location, repair / maintenance works undertaken, disposal or loss / theft.

This will be completed by those responsible as identified in Table 1 above. Where a department purchases an asset and is not responsible for administering the register, the Asset Registration Notification form should be completed.

Security

- Tagging / Identification

The PAA asset will be clearly marked as Council property using the relevant tagging or identification method. The method of tagging or identification will vary depending on the asset. This is the responsibility of the departments identified in table 1 above. All PAA purchased at other Council workplaces/buildings should be referred to these departments for the relevant tagging / identification.

- Storage of Assets

All assets should be stored securely when not in use or not allocated to a custodian. It is the responsibility of all employees to ensure that Council’s assets are appropriately protected from the risk of theft or loss.

- Custody of Assets

Council’s PAA are in many cases likely to be allocated to Council employees for regular use and/or as custodian of an asset e.g. storage in vehicle.

Adopted at Council on:
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Department: All Departments
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Corangamite Shire Council – Portable and Attractive Assets Policy

Where allocated to an employee e.g. computer, hand tool, mobile phone, the asset register should identify the employees who are allocated the PAA.

In the instance where an asset is stored securely in a specific location and to be used by multiple staff members, the asset register should clearly identify the location of the asset e.g. Signs Shed at Cobden Depot.

Where a PAA is loaned from one staff member to another a check in and check out system will apply where the date, time and place for reallocation of that item and to whom is registered.

Monitoring

A review of stock and audit of assets against Council's asset inventory and register will be undertaken randomly. Any discrepancies should be recorded on the register for the particular asset i.e. lost / unaccounted.

A report on audit activity will be provided to Senior Officer Group following the audit.

Loss or Theft

In the event an item is lost or stolen this must be reported directly to

- Supervisor / Department Manager for review of the situation
- the relevant department for recording in the asset register.

An Asset Loss / Theft report (refer Appendix 2) should be completed.

Actual or suspected fraudulent acts must be reported immediately either directly or via senior management to the Chief Executive Officer (CEO) in accordance with Council's Fraud Prevention and Control Policy.

Disposal

Assets must be disposed of in accordance with Council's Disposal of Assets Policy.

Responsibilities

Councillors, staff / volunteers or committees of management who are allocated an asset are considered a custodian and are responsible for adhering to Council's code of conduct and relevant policies with regard to the correct use, security and care of Council's asset.

Staff responsible for liaising with Council's volunteers and committees of management are responsible for ensuring the Committee are aware of and comply with this policy.

Managers and supervisors are responsible for ensuring that information is provided to all employees to ensure the objectives and implementation of this policy is integrated into work practices.

Reference to linked Procedure or Guidelines, if applicable

- Asset Management Policy
- Disposal of Assets Policy
- Procurement Policy
- Fraud Prevention and Control Policy

Review Date

September 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: Director Works & Services
Document Number:

Department: All Departments
To be reviewed by: September 2022

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Corangamite Shire Council – Portable and Attractive Assets Policy

Corangamite Shire
Asset Registration Notification Form

1. NOTIFICATION OF ASSET PROCUREMENT

Please complete and provide to the relevant personnel to record in Council's asset register

ASSET: _____

Method of Purchase: purchase requisition credit card

Purchase date: _____ **Value:** _____

Supplier: _____

Model: _____ **Serial number:** _____

Custodian: _____ **Position:** _____

Storage location: _____

HAS THIS BEEN TAGGED / ID STAMPED: Yes No

ASSET ID: _____ **DATE:** _____

2. NOTIFICATION OF ASSET REGISTRATION

Details Council's asset register

The asset register has been updated to record this asset:

Yes No

STAFF MEMBER _____
Name of Staff updating register

STAFF MEMBER signature: _____

Date: _____

This completed form must be filed in Council's central filing system.

Adopted at Council on:
Agenda Item:
Responsibility: Director Works & Services
Document Number:

Department: All Departments
To be reviewed by: September 2022

Page Number: 5

Corangamite Shire Council – Portable and Attractive Assets Policy

Corangamite Shire
Asset Loss / Theft Notification Form

1. NOTIFICATION OF ASSET LOSS / THEFT

Please complete and provide to the relevant personnel to record in Council's asset register

ASSET: _____ **ASSET ID:** _____

Was the asset:

Lost Yes No Date Noticed: _____

Stolen Yes No Date Noticed: _____

Damaged Yes No Date Noticed: _____
requiring disposal

STAFF MEMBER NAME: _____

POSITION: _____

DATE: _____

2. REGISTRATION OF ASSET LOSS / THEFT

Details to be added in Council's asset register

The asset register has been updated to record this asset as lost or stolen:

Yes No

STAFF MEMBER _____
Name of Staff updating register

STAFF MEMBER signature: _____

Date: _____

This completed form must be filed in Council's central filing system.

Adopted at Council on:
Agenda Item:
Responsibility: Director Works & Services
Document Number:

Department: All Departments
To be reviewed by: September 2022

Page Number: 6

9.5 Local Laws, Use of Private Land Policy

Author: Lyall Bond, Manager Environment and Emergency

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 - Lyall Bond

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

Summary

This report seeks Council adoption of the revised Local Laws, Use of Private Land Policy. This policy has been reviewed and updated with amendments.

Introduction

The Local Laws, Use of Private Land Policy (attached) informs Council's Local Laws and outlines to the community the types of private land usage that will not be considered acceptable within the Corangamite Shire.

The use of private land has the ability to impact adversely on a neighbourhood and visual amenity and pose a significant safety risk, not only to the occupiers of a property but also to others within the community.

Common forms of uses that impact negatively on a neighbourhood and those who live within the community include:

- Unsightly storage of materials and items
- Storage of waste and debris
- Maintenance levels of a property that may or may not be creating a fire hazard
- Living in caravans or mobile dwellings for prolonged periods
- Storage of vehicles and machinery
- Placement of shipping containers and temporary structures
- Use of a recreational vehicle in a residential area
- Placement of bulk rubbish containers
- Not identifying a property with an approved numbering system.

While some uses are short term and minor in nature, others may impact the wellbeing and safety of the community and create difficulties for emergency services.

A permit may be granted in accordance with the Local Laws to an individual to undertake activities on private land, if the use is considered temporary or to have limited impact on a neighbourhood and visual amenity or the safety of individuals and the wider community.

Issues

Council has a responsibility to limit the impact of private land use on the community. To ensure this responsibility is met, Council has developed Local Laws under the *Local Government Act 1989*. The Local Laws are supported by a range of policies which provide clarification and direction to the community and authorised officers in regard to the application of the Local Laws.

The Local Laws, Use of Private Land Policy, has been reviewed with consideration given to common issues experienced over the past four years. Minor changes are proposed which include:

- General administrative changes to improve the application of the policy
- The description of officers who are able to determine if a property may be causing a danger to health
- Clarification of the decision guidelines when considering a permit application.

Council officers have also considered emerging issues with the storage of vehicles and farm equipment in urban areas. To support the management of general neighbourhood amenity issues the Policy now provides guidance to the community and authorised officers in regard to the storage of these items.

In addition to the existing descriptions private land can now be considered unsightly if the site is has the storage of more than two unregistered, un-roadworthy, disassembled, incomplete or deteriorated vehicles, (this includes cars, boats, caravans or any farm type equipment) which are not visually screened from the road frontage in urban areas.

The Policy provides Local Laws officers with an ability to work with our community to deal with private land use issues, where they genuinely impact on neighbourhood and visual amenity or pose a significant safety risk.

Policy and Legislative Context

The Local Laws, Use of Private Land Policy, is consistent with the following 2017-2021 Council Plan commitments to:

Improve the appearance of our towns and public spaces

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

Engage with and listen to our communities.

The policy has been developed in accordance with Council's Policy Development Framework and the *Local Government Act 1989*.

Internal / External Consultation

Council's Local Laws, Use of Private Land Policy has been reviewed internally by the Environment and Emergency Department and the Senior Officer Group.

Financial and Resource Implications

The implementation of this policy will be through existing Local Laws and other related Council budget resources.

Options

Council may adopt the reviewed Local Laws Use of Private Land Policy October 2019 as presented or with amendments.

Conclusion

The reviewed Local Laws, Use of Private Land Policy provides clear and consistent guidance to the community about the use of private land within the Corangamite Shire. This will ensure that private land standards are maintained and the use of private land does not adversely impact on the wider community and public safety.

RECOMMENDATION

That Council:

- 1. Revokes the previous Local Laws, Use of Private Land Policy dated November 2014.**
- 2. Adopts the Local Laws, Use of Private Land Policy dated October 2019.**

COUNCIL RESOLUTION

MOVED: Cr Durant

SECONDED: Cr Beard

That the recommendation be adopted.

CARRIED

Attachments

1. Council Policy Local Laws - Use of Private Land 2019
2. Council Policy Local Laws - Use of Private Land 2019 Draft Track Changes - Under Separate Cover



CORANGAMITE
SHIRE

Council Policy Local Laws - Use of Private Land

Corangamite Shire

October 2019

Council Policy



Local Laws Use of Private Land

Introduction

The use of private land has the ability to impact adversely on neighbourhood and visual amenity and pose a significant safety risk, not only to the occupiers of a property but also to others within the community.

Some common forms of uses that impact negatively on a neighbourhood and those who live within the community include:

- Unsightly storage of materials and items;
- Storage of waste and debris;
- Maintenance levels of a property that are creating a fire hazard;
- Living in caravans or mobile dwellings for prolonged periods;
- Storage of unregistered vehicles or vehicles being repaired;
- Placement of shipping containers and temporary structures;
- Use of a recreational vehicle in a residential area;
- Placement of bulk rubbish containers and
- Not correctly identifying a property.

While some uses are short term and minor in nature others may impact the wellbeing and safety of the community and create difficulties for emergency services.

Purpose

To provide a clear and transparent policy direction for private land usage that may impact on a neighbourhood and its community, in order to actively reduce the number of occurrences and risks associated with the uses.

Scope

This policy applies to all owners and occupiers of private land within the Corangamite Shire.

The policy does not control activities and uses that are subject to other permits and legislation.

References

Corangamite Shire Local Laws 2015.

Policy Detail

No person may use, occupy or manage private land in a manner that adversely impacts on neighbourhood and visual amenity or safety of a community.

The determination that a particular use of private land is adversely impacting on the neighbourhood and visual amenity or safety of a community will be determined by an

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authorised local laws officer (authorised officer), if they form the opinion or consider the land or activities on the land to be dangerous, causing a nuisance or unsightly.

Land will be considered to be causing an impact if any of the following apply:

- There are unconstrained materials and/or rubbish on the land, which may be, or may become, unsightly, a haven for vermin, unsafe or may be considered by an authorised officer as dangerous to health.
- Urban land is not being maintained regularly to ensure the growth of grass and weeds do not become a fire hazard.
- A caravan or mobile dwelling is being occupied for extended periods (more than 28 days in any 12 month period) by a person other than a family member linked to an existing dwelling on the property and the property is not currently linked to a permit to construct a dwelling.
- Storage of more than two unregistered, unroadworthy, disassembled, incomplete or deteriorated vehicles, (this includes cars, boats, caravans or any farm type equipment) which are not visually screened from the road frontage in urban areas.
- Shipping containers that are stored in urban areas.
- Persistent use of recreational vehicles in urban areas and extended use after dark in other areas.
- Bulk rubbish container/s placed in locations that may cause a visual or odour impact on the neighbourhood.
- Failure to correctly and clearly identify a property in accordance with a numbering system that has been approved by the municipal council and may assist emergency services to identify the property.

If the use of private land is determined by an authorised officer to be impacting on neighbourhood and visual amenity or the safety of the community, the person/s currently making use of the land will be required to immediately apply for a Local Law Permit to undertake the activity, or if deemed unacceptable by the authorised officer may be provided with a notice to comply to remove materials or improve the private land to the satisfaction of the authorised officer. The notice to comply will be issued in accordance with Council's *Local Law 2015* and may contain conditions to ensure correct management of the site into the future or provide time periods for compliance.

Permits

In some instances a local law permit may be provided to an individual to undertake activities on private land if the use is considered temporary or to have limited impact on neighbourhood and visual amenity or the safety of the community. A permit will not be issued if other legislative permits are required for the use.

All permit applications must be on the prescribed form contained within the Council *Local Laws 2015* and a permit fee will apply.

Decision Guidelines

In determining whether to grant a permit, Officers will take the following into account:

- amenity of the area
- visual impact
- community safety
- public liability
- possibility and cost of re-establishment at expiration of the permit

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- whether the caravan or mobile dwelling is to be located on land where a permanent dwelling is located
- adequate sanitary facilities are provided
- the siting of material or use does not adversely affect the occupants of adjacent properties
- if the use is to be of a temporary nature
- whether a building permit or planning permit has been issued
- whether continuous progress towards completion and compliance with permits is undertaken.

If the use is determined to be unsuitable by an authorised officer, a permit will not be issued or if the use is already occurring, Officers may immediately provide direction for the use to stop and/or the site to be returned to an appropriate condition.

The consent/local law permit period operates from 1 January to 31 December unless cancelled by the permit holder or revoked by Council. All permits must be renewed annually and there will be no refund of permit fees if the permit is cancelled.

A person may be required by an authorised officer, at any time to stop the permitted use and/or remove all associated items if requested by an authorised officer.

Permits are not transferred when property ownership or management changes. A new permit must be applied for by the new owner or manager.

Council may revoke a permit should the permit holder fail to comply with any or all of the conditions contained in the permit.

Conditions of use will apply as determined by an authorised officer and will then be included as part of the consent/permit that is issued.

Exemptions

Caravans and mobile dwellings in registered caravan parks and Council signed camping areas.

Storage of unregistered, un-roadworthy, disassembled, incomplete or deteriorated vehicles, (this includes cars, boats, caravans or any farm type equipment) which is consistent with a planning permit or the allowable use of the land in accordance with the zoning.

Council may exempt any person or class of person/s or an authority from the need for a permit or the payment of a permit fee.

Review Date

October 2023.

Human Rights

The policy gives regard to relevant legislation, principles of natural justice and procedural fairness, community values and Council's resource capacity.

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

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9.6 Corangamite Shire Municipal Emergency Management Plan 2019-2021

Author: Janne Bowen, Emergency Management Officer

File No:

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

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

Author - Janne Bowen

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

Summary

The purpose of this report is for Council to endorse the Corangamite Shire Municipal Emergency Management Plan (MEMP) 2019-2021 (attached under separate cover).

Introduction

Council has established a Municipal Emergency Management Planning Committee in accordance with legislation. The Municipal Emergency Management Planning Committee is responsible for developing and endorsing a Municipal Emergency Management Plan (MEMP), ensuring that actions within the Municipal Emergency Management Plan are implemented and monitoring the effectiveness of those actions.

The Corangamite Shire Municipal Emergency Management Plan is deemed to meet the requirements of the *Emergency Management Act 1986* which stipulates each municipal council must have and maintain a Municipal Emergency Management Plan.

In accordance with the process prescribed by Emergency Management Victoria, the Municipal Emergency Management Plan has been reviewed and amended by the multi-agency Corangamite Shire Municipal Emergency Management Planning Committee. The Municipal Emergency Management Planning Committee adopted the Municipal Emergency Management Plan 2019-2021 with a recommendation to refer the plan to Council for endorsement.

Issues

In accordance with legislative requirements Municipal Emergency Management Plans are audited by the Victorian State Emergency Service on a three-year cycle to ensure they comply with the guidelines issued by the Minister for Police and Emergency Services.

The Corangamite Shire Municipal Emergency Management Plan describes how Council, emergency agencies, and relevant authorities and organisations collaborate and contribute to minimising the social, economic and environmental impact of emergencies within the

Corangamite Shire. The new Municipal Emergency Management Plan 2019-2021 has been developed to comply with recent legislative changes, recommendations from the previous audit process and improvements identified through the South West Fires Debrief reports.

These changes include:

- State coordination for relief and recovery being transitioned to Emergency Management Victoria (EMV)
- The Structure of the Plan has changed to reflect Before, During and After
- Context is now structured under themes adapted from the Emergency Management Victoria Resilient Recovery Discussion Paper
- In addition to the standard Control, Command and Coordination, three additional items have been included: Consequences, Communication and Community Connection. These are known as the 6 C's
- The MECC now sits under the heading of Municipal Emergency Management Coordination
- Agriculture has been included as a separate environment to the functional areas of recovery, as a consideration of the recent fires and the Shire profile
- 'Community' features more prominently over the whole document
- Inclusion of peat soil locations and risks as part of the risk profile for Bushfires Large Regional and the Victorian Fire Risk Register (VFRR)
- A Community Profile template is now included in Appendices for planning and operations, and
- An online link to the Barwon South West Emergency Management Contact List which is updated fortnightly and hosted on EM-COP, along with an updated local specific contact list.

The Municipal Emergency Management Plan is based on the results of the Community Emergency Risk Assessment process, a detailed risk review process undertaken by the committee. The major risks identified in the Corangamite Shire Municipal Emergency Management Plan include Large Bushfire, Major Flood, Heatwave, Human Pandemic and Storm. These risks are supported by following sub plans:

- Municipal Fire Management Plan (Strategic Fire Management Plan Otway District)
- Neighbourhood Safer Places – Bushfire Last Resort Plan
- Municipal Flood Emergency Plan
- Municipal Heatwave Plan
- Pandemic Plan.

Policy and Legislative Context

The *Emergency Management Act 1986* requires municipal councils to prepare and maintain a Municipal Emergency Management Plan. The Municipal Emergency Management Plan must contain provisions for:

- Identifying municipal resources (both owned by or under the direct control of the municipal council) for use in emergency prevention, response and recovery; and
- Specifying how those resources are to be used for emergency prevention, response and recovery.

Ensuring that the Municipal Emergency Management Plan is prepared in accordance with the requirements of the *Emergency Management Act 1986* is consistent with the following

objective in the Council Plan 2017-2021 to 'provide a leadership, planning and coordination role in Emergency Management'.

The *Emergency Management (EM) Legislation Amendment Act 2018* was passed by Parliament in August 2018. The Bill replaces the existing arrangements for emergency management planning at the regional and municipal levels with new regional and municipal planning arrangements.

These arrangements which were planned to be in place by December 2020 have been delayed. The Victoria State Emergency Service has advised that the new requirements are not required to be included in this iteration of the Municipal Emergency Management Plan.

It is expected when the new arrangements are implemented the Corangamite Shire Municipal Emergency Management Plan will be reviewed again for compliance and the new planning arrangements.

Internal / External Consultation

During the drafting of the Corangamite Shire Municipal Emergency Management Plan 2019-2021, input was sought from the Corangamite Shire Municipal Emergency Management Planning Committee. At the Municipal Emergency Management Planning Committee meeting held on 14 August 2019, a motion was passed recommending that the Municipal Emergency Management Plan 2019-2021 be adopted and presented to Council for endorsement.

Financial and Resource Implications

There are no additional financial implications for Council in adopting the Municipal Emergency Management Plan 2019-2021.

Options

Council may choose to endorse the Corangamite Shire Municipal Emergency Management Plan 2019-2021 as presented. Alternatively, Council may choose to return the document to the Municipal Emergency Management Planning Committee for amendment prior to endorsement.

Conclusion

The Corangamite Shire Municipal Emergency Management Plan requires updating on at least a three-year cycle prior to auditing. This allows the plan to be updated to include legislative amendments within the emergency management sector, governmental changes, recommendations from audit processes and any improvements identified after recent activations.

In accordance with the requirements prescribed by the Emergency Management Manual Victoria, the new Corangamite Shire Municipal Emergency Management Plan has been developed and reviewed by the multi-agency Municipal Emergency Management Planning Committee.

The Corangamite Shire Municipal Emergency Management Plan 2019-2021 is a strategic multi-agency document which aims to improve community safety within Corangamite Shire.

Once the Municipal Emergency Management Plan has been endorsed it will replace the existing document and be available for implementation by agencies and Council until 2021.

RECOMMENDATION

That Council endorses the Corangamite Shire Municipal Emergency Management Plan 2019-2021.

COUNCIL RESOLUTION

MOVED: Cr Oakes

SECONDED: Cr Beard

That the recommendation be adopted.

CARRIED

Attachments

1. Corangamite Shire Municipal Emergency Management Plan 2019-2021 - Under Separate Cover

9.7 Local Government Rating System Review Submission

Author: David Rae, Director Corporate and Community Services

File No:

Previous Council Reference: Nil

Declaration

Chief Executive Officer – Andrew Mason

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

Author - David Rae

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

Summary

The purpose of this report is to authorise the Chief Executive Officer to make a submission on Council's behalf to the Victorian Government's Local Government Rating System Review. The proposed submission is attached under separate cover.

Introduction

Rates and charges underpin the funding of local government in Victoria. With the exception of the Fair Go Rates System, which was introduced in 2015, the structure of the rating system has not substantially changed for many years.

In response to the Parliament of Victoria's Inquiry into the Sustainability and Operational Challenges of Victoria's Rural and Regional Councils, the Government initiated an inquiry into the local government rating system to identify changes to improve fairness and equity.

The Minister for Local Government formed a Panel for the Victorian Local Government Rating System Review to provide advice to the Minister in accordance with the Terms of Reference. The Panel is required to consult widely and report to the Minister by 31 March 2020.

To inform the Panel's work, submissions have been invited from councils.

Issues

The Terms of Reference requires the Panel, amongst other matters, to examine the current application of rates and charges by local government in Victoria, and provide advice to the Minister for Local Government on the optimal arrangements for local government rating and charging. The Panel also released a Discussion Paper aimed to stimulate thinking and ideas from all stakeholders of the system. Importantly, the Discussion Paper acknowledges rates are a property based tax, and with that comes many challenges to achieve a sustainable rating system that is efficient, equitable and transparent. It also acknowledges a number of issues which have been framed as broad questions. These are discussed below and have formed the basis of Council's submission. The Terms of Reference and Discussion Paper can be found at <https://engage.vic.gov.au/rating-review>

Should all property owners pay rates?

At present a range of exemptions exist that apply to either the use of land or the occupier of land which precludes them from being rated for municipal purposes. The quantum of the exempt income can be significant for some municipalities. This becomes an additional burden for ratepayers that may otherwise be levied a lower rate.

To achieve an equitable, or fair, rating system the Panel should give consideration to reviewing all exemptions, particularly for government land. Some charitable organisations have business undertakings, such as gambling, and should also be excluded from being exempt where there is a clear intent to profit.

The panel should also explore the implications of the *Electricity Energy Act 2000 (VIC)*, and the implications on councils rating income should energy producing assets be rated on the basis of capital improved value as opposed to energy produced. Councils should have the discretion to rate at the higher rate of either method, particularly given the impact such developments have on council assets, for example roads.

Should some ratepayers pay lower rates than others?

By its nature, a property based taxation system does not tax everyone equally. Rates are generally charged on the basis of the inherent value of the land. The current rating system allows councils to either levy uniform or differential rates. Each council will employ a method that best achieves sustainability, equity and efficiency. This should be retained.

The current rating system works on the value of land as a proxy for capacity to pay. By its nature, some ratepayers will either pay less or more than the average. Where councils recognise classes of ratepayers carry a burden that's either excessive or insufficient, then the use of differentials is invaluable to achieve equity within the rating system. The current provisions of differential rates should be retained and rates should be levied on capital improved value.

Should rates be determined by property values?

The basis for the current rating system stems from a period where the majority of wealth was held in land. This is no longer the case in 2019, and property holdings may no longer be an indicator of wealth or capacity to pay, particularly in rural communities. What is required is a broader examination of the taxation system to ensure local government receives its fair share of total tax revenue (Federal and State) to ensure rates levied to ratepayers better reflect their capacity to pay. This will also assist in reducing an increasing rate burden imposed on ratepayers as a consequence of declining government funding and cost shifting.

Should some municipal services be funded by specific service rates or charges?

The existing provisions for levying a municipal charge, service rate and charge, or special rate and charge should be retained. The maximum municipal charge that can be levied should continue to be 20 per cent of the sum total of a council's total revenue from a municipal charge and total revenue from general rates.

How much oversight of council rates should the State have?

It is essential councils retain their rating powers and the ability to set rating policy and strategy for their own community.

The recommendations of the Local Government Rating Review are likely to inform an amendment to the new Local Government Act at some point. Council should submit no

additional oversight or reporting burden be imposed, but rather reduced to recognise the autonomy of local government. Any oversight by the State Government of council rates should be limited to the oversight of statutory obligations and the provision of guidance material only.

Is the rating system clear and transparent for ratepayers?

Taxation systems are not perfect and can be difficult to understand.

Most grievances received from ratepayers concerning rates tend to result from:

- A perception services received do not reflect rates paid
- Bill shock, as a consequence of significant movements in valuations
- A perception rates are too expensive or the ratepayer pays too much
- A view the value of property doesn't reflect capacity to pay
- A view that councils mismanage income generated from rates.

The majority of councils, including Corangamite, use accompanying explanatory material in plain language to explain how rates are calculated. Similarly, the Municipal Association of Victoria and Local Government Victoria provide material that is readily accessible. This practice should continue.

Other matters

The existing provision for the waiver or deferment of rates should be retained. Similarly, the current payment options and the ability to levy interest on overdue rates and charges. Concessions should also continue to apply, however, councils should be able to grant rebates to 100% of properties within the municipal district (currently this is limited to one-third) without impact on the rate cap.

The introduction of annual revaluations has proved problematic for some ratepayers within Corangamite Shire. Whilst the capital improved values assessed generally reflects the market, some valuation increases can translate into some ratepayers experiencing significant increases in rates (greater than 40% in some cases in 2019-2020), whilst the average rate continues to increase according to the rate cap. The panel should explore the impact of annual revaluations and measures to mitigate large fluctuations. Less frequent revaluation cycles would assist, as effectively rate payers at present are "taxed" on unrealised capital gains or rebated for unrealised capital losses. This is contrary to the federal income tax regime which doesn't recognise such gains and losses until property is disposed, even then there are concessions for long held assets.

There are differences between municipalities on the average rate charged per ratepayer. Evidence would suggest ratepayers in less affluent or rural communities pay more as a proportion to income. This perceived inequality can be a reflection of local policy, but can also signify a broader sustainability issue for councils, as evidenced by low or declining growth rates in population and assessments. To address this inequity alternative funding sources such as increased grants or subsidies to rural councils are likely to be necessary. The panel should explore this further, including further examination of the Inquiry into the Sustainability and Operational Challenges of Victoria's Rural and Regional Councils and its associated recommendations.

Disappointingly, there are some elements outside the scope of the review, including the local government rating system specific to the rate cap provisions. The Panel is encouraged to look beyond the scope of the Terms of Reference into the excluded matters. This will ensure the

Panel's recommendations will result in a modern rating system that is sustainable, efficient, equitable and transparent.

The Panel has also asked councils to complete a questionnaire. The questionnaire covers matters associated with the administration of the rating system by each council and will be attached to the submission.

Policy and Legislative Context

Consideration of this report is in accordance with the following 2017-2021 Council Plan commitment and objective:

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

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

Internal / External Consultation

Council-only forums were facilitated by the Panel chair in late August 2019. The 28 August session in Warrnambool was attended by the Chief Executive Officer, Director Corporate and Community Services and some Councillors with other Councillors opting to attend the 29 August session in Colac. Officers have also engaged with Local Government Victoria (LGV) through a variety of sector sessions and forums. Councillors also had the opportunity to hear from LGV and government advisers on the subject during the recent Melbourne Workshop. Council was briefed on the proposed submission on 8 October 2019.

Financial and Resource Implications

There are no financial and resource implications as a consequence of making a submission.

Options

Council may choose to authorise the Chief Executive Officer to make a submission on its behalf or not.

Conclusion

The Local Government Rating System Review is an opportunity to shape the future of the biggest local government revenue source. The review Panel is seeking input prior completing its final report by 31 March 2020. Councillor's should take advantage of the opportunity to provide a submission. It is recommended Council authorise the Chief Executive Officer to make a submission on its behalf.

RECOMMENDATION

That Council authorises the Chief Executive Officer to make a submission on its behalf on Victorian Government's Local Government Rating System Review.

COUNCIL RESOLUTION

MOVED: Cr Gstrein
SECONDED: Cr Illingworth

That the recommendation be adopted.

CARRIED

Attachments

1. Submission Local Government Rating System Review - Under Separate Cover

9.8 Special Charge Schemes - Various Footpaths

Author: John Kelly, Manager Assets Planning

File No:

Previous Council Reference: 27 November 2018, Item 8.7
27 November 2018, Item 8.8
22 January 2019, Item 9.9

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

Works have been completed on the installation of concrete footpaths at the following locations:

- the southern side of Prince Street from Estcourt Street to Strong Street, Terang
- the northern side of High Street from West Street to Cunningham Street, Lismore, and
- the eastern side of Dover Street from Silvester Street to Mitchell Street, Cobden.

Costs associated with the Special Charge Scheme for these works have been finalised.

The final costs are less than those estimated at the time of the declaration of the Special Charge Scheme.

Approval is sought from Council to vary the cost of the Special Charge Schemes as shown below and to serve notice to the benefitting property owners seeking their contribution.

Introduction

Council, at its meeting on 27 November 2018, declared Special Charge Schemes for the purposes of defraying expenses associated with the installation of the footpaths on Prince Street, Terang and High Street, Lismore which were completed in May and June 2019 respectively.

The footpath in Prince Street provides connections with the existing footpaths in Estcourt Street, The Promenade and Strong Street, and improved access to the Terang Recreation Reserve and to the nearby Terang College in Strong Street.

The footpath in High Street provides connections with the existing footpaths on High Street west of West Street and east of Cunningham, and improved access to the Lismore Community Health Service and Lismore Golf Club to the west and to the Lismore CBD in the east.

Council, at its meeting on 22 January 2019, declared a Special Charge Scheme for the purposes of defraying expenses associated with the installation of the footpath in Dover Street, Cobden which was completed in April 2019.

The footpath in Dover Street provides connections with the existing footpaths in Silvester, Curdie and Parrott Streets, and improved access to the Cobden Technical School and the Cobden Golf Club to the north and to the Cobden Recreation Reserve and CBD to the east.

Issues

The actual costs of construction of the footpaths subject to the Schemes on completion amounted to less than the costs of construction estimated at the time of the declaration. The initial estimates to the Scheme were based on similar projects previously undertaken in the Shire and market rates.

Cost savings are proposed to be passed on to the property owners contributing to the Schemes.

Details on the estimated and final costs for the scheme and costs to property owners is provided in the *Financial and Resource Implications* section below.

Policy and Legislative Context

The Special Charges were declared pursuant to Section 163 of the *Local Government Act 1989*, and 25% of the costs associated with the Schemes are to be recovered from property owners benefiting from the works.

Internal / External Consultation

The Special Charge Schemes have previously been through a formal consultation process in accordance with the *Local Government Act 1989* and Council policy.

The Schemes, which were declared at the Council Meetings on 27 November 2018 and 22 January 2019, are to be varied in respect of the final costs and property owners are to be notified of the required contribution.

Following the Council meetings letters were forwarded to the benefitting property owners on advising of the declarations. The letters also advised of the estimated amount of contribution from each owner as well as the owners' rights of appeal.

Since the declarations there were no appeals made to VCAT objecting to the works.

Financial and Resource Implications

The footpath works at the various sites are now complete and Scheme details are outlined in Table 1.

	TOTAL SCHEME COST		COST TO PROPERTY OWNERS	
	Estimated	Final	Estimated	Final
Prince St, Terang	\$11,980	\$11,081	\$2,995	\$2,770
High St, Lismore	\$16,942	\$16,624	\$4,236	\$4,156
Dover St, Cobden	\$13,726	\$13,211	\$3,431	\$3,303

Table 1: Details of Scheme Costs

The schedules of final costs to be apportioned to each owner are attached to this report.

Options

Council can choose to return the savings arising from finalisation of the Schemes to the contributing property owners. This is consistent with Council's Special Rates and Charges Policy. Alternatively, Council can treat the cost savings as general revenue.

Conclusion

The installation of footpaths in Prince Street, Terang, High Street, Lismore and Dover Street, Cobden has provided connections with existing footpaths adjoining these streets.

The new footpaths have improved the amenity and access in the towns and are considered to benefit the property owners and the community in general.

The projects have been managed efficiently to ensure that residents making a contribution are not financially disadvantaged.

RECOMMENDATION

That Council, with respect to the Special Charge Schemes declared on the 27 November 2018 and 22 January 2019, for the purpose of defraying the expenses incurred for the installation of a footpath and associated works on the southern side of Prince Street from Estcourt Street to Strong Street, Terang, on the northern side of High Street from West Street to Cunningham Street, Lismore and on the eastern side of Dover Street from Silvester Street to Mitchell Street, Cobden:

- 1. Varies the above Special Charge Schemes to acknowledge the final costs as per the attached schedules pursuant to Section 166(1) of the *Local Government Act 1989*, and issues a notice to be served on the property owners pursuant to Section 166(2) of the Act.**
- 2. Serves notices to property owners benefitting from the works for the final costs for full payment within thirty days of the owner receiving notice or by twenty quarterly instalments as approved by Council, bearing interest at the rate of interest set by Council Policy "Special Charge Schemes – Interest on Payment".**

COUNCIL RESOLUTION

MOVED: *Cr Illingworth*

SECONDED: *Cr Gstrein*

That the recommendation be adopted.

CARRIED

Attachments

1. Final Apportionment Costs for Prince Street Terang Footpath Special Charge Scheme
2. Final Apportionment Costs for High Street Lismore Footpath Special Charge Scheme
3. Final Apportionment Costs for Dover Street Cobden Footpath Special Charge Scheme

SCHEDULE OF PROPERTIES & SPECIAL CHARGE APPORTIONMENTS

SPECIAL CHARGE APPORTIONMENT FOR CONSTRUCTION OF A CONCRETE FOOTPATH
 PRINCE STREET, ESTCOURT ST TO STRONG ST (SOUTH SIDE), TERANG
 25% OF FINAL COSTS TO BE APPORTIONED TO OWNERS OF ABUTTING PROPERTIES
 DISTRIBUTION OF APPORTIONED COSTS BASED ON LENGTH OF FRONTAGE OF ALLOTMENTS

FINAL COST OF WORKS: \$11,081
 FINAL COST OF WORKS TO BE RECOVERED BY PROPERTY OWNERS: \$2,770

FRONTAGE UNIT OF APPORTIONMENT: $11,081 \times 0.25 / 139.30 =$ \$19.888

DESCRIPTION OF WORKS AND SPECIFICATIONS	QUANTITY lineal metre	FINAL COST		PROPERTY NUMBER	DESCRIPTION OF PROPERTY	LOT FRONTAGE TO FOOTPATH(m)	SIDE FRONTAGE (m)	CHARGEABLE FRONTAGE (m)	APPORTIONMENT OF COST	VEHICLE CROSSING THICKENING			Final 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.	139.3	74.00	\$10,308	2698	27 ESTCOURT STREET LOT 1 TP761764H	32	20.12	20.12	\$400	3	20.00	60.00	\$460
				3439	2A PRINCE STREET CP151015	18.29		18.29	\$364	3	20.00	60.00	\$424
				3438	2 PRINCE STREET LOTS 1 & 2 TP407998K	14.02		14.02	\$279	3	20.00	60.00	\$339
				3309	20 MCKINNON STREET LOTS 1 & 2 TP130235H	36.27		24.99	\$497	3	20.00	60.00	\$557
				3284	21 MCKINNON STREET ALLOTMENT 7 SECTION 20 TOWN & PARISH OF TERANG	45.29		20.12	\$400	0	20.00	0.00	\$400
				3437	4 PRINCE STREET LOTS 1 & 2 TP391987W	20.12		20.12	\$400	3	20.00	60.00	\$460
				3436	6 PRINCE STREET LOTS 1 & 2 TP533217N	30.18		21.64	\$430	3	20.00	60.00	\$490
				SUB TOTAL 7.5% ADMINISTRATION			\$10,308 \$773						
TOTAL			\$11,081			196.17		139.30	\$2,770	18.00		360.00	\$3,130

SCHEDULE OF PROPERTIES & SPECIAL CHARGE APPORTIONMENTS

SPECIAL CHARGE APPORTIONMENT FOR CONSTRUCTION OF A CONCRETE FOOTPATH
 HIGH ST , WEST ST TO CUNNINGHAM ST (NORTH SIDE), LISMORE
 25% OF FINAL COSTS TO BE APPORTIONED TO OWNERS OF ABUTTING PROPERTIES
 DISTRIBUTION OF APPORTIONED COSTS BASED ON LENGTH OF FRONTAGE OF ALLOTMENTS

FINAL COST OF WORKS: \$16,624
 FINAL COST OF WORKS TO BE
 RECOVERED BY PROPERTY OWNERS: \$4,156

FRONTAGE UNIT OF APPORTIONMENT: 0.25 X 16624/197.17 = \$21.0787

DESCRIPTION OF WORKS AND SPECIFICATIONS	QUANTITY lineal metre	FINAL COST		PROPERTY NUMBER	DESCRIPTION OF PROPERTY	LOT FRONTAGE TO FOOTPATH(m)	CHARGEABLE FRONTAGE (m)	APPORTIONMENT OF COST	VEHICLE CROSSING THICKENING			Total Final 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.	197	78.50	\$15,465	969	62 HIGH STREET CROWN ALLOTMENT 10 SECTION 5 TOWN OF LISMORE	40.23	40.23	\$848	0	20.00	0.00	\$848
				968	68 HIGH STREET LOTS 1 & 2 TP398152P	40.23	40.23	\$848	4	20.00	80.00	\$928
				967	70 HIGH STREET LOT1 TP81357M	20.12	20.12	\$424	4	20.00	80.00	\$504
				965	74 HIGH STREET LOT 1 TP112995K & LOT 1 TP613179Y	40.23	40.23	\$848	3	20.00	60.00	\$908
				964	76 HIGH STREET LOT 1 TP217199B	16.12	16.12	\$340	0	20.00	0.00	\$340
				963	78 HIGH STREET LOT 2 LP76017	20.12	20.12	\$424	3	20.00	60.00	\$484
				1989	20 WEST STREET LOT 1 LP76017	20.12	20.12	\$424	0	20.00	0.00	\$424
SUB TOTAL			\$15,465			197.17	197.17	4156	14.00	280.00	\$4,516	
7.5% ADMINISTRATION			\$1,160									
TOTAL			\$16,624									

SCHEDULE OF PROPERTIES & SPECIAL CHARGE APPORTIONMENTS

SPECIAL CHARGE APPORTIONMENT FOR CONSTRUCTION OF A CONCRETE FOOTPATH
 DOVER STREET, SILVESTER ST TO MITCHELL ST (EAST SIDE), COBDEN
 25% OF FINAL COSTS TO BE APPORTIONED TO OWNERS OF ABUTTING PROPERTIES
 DISTRIBUTION OF APPORTIONED COSTS BASED ON LENGTH OF FRONTAGE OF ALLOTMENTS

FINAL COST OF WORKS: \$13,211

FINAL COST OF WORKS TO BE

RECOVERED BY PROPERTY OWNERS: \$3,303

FRONTAGE UNIT OF APPORTIONMENT: 3,303/159.60 =

\$20.6938

DESCRIPTION OF WORKS AND SPECIFICATIONS	QUANTITY lineal metre	FINAL COST		PROPERTY NUMBER	DESCRIPTION OF PROPERTY	LOT FRONTAGE TO FOOTPATH (m)	SIDE FRONTAGE (m)	CHARGEABLE FRONTAGE (m)	APPORTIONMENT OF COST	VEHICLE CROSSING THICKENING			Total Final Owners Cost	
		RATE (\$/m)	AMOUNT							WIDTH (m)	RATE (\$)/Lm	AMOUNT (\$)		
CONSTRUCTION OF A 75 MM THICK 1.5M WIDE CONCRETE FOOTPATH, REINSTATE NATURE STRIP AND ASSOCIATED WORKS.	159.6	77.00	\$12,289	7332	79 SILVESTER STREET CA 10 SECTION 24 TOWNSHIP OF COBDEN & PARISH OF TANDAROOK	48.48	20.12	20.12	\$416	4	20.00	80.00	\$496	
				6506	98 CURDIE STREET CA 11A SECTION 24 TOWNSHIP OF COBDEN & PARISH OF TANDAROOK	48.48	20.12	20.12	\$416	15	20.00	300.00	\$716	
				6447	99 CURDIE STREET CA 10 SECTION 23 TOWNSHIP OF COBDEN & PARISH OF TANDAROOK	48.48	20.12	20.12	\$416	4	20.00	80.00	\$496	
				7096	80 PARROTT STREET CA 11 SECTION 23 TOWNSHIP OF COBDEN & PARISH OF TANDAROOK	48.48	20.12	20.12	\$416	4	20.00	80.00	\$496	
				7059	79 PARROTT STREET LOT 1 TP532035	48.48	20.12	20.12	\$416	4	20.00	80.00	\$496	
				7028	1 ORTON COURT LOT6 LP149883	30	18	18.00	\$372	1	20.00	20.00	\$392	
				6580	24 DOVER STREET LOT5 LP149883	35.5	16	16.00	\$331	0	20.00	0.00	\$331	
				6897	50 MITCHELL STREET LOT 1 LP149883	39	25	25.00	\$517	0	20.00	0.00	\$517	
SUB TOTAL 7.5% ADMINISTRATION			\$12,289 \$922											
TOTAL			\$13,211			346.90		159.60	\$3,303	32.00		640.00	\$3,943	

9.9 Special Charge Scheme - Ewing Street, Terang Kerb and Channel

Author: John Kelly, Manager Assets Planning

File No:

Previous Council Reference: 18 December 2018, Item 9.7

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

Works have been completed on the installation of new kerb and channel on the northern side of Ewing Street from McKinnon Street to Strong Street, Terang. Costs associated with the Special Charge Scheme for these works have been finalised. The final costs are less than those estimated at the time of the declaration of the Special Charge Scheme.

Approval is sought from Council to vary the cost of the Special Charge Scheme as shown below and to serve notice to the benefitting property owners seeking their contribution.

Introduction

Council, at its meeting on 18 December 2018, declared a Special Charge Scheme for the purposes of defraying expenses associated with the installation of kerb and channel on the northern side of Ewing Street from McKinnon Street to Strong Street Terang. Letters were subsequently forwarded to the benefitting property owners on 19 December 2018 advising of the declaration.

Kerb and channel installation in Ewing Street was completed in June 2019.

Issues

The actual cost of construction to the Scheme on completion amounted to \$12,631. The initial estimate of \$12,802 was based on similar projects undertaken in the Shire previously and market rates. This is less than the costs of construction estimated at the time of the declaration and resulted in some savings against the estimate.

The cost savings are proposed to be passed on to the property owners contributing to the Scheme.

Policy and Legislative Context

The Special Charge was declared pursuant to Section 163 of the *Local Government Act 1989* and 65% of the costs associated with the Scheme are to be recovered from property owners benefiting from the works.

Internal / External Consultation

The Special Charge Scheme has previously been through a formal consultation process in accordance with the *Local Government Act 1989* and Council Policy. The Scheme, which was declared at the Council Meeting on 18 December 2018, is to be varied in respect of the final costs and property owners are to be notified of the required contribution.

Letters forwarded to the benefitting property owners on 19 December 2018 advising of the declaration, also advised of the estimated amount of contribution from each owner as well as the owners' rights of appeal.

Since the declaration there were no objections to the works from owners.

Financial and Resource Implications

The kerb and channel installation is now complete and Scheme details are as follows:

TOTAL SCHEME COSTS		COSTS TO PROPERTY OWNERS	
Estimated	Final	Estimated	Final
\$12,802	\$12,631	\$8,321	\$8,210

The schedule of final costs to be apportioned to each owner is attached to this report.

Options

Council can choose to return the savings arising from finalisation of the Scheme to the contributing property owners. This is consistent with Council's Special Rates and Charges Policy. Alternatively, Council can treat the cost savings as general revenue.

Conclusion

The installation of the kerb and channel in Ewing Street, Terang has improved the amenity of the road and is considered to be a benefit to the property owners and the community in general.

The project has been managed efficiently to ensure that residents making a contribution are not financially disadvantaged.

RECOMMENDATION

That Council, in respect to the Special Charge Scheme declared on 18 December 2018, for the purpose of defraying the expenses incurred for installation of new kerb and channel on the northern side and associated works in Ewing Street from McKinnon Street to Strong Street, Terang:

- 1. Vary the above Special Charge Scheme to acknowledge the final costs as per attached schedule pursuant to Section 166(1) of the *Local Government Act 1989*, and that notice be served on the property owners pursuant to Section 166(2) of the Act.**

-
2. **Serve notices to property owners benefitting from the works for the final costs for full payment within thirty days of the owner receiving notice or by twenty quarterly instalments as approved by Council bearing interest at the rate of interest set by Council Policy “Special Charge Schemes – Interest on Payment”.**

COUNCIL RESOLUTION

MOVED: Cr Durant

SECONDED: Cr Gstrein

That the recommendation be adopted.

CARRIED

Attachments

1. Final Apportionment Costs for New Kerb and Channel Special Charge Scheme in Ewing Street, Terang

SCHEDULE OF PROPERTIES & SPECIAL CHARGE APPORTIONMENTS
 SPECIAL CHARGE APPORTIONMENT FOR CONSTRUCTION OF KERB & CHANNEL
 EWING STREET , MCKINNON ST TO STRONG ST , TERANG (NORTHERN SIDE)
 65% OF FINAL COSTS TO BE APPORTIONED TO OWNERS OF ABUTTING PROPERTIES
 DISTRIBUTION OF APPORTIONED COSTS BASED ON LENGTH OF FRONTAGE OF ALLOTMENTS

FINAL COST OF WORKS: \$12,631
FINAL COST OF WORKS TO BE RECOVERED BY PROPERTY OWNERS: \$8,210
 FRONTAGE UNIT OF APPORTIONMENT: 8,210/79.39 = \$103.42

DESCRIPTION OF WORKS AND SPECIFICATIONS	QUANTITY lineal metre	RATE (\$/m)	AMOUNT	FINAL COST						
				PROPERTY NUMBER	DESCRIPTION OF PROPERTY	LOT FRONTAGE TO KERB & CHANNEL (m)	SIDE FRONTAGE (m)	CHARGEABLE FRONTAGE (m)	OWNER'S FINAL COST	
CONSTRUCTION OF KERB & CHANNEL ON NORTHERN SIDE OF ROAD (excluding minor road widening)	79.39	148	\$11,750	3280	11 MCKINNON STREET	34.29	20.12	20.12	\$2,080	
				10107	1 EWING STREET LOT 3 PS524398U	16	16	16.00	\$1,655	
				201730	1A EWING STREET LOT 2 PS730053G	23.06	23.06	23.06	\$2,385	
SUB TOTAL			\$11,750	3655	14 STRONG STREET LOT 1 PS730053G	27.23	20.21	20.21	\$2,090	
7.5% ADMINISTRATION			\$881							
TOTAL			\$12,631			100.58	79.39	79.39	\$8,210	

9.10 Proposed Investment - Victorian Funds Management Corporation

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 seeks Council approval for investment officers to place an investment with the Victorian Funds Management Corporation.

Introduction

Council's Investment Policy was adopted in April 2019. The policy seeks to optimise the balance between risk and return and sets out guidance for the investment of Council funds which can be made by the investment officers.

The Policy allows for investments in term to maturity deposits for a period of up to two (2) years by investment officers. Given the current climate of declining interest rates, greater investment returns may be generated from an investment within a managed investment scheme (managed fund). Investment officers are recommending a \$5 million investment in the "capital stable" fund managed by the Victorian Funds Managed Corporation (VFMC). The investment requires Council's resolution in accordance with Policy.

Issues

The VFMC is a statutory authority and ultimately responsible to the Treasurer of Victoria. The VFMC invests money on behalf of the Victorian Government and Public Sector. They currently have \$60+ billion under management. Municipal councils are eligible to place investments with the VFMC. Currently, no other council has an investment placed with the VFMC.

Council has generated between \$400,000 and \$600,000 in investment earnings per annum over the past four financial years. In an environment of declining interest rates, maintaining this level of return is problematic. To ensure investment returns remain strong, it is appropriate Council consider investing funds in a managed investment scheme (managed fund) through the Victorian Funds Management Corporation. \$5 million is proposed for this purpose for a minimum three-year period. The proposed investment will not compromise Council's cashflow and will leave Council with sufficient working capital over the next five years.

The Investment Policy requires a Council resolution to proceed. The rationale for a longer-term managed investment includes:

- Interest rates are trending down and will impact on investment income
- Bond yields are currently low which indicates a likely decrease in future interest rates
- Investment returns are maximised in a depressed investment environment.

In generating a higher investment return, a greater amount of risk must be taken by Council. The risks are:

- Council will lose access to these funds for a longer period of time. The minimum period for a managed investment will be three (3) years (as per Policy and VFMC requirements). However, Council's target "net cash position" as projected in the Strategic Resource Plan can accommodate a long-term investment.
- The security of the capital investment is not guaranteed. However, the historical fund performance suggests the VFMC manage this risk well. Notwithstanding this, investment funds generally flow to capital markets (shares) when cash yields (term deposit returns) are low. To mitigate the risk, Council investment officers would not redeem the investment if capital losses would arise.

Council has met all the due diligence requirements of the Victorian Funds Management Corporation. Investment officers are proposing an investment in a capital stable fund, being the fund with the lowest risk profile offered by the VFMC. The current asset allocation of the capital stable fund is 50% cash, 30% fixed income, 15% Australian equities and 5% international equities. The risk profile is considered low as 80% of the funds are invested in liquid assets (term deposits or government bonds). The capital stable fund has an earnings target of CPI plus 2%. This is achieved through diversification into equities.

Policy and Legislative Context

Consideration of this report is in accordance with the following 2017-2021 Council Plan commitment and objective:

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

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

Council's Investment Policy precludes investment officers from investing in a managed fund without a Council resolution. If approved the investment will comply with the *Local Government Act 1989*, specifically Section 143 – Investments.

Internal / External Consultation

Council investment officers have discussed the proposed investment with Victorian Funds Management Corporation. The VFMC have conditionally accepted Council as a client.

Council been briefed twice on this proposed investment. During these briefings Council was fully briefed on the Victorian Funds Management Corporation, historical fund performance and investment risk.

Council also requested a review by its Audit Committee. This review was completed during the Committee's meeting of 12 September. Whilst the Committee did not make a

recommendation, they noted the risk profile of the proposed investment is low with the principal representing a small proportion of Council's overall investment portfolio.

Financial and Resource Implications

The proposed investment will mean that the cash allocated will not be accessible until redeemed. However, Council's Long Term Financial Plan indicates these funds are not required in the medium-term. Similarly, Council's target "net cash position" of \$5 million plus annually can accommodate the investment. Currently the net working capital "cash position" is \$10.7 million.

The declining rates of return for term deposit investments will also be significantly lower than historical results. This will have an adverse impact on cashflow, with earnings anticipated to be up to 30-50% lower.

An investment in a managed fund is not without risk, however, the VFMC's historical performance suggest this can be well managed. A managed fund investment will attract both capital growth opportunity plus cash and dividend yields (subject to the investment portfolio chosen).

Options

Council can resolve to authorise the investment officers to invest \$5 million in a managed fund with the Victorian Funds Management Corporation or not.

Conclusion

Council's Investment Policy establishes the basis for the investment of Council funds. With investment rates being very low at present and likely to decline further, investment officers believe a longer-term investment will provide a higher financial return with the additional risks acceptable (which have been noted as low by Council's Audit Committee).

Should Council not support an investment with the Victorian Funds Management Corporation investment officers suggest a medium-term investment in a term deposit would be appropriate. This would also require a Council resolution if the term extends beyond two years.

RECOMMENDATION

That Council authorises investment officers to invest \$5 million for a minimum term of three (3) years within the capital stable fund managed by the Victorian Managed Fund Corporation.

COUNCIL RESOLUTION

MOVED: *Cr Brown*
SECONDED: *Cr Illingworth*

That the recommendation be adopted.

CARRIED

9.11 Finance Report - September 2019

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 is to note Council's current financial position as at 30 September 2019 and to approve changes to the 2019-2020 reviewed budget, that have resulted from a quarterly review of operations.

Introduction

Council adopted the 2019-2020 Budget at a Special Council meeting in June 2019. At the August 2019 ordinary Council meeting a number of 2018-2019 projects and grants paid in advance were identified as being required to be carried forward to the 2019-2020 year.

During September 2019, managers conducted a review of budgets and the required funds to deliver programs and initiatives. The report is seeking approval of the changes which will reduce the cash position by \$449,726. Notwithstanding the changes to the cash position, Councils year to date financial performance for 2019-2020 remains on target.

Issues

Budget Variations

Council's target cash position is \$5 million or greater on an annual basis. The cash position as at 30 June 2019 was \$23.31 million which was primarily due to incomplete projects, grant funding received in advance and a favourable result to the adjusted forecast. The higher than forecast cash position as at 30 June 2019 will fund the carry forward budget adjustments approved in September 2019 and improve the starting position for the 2020-2021 budget. A summary of forecast cash position after the inclusion of the September quarter review is detailed below

Cash position as at 30 June 2019	\$23,306,297
2019-2020 adopted surplus / (deficit)	\$431,506
2018-2019 carry forwards (net)	(\$13,023,376)
2018-2019 September quarter adjustments	(\$449,726)
2019-2020 Forecast "cash" Surplus/(Deficit)	<u>\$10,264,701</u>

A summary of the September 2019 quarter adjustments is as follows:

Recurrent operations	(\$3,335)
Operating projects	(\$74,344)
Capital projects	(\$342,047)
Reserve transfers & loan repayments	(\$30,000)
Total quarterly forecast budget adjustments	<u>(\$449,726)</u>

Financial Performance

Council's financial performance for 2019-2020 is on target with a year to date favourable cash variance of \$154,679 compared to budget. Main contributors to the better than forecast cash result at 30 September are:

- Recurrent operations are \$87,708 favourable to budget due to timing and forecasting differences offset by reduction in landfill income
- Rate income is \$61,568 favourable to budget due to supplementary rating income being received. The budget is not updated until all objections have been assessed
- Operating project expenditure is \$35,109 favourable to budget due to timing of grant payments and projects being completed ahead of schedule
- Capital expenditure is \$49,210 unfavourable to budget due to forecasting differences and capital projects being ahead of schedule
- Other minor timing and forecasting differences.

Policy and Legislative Context

The report meets Council's requirements for reporting under the *Local Government Act 1989* and is in accordance with its Council Plan 2017-2021 commitment that:

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

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

Internal / External Consultation

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

Financial and Resource Implications

The report indicates that Council's forecast financial position at 30 June 2020 will differ from the reviewed budget due to the quarterly review of operations.

The purpose of the quarterly review is to identify significant variances to the budget. Adjustments are made due to new information being identified.

Options

Council can choose to:

1. Accept the adjustments to the 2019-2020 forecast budget which will include the 2019-2020 September quarter adjustments
2. Not accept the adjustments to the 2019-2020 forecast budget.

Conclusion

Council's financial performance for 2019-2020 remains on target. The year to date cash variance of \$154,679 is favourable compared to budget, this is primarily due to timing issues and projects being ahead of schedule. After the proposed quarterly adjustments of \$449,726, Council's cash position will remain within the target of \$5 million or greater.

RECOMMENDATION

That Council:

- 1. Receives the finance report for the period ending 30 September 2019**
- 2. Approves the forecast budget for 2019-2020, which includes the September quarter adjustments.**

COUNCIL RESOLUTION

MOVED: Cr Durant
SECONDED: Cr Illingworth

That the recommendation be adopted.

CARRIED

Attachments

1. Finance Report - September 2019

John Kelly left the meeting at 9.03 pm.

CORANGAMITE SHIRE
**FINANCIAL
PERFORMANCE
REPORT** SEPTEMBER 2019



Finance Report

Attestation

In my opinion the information set out in this report presents fairly the financial transactions for the period ended 30 September 2019. All statutory obligations which relate to the period of this report have been made.



Adam Taylor CPA

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- 2. Cash Budget
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- 7. Investments
- 8. Procurement
- 9. Outstanding Debtors
- 9. September 2019 forecast changes
- 11. Balance Sheet for the period ended 30 September 2019
- 12. Income Statement for the period ended 30 September 2019

Synopsis

The purpose of this report is to provide Council an update and commentary on the

Definitions

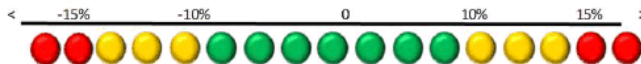
Adopted Budget represents the Budgeted adopted by the Council in June.

Reviewed Budget represents the adopted budget adjusted for approved budget amendments (such as carry forward or mid-year reviews)

Forecast Budget represents the most recent estimated financial position which has not been approved by Council

Variance indicator thresholds

The following tolerances are used on all reports represented by traffic light indicator

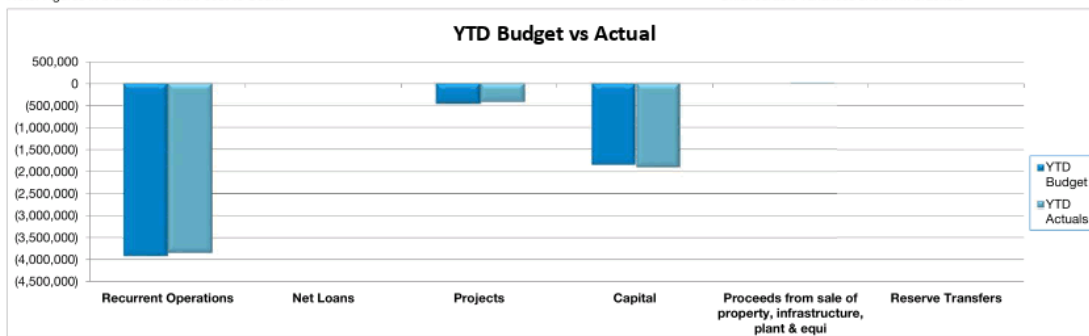


1. Performance Summary

	Adopted Budget	Reviewed Budget	Forecast Budget	YTD Budget	YTD Actuals	YTD Variance fav/(unfav)	
						\$	%
Recurrent Operations	(9,502,544)	(14,771,910)	(14,775,245)	(3,925,460)	(3,837,752)	87,708	2%
Rate Income	22,034,273	22,034,273	22,034,273	22,018,874	22,080,442	61,568	0%
Net Loans	0	0	0	0	0	0	0%
Projects	(2,785,719)	(8,296,402)	(8,370,746)	(463,705)	(428,596)	35,109	8%
Capital	(10,281,857)	(13,666,290)	(14,008,337)	(1,849,810)	(1,899,019)	(49,210)	(3%)
Proceeds from sale of property, infrastructure, plant & equi	423,500	423,500	423,500	0	11,574	11,574	0%
External Loan Funds	25,333	25,333	25,333	16,167	16,167	(0)	(0%)
Reserve Transfers	518,520	538,520	508,520	0	0	0	0%
Extraordinary Events	0	1,121,106	1,121,106	76,862	84,790	7,928	10%
Surplus/(Deficit)	431,506	(12,591,870)	(13,041,596)	15,872,928	16,027,606	154,679	1%
Surplus/(Deficit) B/forward	7,703,993	23,306,297	23,306,297				
Surplus/(Deficit) at end of year	8,135,499	10,714,427	10,264,701				

Note: Figures in brackets indicate cost to Council

Unfavourable variances shown in brackets

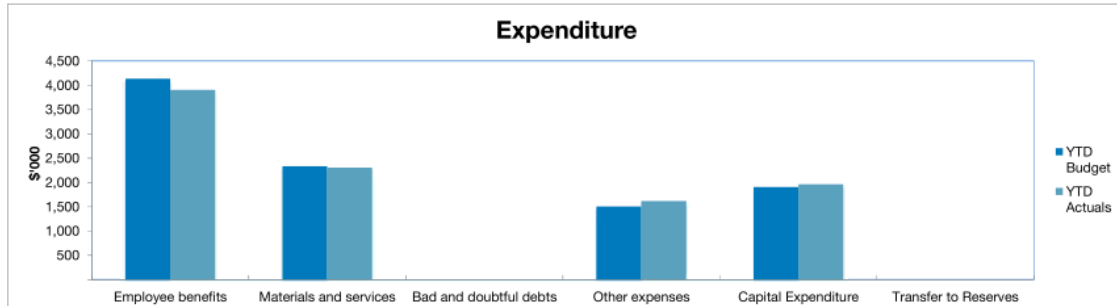
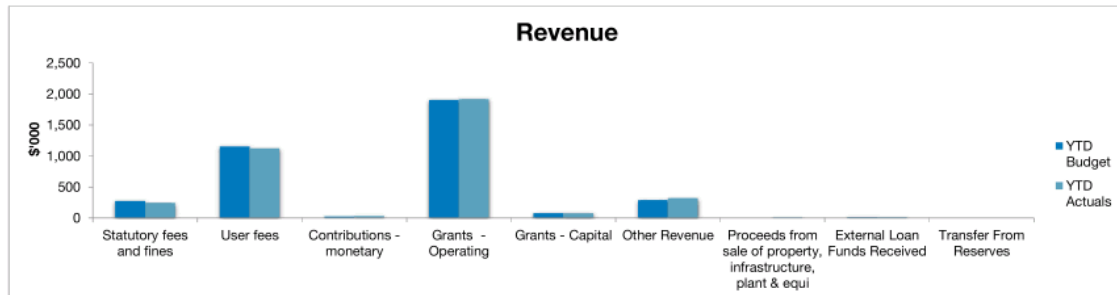


2. Cash Budget

	Adopted Budget	Reviewed Budget	Forecast Budget	YTD Budget	YTD Actuals	YTD Variance fav/(unfav)	
						\$	%
REVENUE							
Rates and charges	22,034,273	22,034,273	22,034,273	22,018,874	22,080,442	61,568	0%
Statutory fees and fines	442,627	442,627	442,627	272,740	244,995	(27,745)	(10%)
User fees	6,013,670	6,013,194	6,028,204	1,152,176	1,121,040	(31,136)	(3%)
Contributions - monetary	239,187	413,087	395,334	25,000	31,997	6,997	28%
Grants - Operating	11,407,286	8,294,869	8,279,678	1,906,214	1,915,616	9,402	0%
Grants - Capital	4,363,443	4,599,585	5,031,697	75,000	77,000	2,000	3%
Other Revenue	860,005	860,005	860,005	286,752	318,748	31,996	11%
Proceeds from sale of property, infrastructure, plant & equi	423,500	423,500	423,500	0	11,574	11,574	0%
External Loan Funds Received	25,333	25,333	25,333	16,167	13,124	(3,043)	(19%)
Transfer From Reserves	1,046,000	1,066,000	1,066,000	0	0	0	0%
Total Revenue	46,855,323	44,172,472	44,586,650	25,752,923	25,814,536	61,613	58%
EXPENDITURE							
Employee benefits	15,140,288	15,141,542	15,210,556	4,133,729	3,905,361	228,368	(6%)
Materials and services	13,055,110	19,531,774	19,468,710	2,332,964	2,303,718	29,246	(1%)
Bad and doubtful debts	2,500	2,500	2,500	1,415	0	1,415	(100%)
Other expenses	2,942,039	3,010,171	3,095,466	1,507,078	1,618,090	(111,013)	7%
Capital Expenditure	14,756,400	18,550,875	19,293,534	1,904,810	1,962,803	(57,993)	3%
Transfer to Reserves	527,480	527,480	557,480	0	0	0	0%
Total Expenditure	(46,423,817)	(56,764,342)	(57,628,246)	(9,879,995)	(9,789,973)	90,022	(17%)
Surplus/(Deficit)	431,506	(12,591,870)	(13,041,596)	15,872,928	16,024,563	151,635	1%

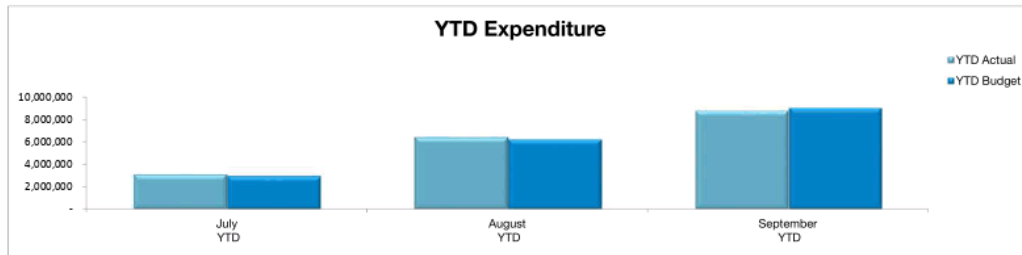
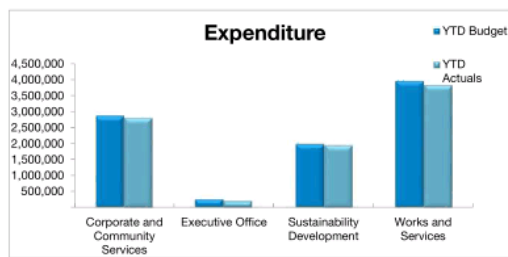
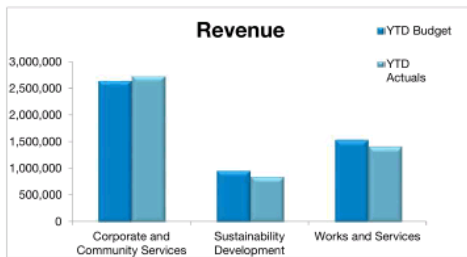
Note: Figures in brackets indicate cost to Council

Unfavourable variances shown in brackets



3. Recurrent Operations

	Adopted Budget	Reviewed Budget	Forecast Budget	YTD Budget	YTD Actuals	YTD Variance fav/(unfav)	
						\$	%
Recurrent Operations							
Revenue							
Corporate and Community Service	14,294,719	10,065,766	10,050,575	2,643,305	2,728,206	84,901	(3%) ●
Sustainability Development	5,233,669	5,208,763	5,208,763	963,783	849,397	(114,385)	12% ●
Works and Services	6,890,975	6,890,975	6,945,982	1,539,755	1,410,624	(129,131)	8% ●
Revenue Total	26,419,363	22,165,504	22,205,320	5,146,842	4,988,228	(158,615)	3% ●
Expenses							
Corporate and Community Service	9,160,604	9,377,360	9,357,360	2,873,320	2,816,016	57,304	2% ●
Executive Office	940,597	940,597	940,597	252,528	218,702	33,826	13% ●
Sustainability Development	10,742,267	11,541,018	11,546,018	1,978,204	1,958,449	19,755	1% ●
Works and Services	15,078,438	15,078,438	15,136,590	3,968,251	3,832,813	135,438	3% ●
Recurrent Operations Total	(9,502,544)	(14,771,910)	(14,775,245)	(3,925,460)	(3,837,752)	87,708	2% ●



Comments:

Recurrent Revenue is \$158,615 unfavourable budget.

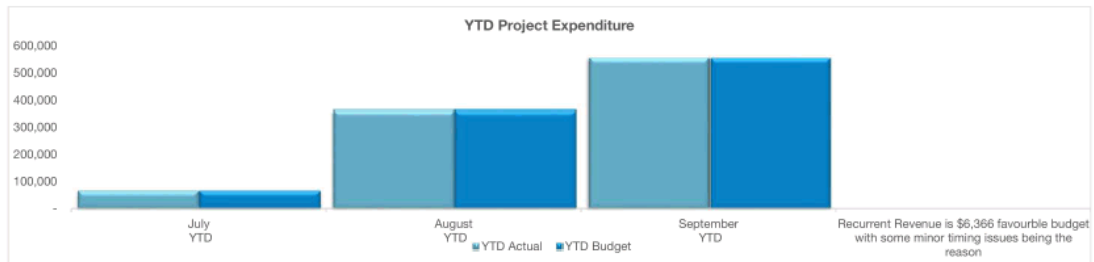
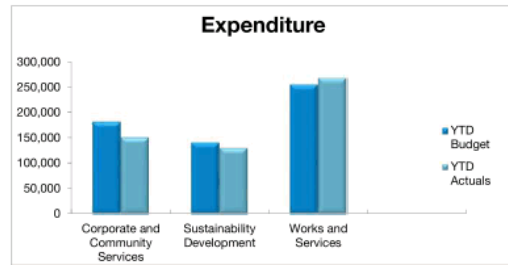
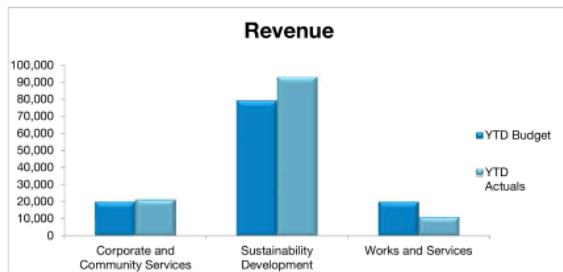
Corporate and Community Services revenue is favourable to budget with timing of grant funding being the primary reason
Sustainability Development is behind budget with landfill income falling due to the loss of a major customer. Work is currently being undertaken to scale back expenditure to offset the loss of income
Works and Services income is behind budget with heavy plant and concost recovery behind budget. This is a timing issue and will be recovered during the construction season and is offset by savings in expenditure

Recurrent expenditure is \$87,708 favourable to budget.

There are minor timing differences across the Corporate and Community Services, Executive Services and Sustainable Development areas.
Works and Services expenditure is favourable to budget with heavy plant and concost recovery ahead budget. This is a timing issue and will be recovered during the construction season and is offset by reductions in revenue

4. Projects

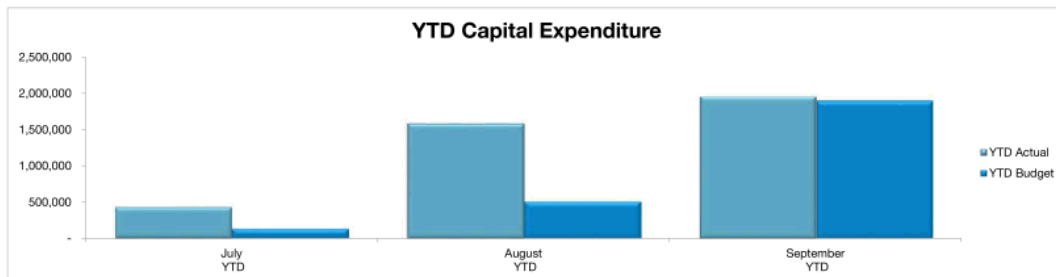
	Adopted Budget	Reviewed Budget	Forecast Budget	YTD Budget	YTD Actuals	YTD Variance fav/(unfav)	
						\$	%
Projects							
Revenue							
Corporate and Community Services	20,000	26,401	27,651	20,000	21,259	1,259	(6%) ●
Sustainability Development	235,126	240,751	265,751	79,290	93,282	13,992	(18%) ●
Works and Services	333,500	333,500	281,000	20,000	11,115	(8,885)	44% ●
Revenue Total	588,626	600,652	574,402	119,290	125,656	6,366	(5%) ●
Expenses							
Corporate and Community Services	416,480	5,253,199	5,303,449	183,501	152,986	30,515	17% ●
Sustainability Development	1,295,490	1,791,268	1,786,268	142,542	131,634	10,909	8% ●
Works and Services	1,662,375	1,852,587	1,855,431	256,952	269,633	(12,681)	(5%) ●
Expenses Total	(3,374,345)	(8,897,054)	(8,945,148)	(582,995)	(554,253)	28,743	5% ●
Projects Total	(2,785,719)	(8,296,402)	(8,370,746)	(463,705)	(428,596)	35,109	8% ●



Comments:
Recurrent Revenue is \$6,366 favourable budget with some minor timing issues being the reason
Recurrent expenditure is \$28,743 favourable to budget with projects being completed behind forecast expenditure

5. Capital

	Adopted Budget	Reviewed Budget	Forecast Budget	YTD Budget	YTD Actuals	YTD Variance fav/(unfav)	
						\$	%
Capital							
Revenue							
Sustainability Development	50,000	292,924	292,924	50,000	60,000	10,000	(20%) ●
Works and Services	5,458,543	5,645,661	6,046,273	5,000	3,784	(1,216)	24% ●
Revenue Total	5,508,543	5,938,585	6,339,197	55,000	63,784	8,784	(16%) ●
Expenses							
Corporate and Community Services	142,000	199,965	199,965	0	18,496	(18,496)	0% ●
Sustainability Development	360,000	834,300	834,300	182,622	202,500	(19,878)	(11%) ●
Works and Services	14,254,400	17,516,610	18,259,269	1,722,188	1,741,807	(19,619)	(1%) ●
Expenses Total	(14,756,400)	(18,550,875)	(19,293,534)	(1,904,810)	(1,962,803)	(57,993)	(3%) ●
Capital Total	(9,247,857)	(12,612,290)	(12,954,337)	(1,849,810)	(1,899,019)	(49,210)	(3%) ●



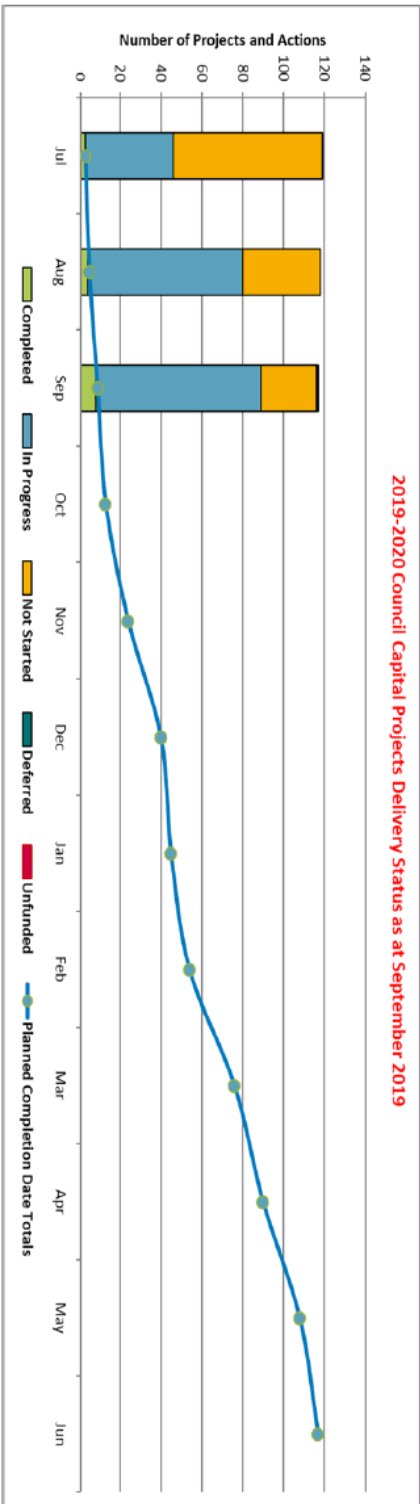
Comments:

Recurrent Revenue is \$8,784 favourable budget with some minor timing issues being the reason
Recurrent expenditure is \$49,210 unfavourable to budget with projects being completed ahead of forecast expenditure

6. Project Delivery

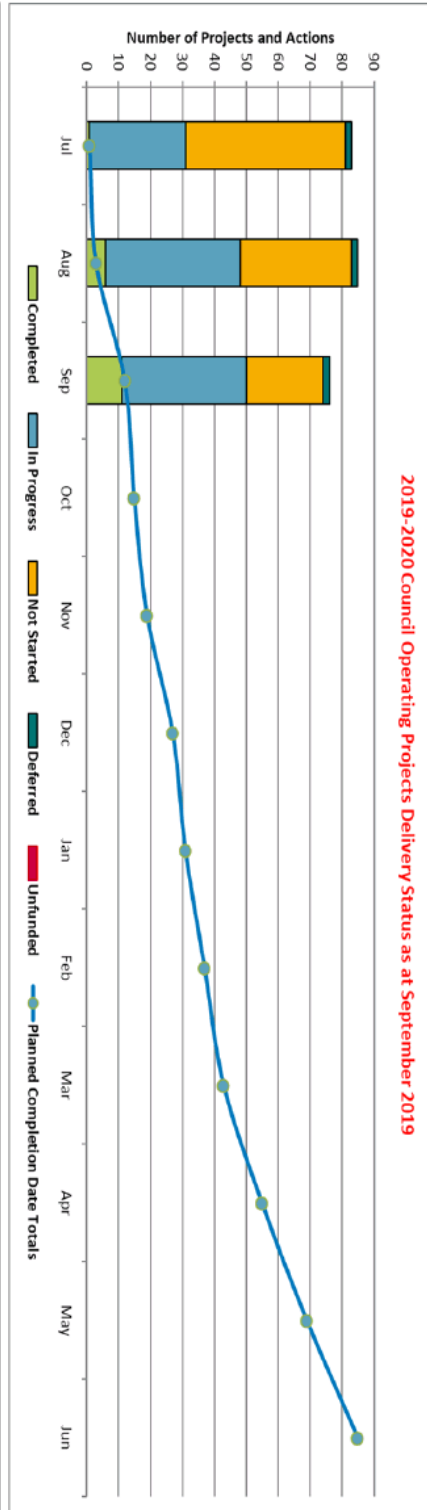
The graphs and tables below provide an overview of the status of Council's capital and operating projects for the reporting period.

2019-2020 Council Capital Projects Delivery Status as at September 2019



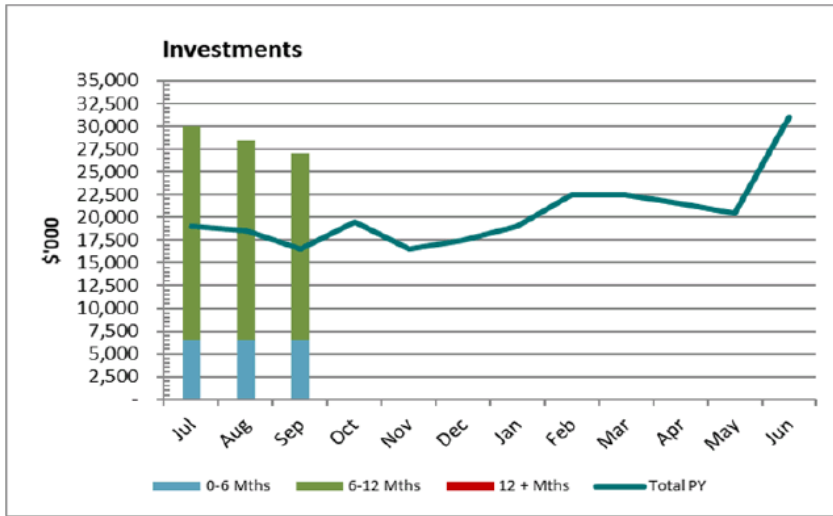
Directorate	Council	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Project	Capital Projects												
Not Started		73	38	27	0	0	0	0	0	0	0	0	0
In Progress		43	76	81	0	0	0	0	0	0	0	0	0
Completed		3	4	8	0	0	0	0	0	0	0	0	0
	Sub Total	119	118	116	0	0	0	0	0	0	0	0	0
	Completion Rate	2.5%	3.4%	6.9%									
Deferred		0	0	1	0	0	0	0	0	0	0	0	0
Unfunded		0	0	0	0	0	0	0	0	0	0	0	0
	Total	119	118	117	0	0	0	0	0	0	0	0	0
	Planned Completion Date Totals	3	5	9	13	24	40	45	54	76	90	108	117
Actual YTD		\$436,777	\$1,547,095	\$1,815,949									
Budget YTD		\$101,100	\$524,411	\$1,461,514	\$2,280,695	\$2,927,277	\$4,071,601	\$5,181,817	\$6,981,381	\$9,051,530	\$10,807,358	\$13,349,004	\$18,550,875

2019-2020 Council Operating Projects Delivery Status as at September 2019



Directorate	Project	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Council	Operating Projects	50	35	24	0	0	0	0	0	0	0	0	0
	Not Started	30	42	39	0	0	0	0	0	0	0	0	0
	In Progress	1	6	11	0	0	0	0	0	0	0	0	0
	Completed	81	83	74	0	0	0	0	0	0	0	0	0
	Sub Total	1.2%	7.2%	14.9%	0	0	0	0	0	0	0	0	0
	Completion Rate	2	2	2	0	0	0	0	0	0	0	0	0
	Deferred	0	0	0	0	0	0	0	0	0	0	0	0
	Unfunded	83	85	76	0	0	0	0	0	0	0	0	0
	Total	83	85	76	0	0	0	0	0	0	0	0	0
	Planned Completion Date Totals	1	3	12	15	19	27	31	37	43	55	69	85
	Actual YTD	567,929	\$3,633,458	\$4,481,254	\$753,104	\$901,944	\$1,172,889	\$1,332,128	\$1,608,985	\$1,996,929	\$2,322,692	\$2,603,483	\$8,897,054
	Budget YTD	\$50,186	\$252,356	\$569,237	\$753,104	\$901,944	\$1,172,889	\$1,332,128	\$1,608,985	\$1,996,929	\$2,322,692	\$2,603,483	\$8,897,054

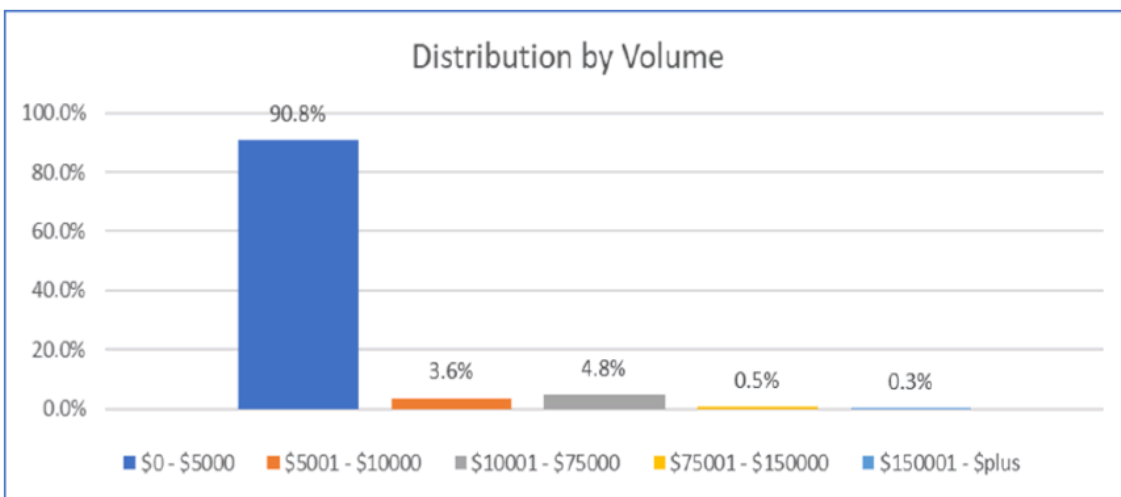
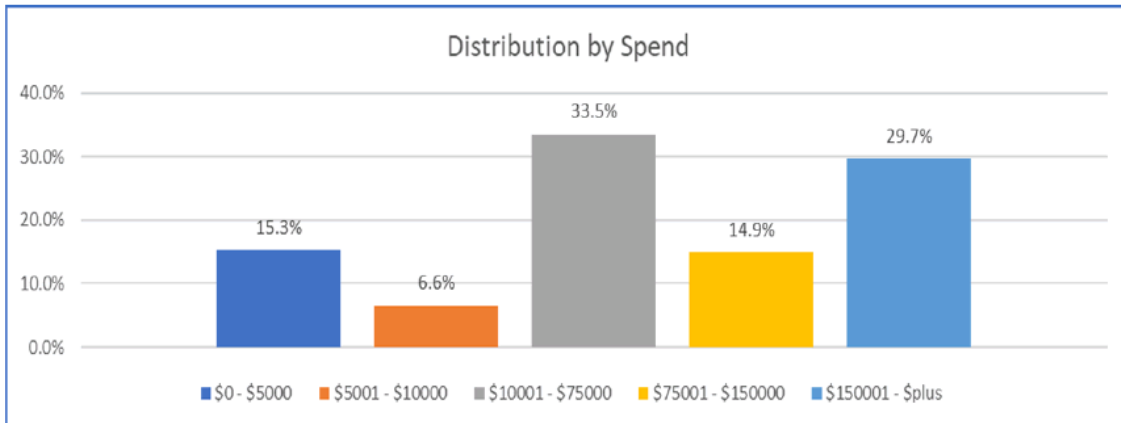
7. Investments



The above graph shows the 2019-2020 total investments as a comparative line and categorises current year investments by term. Term deposits are much higher at September 2019 due to grant income paid in advance and a large grant held on behalf of the shared service project which was funded in June 2019.

8. Purchasing and Procurement

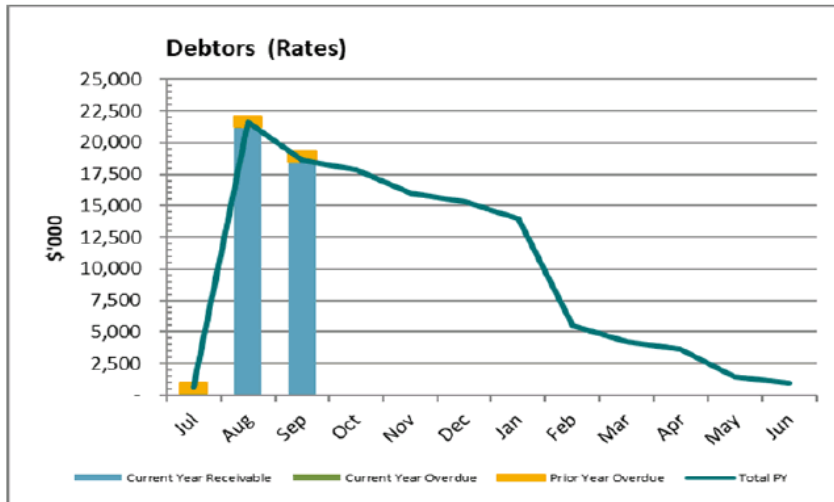
The graph below details Council's procurement activity for the reporting period by spend and volume. The top graph details the cumulative expenditure by value whilst the bottom graphs details the cumulative transactions by volume. For example 90.8% of transactions for the period were for a value of \$5,000 or less with a cumulative value representing 15.3% of total procurement.



9. Outstanding Debtors

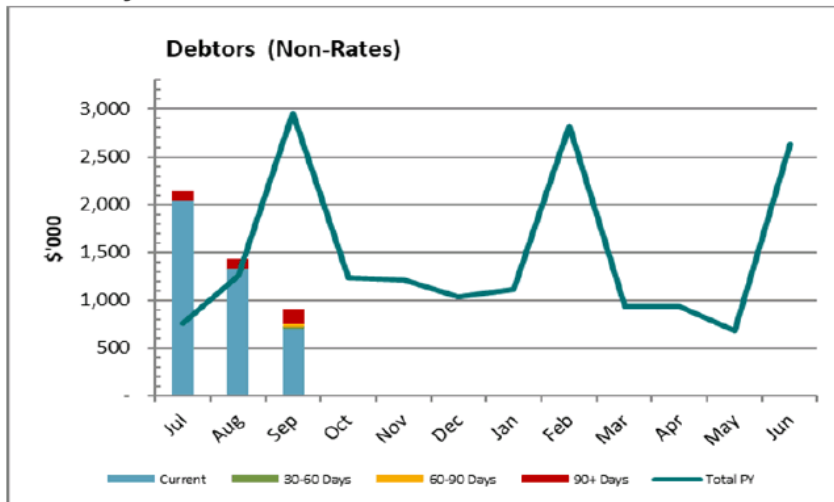
Rate Debtors

The below graph shows the total outstanding rates from the 2019-2020 financial year as a comparative line with the stacked bar graph showing the current year outstanding rates, categorised as current, current year overdue and prior year overdue.



Rates are raised in August and the first instalment is due on 30 September, the second instalment 30 November, the third instalment 28 February and the final instalment 31 May. Ratepayers who choose to pay a lump sum are due on 15 February. Rates debt relating to prior years is slowly reducing as payment arrangements are followed and collection through external collection agencies pursued. The overdue debt has profiled similarly to the previous financial year.

Sundry Debtors



Sundry debtors are showing a lower total amount owing than September last year. This is due to flood and fire recovery grant invoices outstanding at this time last year.

10. September 2019 Forecast changes

Project Name	2019-2020 Adopted Budget	2019-2020 Reviewed Budget	2019-2020 Forecast Budget	(Favourable) / Unfavourable Details
Capital Projects				
Roads to Recovery Funding	(1,828,443)	(1,828,443)	(2,285,555)	(457,112) Additional Roads to Recovery funding received
Road Resealing Program	1,639,000	1,639,000	1,654,000	(25,000) Savings on contracted price
Campdown Streetscape - Stage 2A	0	3,553	0	(3,553) Project finalised - funds not required
Campdown Stage 2B - Town's square	0	182,029	191,873	9,844 Additional funds required to complete project
Campdown Civic Centre - McNeil Street - External Wall	20,000	20,000	19,952	(48) Savings on contracted price
Usmore Family Day Centre - Internal Painting	12,000	12,000	0	(12,000) Project not required
Twelve Apostles Trail - Stage 1 Timboon to Port Campbell	0	0	13,816	13,816 Funds reallocated from operating project
Kaialih Road (Heyresbury) (1.84km to 2.68km)	132,000	132,000	182,000	50,000 Allocation of additional Roads to Recovery funding
Road Upgrade to support local business and tourism	200,000	200,000	607,000	407,000 Allocation of additional Roads to Recovery funding
Purchase - 5 Currier Road Timboon	0	0	360,000	360,000 Funds required to purchase Timboon transfer station site per Council resolution
		Total capital project variations		342,047
Recurrent Operations				
Economic Development & Tourism Mgt	350,490	350,490	355,490	5,000 VECCI membership 2019-2020
Maternal & Child Health	89,637	169,637	184,828	15,191 Confirmed funding lower than budget
Aged & Disability services - minor capital funding	20,000	20,000	0	(20,000) Funding reallocated to access and inclusion plan
Sports Centre New - Campdown	38,018	38,018	3,603	(34,415) YMCA no longer managing the stadium, changes in budget to reflect this
Sports Centre - Timboon	27,002	27,002	31,252	4,250 YMCA no longer managing the stadium, changes in budget to reflect this
Dial Before You Dig	2,200	2,200	2,325	125 Additional funds required to complete project
Infrastructure Assets Assessment	63,000	63,000	67,000	4,000 Additional funds required to complete project
Trail Contributions	12,571	12,571	28,371	15,800 Policy Change - increase in contributions
Derrifallum family day care building	(1,705)	(1,705)	3,059	4,764 loss of tenant at property, Budget adjusted to reflect loss of income
Theatre shop building	(3,174)	(3,174)	5,446	8,620 loss of tenant at property, Budget adjusted to reflect loss of income
		Total recurrent operations variations		3,335
Operating Projects				
Community Grants Funding	50,000	50,000	25,627	(24,373) Funds Reallocated to Facility grants
Facility Grants	50,000	50,000	103,335	53,335 Funds from Community Grants and correction for error in budget
Twelve Apostles Trail - Stage 1 Technical Assessments	0	13,618	0	(13,618) Funds reallocated to capital project
Family Day Care - Strategic Review	15,000	15,000	18,000	3,000 Additional funds required to complete project
Community Service Youth Project	0	0	20,000	20,000 Correction to budget, Should have been part of adopted budget
Stadium management startup	0	0	40,000	40,000 Funding required to setup infrastructure for Council to takeover management
Access and inclusion plan	0	0	26,000	26,000 Funding from aged and disability minor capital and additional funds to complete project
Community Township Funds	30,000	30,000	0	(30,000) Funding allocated to community town plan reserves
		Total operating project variations		74,344
Reserve Transfers				
Community Township Funds	0	0	30,000	30,000 Funding allocated from community town plans projects
		Total reserve transfer variations		30,000
		Total September quarter budget variations		449,735

11. Balance Sheet for the period ended 30 September 2019

	Prior Year Balance	Adopted Budget	Reviewed Budget	Forecast Budget	YTD Actuals
CURRENT ASSETS					
Cash and cash equivalents	33,290,726	19,970,918	17,695,054	17,635,328	32,697,712
Financial Assets	25,359	12,400	12,400	12,400	9,192
Rate Receivables	942,718	1,000,000	1,000,000	1,000,000	19,319,854
Other Trade Receivables	2,823,039	1,500,000	1,400,000	1,400,000	1,020,429
Inventories	64,607	80,000	140,000	140,000	108,575
Other assets	1,037,208	494,170	1,000,000	1,000,000	352,735
Total Current Assets	38,183,658	23,057,488	21,247,454	21,187,728	53,508,497
NON CURRENT ASSETS					
Investments in associates	293,180	264,715	293,180	293,180	293,180
Financial Assets	12,374	46,217	0	0	12,374
Trade and other receivables	24,146	0	25,000	25,000	16,735
WIP - Capital	2,421,516	14,756,400	18,550,875	18,933,534	4,351,319
Fixed assets	452,827,678	460,836,881	445,764,669	445,764,669	452,860,678
Total Non Current Assets	455,578,893	475,904,213	464,633,724	465,016,383	457,534,286
Total Assets	493,762,552	498,961,701	485,881,178	486,204,111	511,042,783
CURRENT LIABILITIES					
Trade and other payables	2,111,041	3,260,796	2,100,000	2,100,000	1,039,133
Trust funds and deposits	226,018	235,584	226,018	226,018	641,087
Provisions - current	3,791,329	3,850,712	3,800,000	3,800,000	3,976,390
Total Current Liabilities	6,128,387	7,347,092	6,126,018	6,126,018	5,656,610
NON CURRENT LIABILITIES					
Provisions - non-current	3,967,421	3,559,555	3,972,265	3,972,265	3,745,188
Total Non Current Liabilities	3,967,421	3,559,555	3,972,265	3,972,265	3,745,188
Total Liabilities	10,095,808	10,906,647	10,098,283	10,098,283	9,401,798
Net Assets	483,666,743	488,055,054	475,782,896	476,105,828	501,640,985
EQUITY					
Operating Surplus/Deficit	7,212,310	1,365,053	(7,883,848)	(7,560,915)	17,974,242
Accumulated surplus	178,010,185	178,640,436	185,761,016	185,731,016	185,222,496
Asset revaluation reserve	290,264,105	300,748,590	290,264,105	290,264,105	290,264,105
Reserves	8,180,142	7,300,975	7,641,622	7,671,622	8,180,142
Total Equity	483,666,743	488,055,054	475,782,896	476,105,828	501,640,985

	Prudential Guideline	Adopted Budget	Reviewed Budget	Forecast Budget	YTD Actuals
Working capital ratio / Liquidity ratio (current assets to current liabilities)	150%	313.83%	346.84%	345.86%	945.95%
Debt servicing ratio (interest paid as % of total revenue)	5%	0.00%	0.00%	0.00%	0.00%
Debt commitment ratio (interest and loan repayments as a % of rate revenue)	15%	0.00%	0.00%	0.00%	0.00%

12. Income Statement for the period ended 30 September 2019

	Adopted Budget	Reviewed Budget	Forecast Budget	YTD Budget	YTD Actuals	YTD Variance favourable/ (unfavourable)
REVENUE						
Rates and charges	22,034,273	22,034,273	22,034,273	22,018,874	22,080,442	61,568
Statutory fees and fines	442,627	442,627	442,627	272,740	244,995	(27,745)
User fees	6,013,670	6,013,194	6,028,204	1,152,176	1,121,040	(31,136)
Contributions - monetary	239,187	413,087	395,334	25,000	31,997	6,997
Grants - Operating	11,407,286	8,294,869	8,279,678	1,906,214	1,915,616	9,402
Grants - Capital	4,363,443	4,599,585	5,031,697	75,000	77,000	2,000
Other Revenue	860,005	860,005	860,005	286,752	318,748	31,996
Total Revenue	45,360,491	42,657,640	43,071,818	25,736,756	25,789,838	(53,082)
EXPENDITURE						
Employee benefits	15,140,288	15,141,542	15,210,556	4,133,729	3,905,361	228,368
Materials and services	13,055,110	19,531,774	19,468,710	2,332,964	2,303,718	29,246
Bad and doubtful debts	2,500	2,500	2,500	1,415	0	1,415
Depreciation	12,855,500	12,855,500	12,855,500	0	0	0
Other expenses	2,942,039	3,010,171	3,095,466	1,507,078	1,618,090	(111,013)
Total Expenditure	(43,995,437)	(50,541,487)	(50,632,733)	(7,975,185)	(7,827,170)	148,015
Surplus/(Deficit) from Operations	1,365,053	(7,883,848)	(7,560,915)	17,761,570	17,962,667	(201,097)
Proceeds from sale of property, infrastructure, plant & equi	423,500	423,500	423,500	0	11,574	(11,574)
Written down value property, infrastructure, plant and equip	423,500	423,500	423,500	0	0	0
Net (gain)/loss on disposal of property, infrastructure, plant and equipment	0	0	0	0	11,574	(11,574)
Surplus/(Deficit) for Period	1,365,053	(7,883,848)	(7,560,915)	17,761,570	17,974,242	(212,671)

9.12 Quick Response Grants Allocation October 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 October 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	0.00	1,500.00
South Central	2,500.00	0.00	0.00	2,500.00
South West	2,500.00	1,478.00	0.00	1,022.00
Central	7,500.00	909.00	500.00	6,091.00
	17,500.00	4,386.00	500.00	12,614.00

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 October 2019:

Applicant	Purpose	Ward	Amount
Camperdown Theatre Company	Costs associated with conducting Carols by Candlelight for Christmas 2019.	Central	\$500.00

COUNCIL RESOLUTION

MOVED: Cr Illingworth

SECONDED: Cr Gstrein

That the recommendation be adopted.

CARRIED

Attachments

1. Assessment Quick Response Grants - October 2019 Allocation - Under Separate Cover
2. Application Quick Response Grants - Camperdown Theatre Company (Part A) - Under Separate Cover
3. Application Quick Response Grants - Camperdown Theatre Company (Part B) - Under Separate Cover

9.13 Planning and Environment Act 1987 - Instrument of Appointment and Authorisation

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

Council's Instrument of Appointment and Authorisation for the exercise of powers under the *Planning and Environment Act 1987* and the *Local Government Act 1989* has been revised due to personnel changes. This report provides advice on the changes and recommends a new Instrument be made.

Introduction

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

The Instrument of Appointment and Authorisation covers the roles of Planning Officers and Environmental Health Officers in the administration and enforcement of the *Planning and Environment Act 1987*.

Issues

The Instrument of Appointment and Authorisation, dated 26 September 2018, requires updating due to personnel changes in the Planning department.

The new Instrument of Appointment and Authorisation would apply to the following officers who are appointed as Planning Officers or Environmental Health Officers with responsibilities under the *Planning and Environment Act 1987*.

- Andrew John Mason
- Ian William Gibb
- Aaron Gerard Moyne
- Sophia Emogene MacRae
- Melanie Osborne
- Darren Stanley Frost
- Lyall Robert Bond
- Mark Robert Handby

-
- Emily Kate Lanman
 - William Albert Fidler.

Policy and Legislative Context

The authorisation of officers using this Instrument is consistent with legal advice provided by Maddocks Lawyers. The authorisation is also consistent with the Council Plan 2017-2021 commitment that 'Council will demonstrate high levels of ethical behaviour and governance standards'.

The Instrument ensures officers are authorised for the purposes of the *Planning and Environment Act 1987*, the regulations made under that Act, and under Section 232 of the *Local Government Act 1989*, which allows officers to institute proceedings for offences against the acts and regulations described in the Instrument.

Internal / External Consultation

Relevant managers and directors have been consulted in the preparation of this report.

Financial and Resource Implications

There are no financial implications associated with consideration of this report.

Options

Council is required to update the Instrument of Appointment and Authorisation for functions under the *Planning and Environment Act* to ensure officers are appropriately authorised to carry out their roles.

Conclusion

Personnel changes within the Planning department requires Council to update the Instrument of Appointment and Authorisation for functions under the *Planning and Environment Act 1987*. Adoption of the Instrument of Appointment and Authorisation fulfils Council's requirement to ensure its officers are appropriately authorised.

RECOMMENDATION

That Council, in exercise of the powers conferred by s224 of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached Instrument of Appointment and Authorisation (the Instrument), resolves that:

- 1. The members of Council staff referred to in the Instrument and listed below, be appointed and authorised as set out in the Instrument:**
 - (a) Andrew John Mason**
 - (b) Ian William Gibb**
 - (c) Aaron Gerard Moyne**
 - (d) Sophia Emogene MacRae**
 - (e) Melanie Osborne**
 - (f) Darren Stanley Frost**
 - (g) Lyall Robert Bond**
 - (h) Mark Robert Handby**

-
- (i) Emily Kate Lanman
 - (j) William Albert Fidler.
2. The Instrument comes into force immediately the common seal of the Council is affixed to the Instrument, and remains in force until Council determines to vary or revoke it.
 3. The Instrument of Appointment and Authorisation (Planning and Environment Act 1987) dated 26 September 2018 be revoked.
 4. The common seal of Council be affixed to the Instrument.

COUNCIL RESOLUTION

MOVED: Cr Brown

SECONDED: Cr Illingworth

That the recommendation be adopted.

CARRIED

Attachments

1. Instrument of Appointment and Authorisation Planning and Environment Act

*S11A. Instrument of Appointment and Authorisation
(Planning and Environment Act 1987)*



CORANGAMITE
SHIRE

Corangamite Shire Council

Instrument of Appointment and Authorisation

(Planning and Environment Act 1987 only)



**Instrument of Appointment and Authorisation
(Planning and Environment Act 1987)**

In this instrument "**officer**" means -

- Andrew John Mason
- Ian William Gibb
- Aaron Gerard Moyne
- Sophia Emogene MacRae
- Melanie Osborne
- Darren Stanley Frost
- Lyall Robert Bond
- Mark Robert Handby
- Emily Kate Lanman
- William Albert Fidler

By this instrument of appointment and authorisation Corangamite Shire Council -

1. under s147(4) of the *Planning and Environment Act 1987* - appoints the officers to be authorised officers for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under s232 of the *Local Government Act 1989* authorises the officers generally to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked.

This instrument is authorised by a resolution of the Corangamite Shire Council on XX

The Common Seal of)
CORANGAMITE SHIRE COUNCIL)
 was affixed in the presence of :)

.....
Chief Executive Officer

.....
Date

9.14 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 24 September 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 24 September 2019
- Planning Inspection 1 October 2019
- Councillor Briefing 8 October 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 Council Briefing 24 September 2019
2. Record of an Assembly of Councillors Planning Site Inspection 1 October 2019
3. Record of an Assembly of Councillors Councillor Briefing 8 October 2019

Council

Record of an Assembly of Councillors

**Councillor Briefing****Date:** 24 September 2019**Time:** 2.00 pm**Place:** Rose Room, Terang**Present:**

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

*Cr Gstrein left at 3.35 pm and returned at 5.16 pm**Cr Illingworth left at 3.32 pm and returned at 3.51 pm***Officers:**

Ian Gibb Brooke Love Andrew Mason David Rae
 Rory Neeson

Lyllal Bond (Item 3)

Guests:

Kevin Ford, CEO, Terang Co-Op (Item 2)

Issues Discussed:

Due to late cancellation by Bev McArthur, items were discussed in the following order:

Item	Discussion Topic
4	Hot Topics: <i>Agenda Items (Assembly of Councillors, Facility Design Grants), Port Campbell Urban Design Update, Melbourne Workshop Debrief, Submission to VCAT, Library Corporation, Domestic Wastewater System Contribution Program, Theatre Shop, Montarosa, Roads Advocacy Update, Superload</i>
2	Terang Co-Op Business Discussion <i>Kevin Ford</i>
3	Waste Collection Contract Lyllal Bond
5	Councillor Items: <i>Weerite Tree Trimming cuttings left behind (Wirigidil Lane/Tonks Rd), Stray Cats, Cobden Dump Point, Cobden Dam BBQ Shelter, Cobden Skate Park, Port Campbell Motorbike Tours, Financial Assistance Grants, Offshore Gas, Tourist Bus Incident and Emergency Services, Noorat Resident Association (Noorat Community Plan) Colour Terang Festival, Darlington Creek, Derrinallum Roads Traffic Management, Nuggets Flat Darlington, South West Healthcare Community Health Centre, Lismore Community Health Centre Proposal, Lismore Water Tower Public Art, Rural Financial Councillors Workshop Horsham, Recycling Parliamentary Inquiry, Timboon Subdivision, Mayor leave for 3 weeks</i>
6	Terang Lake Project Update <i>Also discussed Terang Art Project and Façade Improvements Program Recipients. Those present arranged to visit the Terang RSL Tram Project at the close of the Briefing.</i>

Conflict(s) of Interest declared: Nil.**Councillor(s) left the meeting at:** N/A**Councillor Conflict of Interest Form(s) Completed:** N/A**Meeting close:** 5.26 pm**Note taker:** David Rae

Planning Inspection

Record of an Assembly of Councillors



Date: 1 October 2019

Time: 10.10 am

Location: 56 Curdie Street, Cobden

Application No: PP2019/055

Present:

- | | | | |
|--|--|---|--|
| <input type="checkbox"/> Cr Beard | <input checked="" type="checkbox"/> Cr Brown | <input checked="" type="checkbox"/> Cr Durant | <input checked="" type="checkbox"/> Cr Gstrein |
| <input checked="" type="checkbox"/> Cr Illingworth | <input checked="" type="checkbox"/> Oakes | <input type="checkbox"/> Cr Trotter | |

Officers:

- Aaron Moyne

Applicants:

- Chelsea and Scott Wilkinson

Submitters/Attendees:

- Andrea Ross and John Carlin (Cobden Bakery)
- Mandy Marshall (Thompsons Hotel)

Issues Discussed:

- Application summary and overview
- Assessment criteria and policy
- Planning assessment process and reporting
- Objectors concerns and questions

Conflicts of Interest declared: Nil

Meeting close: 10.40 am

Note taker: Aaron Moyne

Council

Record of an Assembly of Councillors

**Councillor Briefing****Date:** 8 October 2019**Time:** 10.00 am**Place:** Killara Centre**Present:**

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

*Cr Neil Trotter was an apology**Cr Helen Durant was an apology***Officers:**

Ian Gibb Brooke Love Andrew Mason David Rae

 Rory Neeson

Lyll Bond (Item 1)

Mikayla Hein (Item 2)

Adam Taylor (Item 3 and 6)

Guests:

Inspector Paul Marshall, Senior Sergeant Bill Caldwell and Acing Divisional Commander Paul Phelan (Item 5) Becky McCann, Garth Weston and Lilly Currell (Item 7) and Richard Nessler, Ashlee Nessler and Trent Kneebush (Item 8).

Issues Discussed:

Item	Discussion Topic
1	Local Laws Use of Private Land Policy
2	Draft Nature Strip Planting Policy
3	Proposed Investment – Victorian Funds Management Corporation
4	Hot Topics: <i>MAV Update, GOR Authority, Shipwreck Coast Master Plan, Drought Declaration, Climate Change, New Event, City Deal, Skipton President, Elephant and Bridge, Princetown, Cobden SES, Camperdown Dairy, Additional Roads to Recovery, Australia Day.</i>
5	Victoria Police Update
6	Local Government Rating Review 2019
7	Court House Update
8	Peterborough Airfield – Proposed Planning Scheme Amendment Update
9	Councillor Items: <i>Cobden Gym, Website Map, Accident on North South Loop, Ayersford Road Safety Issues, Skipton Hospital Update, Vicroads Issues in Derrinallum.</i>

Conflict(s) of Interest declared: Nil.**Councillor(s) left the meeting at:** NA**Councillor Conflict of Interest Form(s) Completed:** NA**Meeting close:** 5.30 pm**Note taker:** Andrew Mason

10. OTHER BUSINESS

Nil.

11. OPEN FORUM

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

The following items were submitted:

- Michael Emerson noted he enjoyed the citizenship ceremony, and thanked Council for approving Nature Strip Policy. Mr Emerson said he recognises land is public asset but indicated nature strip planting helps bird population and native grasses/flowers. Mr Emerson suggested better guidance on the application of the policy. Mrs Brooke Love, Director Works and Services, responded.
- Les Mulholland asked Council to write letters to Victoria Police to address response times of police after hours and police numbers; VicRoads addressing the road surface condition of Camperdown Cobden Road, noting the superload was held up due to traction issues; and the Naroghid Wind Farm applicant for VCAT cost recovery. Mr Andrew Mason, CEO, responded.
- Lorraine (Avon) Buchholz discussed the Lismore permit application on the agenda, the Lismore public toilets septic issues, and the footpath in High Street.
- Steve Cumming spoke of the importance of developers engaging with neighbouring landowners and stakeholders. Mr Cumming also thanked Council for its earlier planning decision regarding the Peterborough airfield.
- Sandy Gibson thanked Council for its earlier planning decision regarding the Lismore planning permit application. Mr Gibson discussed the wind farm funding allocation earmarked for the Lismore Pool, wanting to know where the money was and requesting a response in writing.
- Robyn Emerson thanked the CEO, Cr Gstrein and Cr Durant for their care and attention to the Nature Strip Planting Policy.

12. CONFIDENTIAL ITEMS

Nil.

Meeting Closed: 9.24 pm

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

CONFIRMED:

(Chairperson)

DATE: