



CORANGAMITE  
SHIRE

# minutes

## CORANGAMITE SHIRE

### ORDINARY MEETING OF COUNCIL TUESDAY 24 MARCH 2020

Held at the Timboon Hall  
Bailey Street, Timboon  
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  
TIMBOON HALL, BAILEY STREET, TIMBOON 7.00 PM ON  
24 MARCH 2020**

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**PRESENT**

Councillors	N. Trotter (Chairperson), J. Beard, L. Brown, H. Durant, R. Gstrein, S. Illingworth
Officers	Andrew Mason, Chief Executive Officer Brooke Love, Director Works and Services Aaron Moyne, Acting Director Sustainable Development David Rae, Director Corporate and Community Services

**1. RECORDING OF MEETING**

**RECOMMENDATION**

That pursuant to Meeting Procedures Local Law No.3 2016 clause 65.1, Council resolves to record and broadcast this Council meeting.

**COUNCIL RESOLUTION**

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

**That the recommendation be adopted.**

**CARRIED**

The Council meeting was streamed on Facebook.

**2. 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.”

**DISCLAIMER**

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

### 3. 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.”

#### COUNCIL RESOLUTION

*MOVED: Cr Beard*  
*SECONDED: Cr Illingworth*

**That Council recognise the passing of Cr Wayne Oakes and to have it recorded in the minutes in recognition of his service and representation on behalf of the people of Corangamite Shire.**

**CARRIED**

Councillors each expressed their condolences to the Oakes family on the passing of Cr Wayne Oakes.

### 4. APOLOGIES

Nil.

### 5. DECLARATIONS OF CONFLICT OF INTEREST

Cr R. Gstrein declared an indirect conflict of interest by residential amenity Agenda item 10.8 and left the meeting prior to any discussion or vote on the matter.

Mr Andrew Mason, Chief Executive Officer, declared an indirect conflict of interest by residential amenity in Agenda item 10.8

### 6. CONFIRMATION OF MINUTES

#### RECOMMENDATION

**That the Minutes of the Corangamite Shire Ordinary Council meeting held on Tuesday 25 February 2020 be confirmed.**

#### COUNCIL RESOLUTION

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

**That the recommendation be adopted.**

**CARRIED**

## **7. DEPUTATIONS & PRESENTATIONS**

Nil.

## **8. COMMITTEE REPORTS**

Nil.

**COUNCIL RESOLUTION**

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

**That Council bring forward Other Items of business.**

**CARRIED**

Other Items was brought forward for consideration.

**11. OTHER BUSINESS**

The Mayor, Cr N. Trotter, invited Councillors to raise items of other business.

The following item was submitted:

- Cr R. Gstrein discussed the current COVID-19 and the financial difficulties that are expected to be experienced by members of the community. Cr Gstrein called for rate relief by Council.

**COUNCIL RESOLUTION**

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

**That Council, having considered the impacts of COVID-19 on the residents and businesses of Corangamite Shire:**

- 1) **In respect to current year rates and charges due 31 May 2020:**
  - a) **Allow deferred payment under section 170 of the Local Government Act 1989 until 31 July 2020; and**
  - b) **Waive interest under section 171 of the Local Government Act 1989 otherwise due on the amounts deferred under item 1) a).**
- 2) **Direct the Chief Executive Officer in drafting the 2020-2021 budget give consideration to:**
  - a) **Capping the average increase in rates to 0% (Nil); and**
  - b) **Making provision for a range of measures that could support ratepayers and businesses for an amount not exceeding \$2.5million.**

**CARRIED**



## 9. PLANNING REPORTS

### 9.1 PP2019/131 - Use and Development of Land for Group Accommodation, Kangarooie 1080 Old Ocean Road, Princetown

**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 to use and develop land for group accommodation associated with the existing school camp and accommodation operation of Kangarooie at 1080 Old Ocean Road, Princetown.

One (1) submission has been received for the application, objecting to the proposal.

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

#### Introduction

Planning Permit Application PP2019/131 was received by Council on 1 November 2019 and seeks approval for the Use and Development of Land for Group Accommodation.

The proposed use and development will be associated with the existing use by Kangarooie for a school camp and accommodation. The proposal will comprise conversion of an existing building to provide accommodation for an additional twenty (20) persons and construction of a new amenities building.

Public notice of the application was given and Council has received one (1) objection, which raises the following issues:

- Subject site (entire premises) has a hydraulic load much greater than 5000L/day and is therefore a Scheduled Premises

- Wastewater management for Scheduled Premises is regulated by the EPA, not Council
- Insufficient information regarding proposed and existing wastewater management systems
- Possible effluent contamination of Gellibrand River/wetlands from existing Kangarooobie operation.

This report provides a planning assessment of the application.

### ***History***

Kangarooobie is currently used for a school camp and accommodation and operates with existing use rights.

In 2012 Amendment C30 to the Corangamite Planning Scheme was approved to implement the recommendations of the Corangamite Shire Tourism Opportunities Study. The amendment rezoned Kangarooobie to Rural Activity Zone and updated local planning policy to facilitate tourism activities and identify preferred use of the land for group accommodation and residential hotel.

Other planning permit history of the site includes:

- PP2000/136 – approved on 27 February 2001 for the Construction of Storage Shed and Transportable Accommodation Unit
- PP2012/166 – approved on 29 January 2013 for the ‘Extension of Existing Accommodation Building’.

### ***Subject Land***

The subject site is located east of the Princetown township, between the Great Ocean Road and Old Ocean Road. It forms part of the Kangarooobie landholding, a large property used for agriculture (beef cattle production) combined with a tourist/school group accommodation business.

The site has a total area of 110 hectares and contains:

- the buildings comprising group accommodation for Kangarooobie tourist/school accommodation
- One dwelling and associated outbuilding
- Two vehicle crossovers from Old Ocean Road for the accommodation operation and dwelling
- Grazing land associated with ‘Kangarooobie’ farm
- Remnant native vegetation.

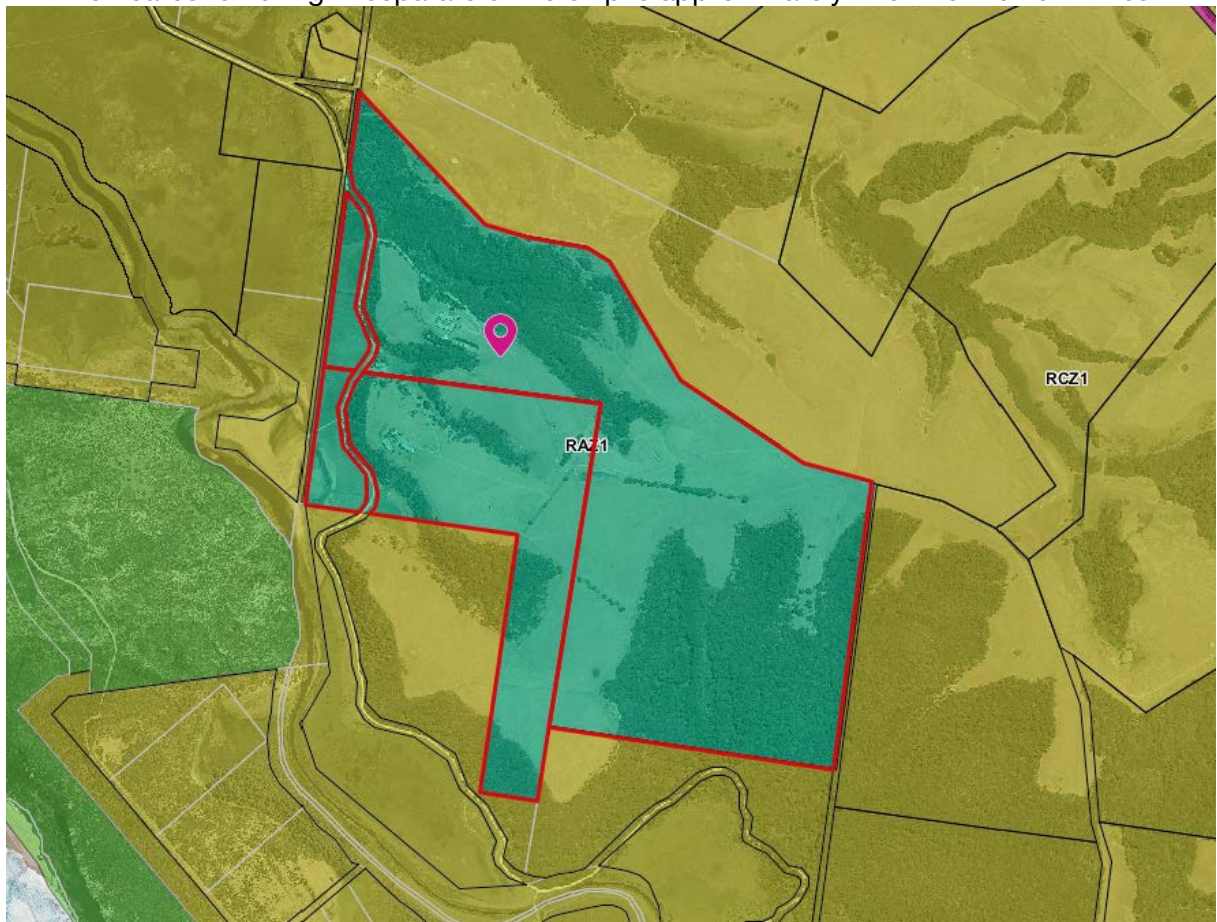
The principal dwelling of the landowner exists on an adjoining lot which forms part of the broader Kangarooobie landholding.

The land is zoned Rural Activity Zone (Schedule 1) and is covered by the Bushfire Management Overlay.

### ***Surrounding Area***

Land use characteristics within the surrounding area include:

- Subject and adjoining lot forming Kangarooie are zoned Rural Activity Zone (Schedule 1), whilst remaining lots of Kangarooie and nearby land are zoned as Rural Conservation Zone (Schedule 1).
- Port Campbell National Park is nearby and zoned Public Conservation and Resource Zone.
- Subject lot and surrounding land is covered by Bushfire Management Overlay.
- Environmental Significance Overlay (Schedule 1) and Significant Landscape Overlay (Schedule 4) apply to the part of the subject land on the west side of Old Ocean Rd, and the land around the Gellibrand estuary and wetlands. The proposed use and development is not under these overlays.
- Subject and surrounding land is used for farming and contains remnant bushland.
- Topography of locality and subject lot is undulating.
- Site is located approximately 2km east of Princetown (3.2km by road).
- The nearest dwelling in separate ownership is approximately 720m to the north-west.



**Figure 1 – Planning Zone Map**



**Figure 2 – Aerial Plan Map**

***Proposal***

The application proposes to use and develop the land for group accommodation by conversion of an existing building and constructing a new amenities block.

**Design**

The proposed building will cater for accommodation of twenty (20) additional persons at Kangarooie.

The proposed amenities building and associated wastewater system will be constructed adjacent to the east side of the existing building. The amenities building will have dimensions of 3m x 6m and contain two (2) toilets and two (2) showers.

**Siting**

The subject building is located approximately 50m to the south-west of the main accommodation building.

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Access

Access to the site from Old Ocean Road remains unchanged.

Native vegetation

No native vegetation will be removed for the development.

**Policy and Legislative Context**

***Zoning***

The site is located within the Rural Activity Zone (Schedule 1) which requires a permit for use and development for group accommodation.

The purpose of the zone seeks to support agriculture, along with other uses and development, in locations which are compatible with the surrounding agricultural, landscape and environmental qualities of the area.

***Overlays***

The site is also located within the Bushfire Management Overlay which requires a permit for buildings and works associated with accommodation.

Under the BMO the application must be referred to the Country Fire Authority (CFA) and address bushfire protection measures at Clause 53.02 (Bushfire Planning).

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

The following clauses from the Planning Policy Framework (PPF) are considered relevant to this permit application:

Clause 11 Settlement

11.01-1R 'Victoria – Settlement - Great South Coast'

11.03-5S 'Planning for Places – Distinctive Areas and Landscapes'

Clause 13 Environmental Risks and Amenity

13.02-1S 'Bushfire – Bushfire Planning'

Clause 14 Natural Resource Management

14.01-1S 'Agriculture – Protection of Agricultural Land'

Clause 15 Built Environment and Heritage

15.01-6S 'Built Environment – Design for Rural Areas'

Clause 17 Economic Development

17.01-1S 'Employment – Diversified Economy'

17.01-1R 'Employment – Diversified Economy – Great South Coast'

17.04-1S 'Tourism – Facilitating Tourism'

17.04-1R 'Tourism – Facilitating Tourism – Great South Coast'

Clause 21: Municipal Strategic Statement (MSS)

21.01-1 'Municipal Profile'

21.01-2 'Key Issues and Influences'

21.01-3 'Vision and Strategic Framework Plan'

21.03-3 'Environmental Risks'

21.03-4 'Catchments, Waterways and Wetlands'

21.04-2 'Economic Development – Tourism'

### **Particular Provisions**

#### Clause 53.02: Bushfire Planning

The application must meet the objectives and approved measures of this clause.

### **General Provisions**

#### Clause 63 Existing Uses

The use of the land by Kangarooobie for a school camp and accommodation operates with existing use rights, as the continuation of the use exceeds fifteen (15) years and following approval of Amendment C30 which rezoned the land.

### **Internal / External Consultation**

#### **Referrals**

The following referrals have been undertaken for the application:

<b>Section 55 Referrals</b>	<b>Response</b>
Environment Protection Authority (Determining Authority)	Considers the site as a Scheduled Premises and requires a works approval under the <i>Environment Protection Act 1970</i> .  Does not object to Council issuing a planning permit, subject to the applicant meeting any obligations or duties that arise under the Act, including obtaining a works approval or licence.
Country Fire Authority (Determining Authority)	Does not object to a permit, subject to standard bushfire management conditions.

<b>Internal Referrals</b>	<b>Response</b>
Environmental Health	Assessment of on-site wastewater disposal was completed and a 'Permit to Install' for the new wastewater system approved.  This does not override any requirements for the landowner to obtain works approval from the EPA for the whole land use. Prescribed accommodation must also be registered.

### **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
- Notice on Council's website.

Council received one (1) objection to the application, raising issues which can be summarised as:

- Subject site (entire premises) has a hydraulic load much greater than 5000L/day and is therefore a Scheduled Premises

- Wastewater management for Scheduled Premises is regulated by the EPA, not Council
- Insufficient information regarding proposed and existing wastewater management systems
- Possible effluent contamination of Gellibrand River/wetlands from existing Kangarooobie operation.

A copy of the objection was provided to the applicant, with a response from the applicant received on 23 January 2020.

Copies of the objection and response letters are provided under separate cover.

### ***Consultation***

Consultation was undertaken for the application and included:

- Discussions with the applicant regarding issues raised in the submission for the application, resulting in referral of the application to the EPA under Section 55 of the *Planning and Environment Act 1987*.
- Further discussions were held with the EPA and applicant regarding wastewater disposal for the whole school camp and accommodation use, confirming further statutory approval was required.
- An on-site planning inspection was held between Councillors, Council officers and the applicant on 3 March 2020 to discuss the application and key issues. The objector did not attend this meeting.

### **Planning Assessment**

Assessment of the planning application will address how the proposed use and development responds to the relevant provisions of the Corangamite Planning Scheme, including the Planning Policy Framework (PPF), zone and overlay.

The primary issue for the application is not on the use and development of the building itself for accommodation, which carries with it direct policy support, but any resultant impacts arising from on-site wastewater disposal within the surrounding environment, as raised by the submission.

Kangarooobie is an important tourism facility within Corangamite Shire which attracts and provides accommodation for a large number of visitors annually, helps to showcase local features and products of the coastal region and generates local employment opportunities.

### ***Planning Policy Framework***

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

Consideration must also be given to environmental management from development which protects catchments, waterways and natural resources, by ensuring development is designed and sited in a way to comply with policy requirements.

At a local level within the Municipal Strategic Statement (MSS) and arising from the Corangamite Shire Tourism Opportunities Study, the PPF aims to direct coastal related tourism and accommodation development to identified sites with specific attributes. Kangarooie is nominated with a preferred use for group accommodation and residential hotel, with planning controls applied to support these uses.

On-site wastewater management and disposal is the primary issue in assessment of this application. The existing accommodation business and facility operates with a wastewater system and flow rate threshold currently exceeding 5,000L per day, subsequently requiring approval from EPA as a scheduled premises. No such approval has ever been obtained.

The planning application was referred to the EPA under Section 55 of the *Planning and Environment Act 1987*, who do not object to planning approval from Council, subject to a further works approval or licence being obtained under the *Environment Protection Act 1970*. The permit applicant has initiated this process as a result of this application. A standard condition will be included on any permit granted to this effect.

The use and development does not present any policy issue for Council. The applicant is aware of their wastewater responsibilities for the land and is working with EPA separately to address land capability and system design requirements, before undertaking any upgrades.

Subject to a further assessment of the use and development against the zone and overlay controls, the proposal is supported by the PPF at a State, regional and local level and, on balance, will provide for an appropriate and positive planning outcome.

#### ***Rural Activity Zone (Schedule 1)***

The zone supports the use of land for agriculture and for other purposes, subject to management of environmental and landscape characteristics. The zone was applied by Council through Amendment C30 to facilitate the continued mixed use by Kangarooie for school camp and accommodation, along with a working farm for beef production.

The proposed use and development is sited and designed in a way that will present no impact to the continued agricultural use of the land or the landscape values of the area. The buildings are of modest design and will adjoin existing buildings used as part of the accommodation facility, whilst being screened by adjoining remnant vegetation.

Environmental management for on-site wastewater disposal will be addressed separately, following any planning permit granted, by obtaining EPA approval as the responsible authority and undertaking system upgrades or modifications as required.

#### ***Bushfire Management Overlay***

The BMO applies to the site and identifies an increased bushfire risk for the property, primarily arising from existing remnant vegetation.

The planning application was referred to the Country Fire Authority (CFA), with no objection to a planning permit, subject to standard conditions regarding water supply and access.

Based on the advice of the CFA and construction requirements for the accommodation building to be dealt with at building approval stage, the proposal provides an acceptable bushfire management outcome.



### ***Response to Objection***

One (1) objection to the application has been received. A copy of the submissions is provided under separate cover.

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

<b>Objection</b>	<b>Officer response</b>
Subject site (entire premises) has a hydraulic load much greater than 5000L/day and is therefore a Scheduled Premises	<p><u><i>Objection noted</i></u></p> <p>The school camp and accommodation facility has capacity to accommodate approximately 170 persons, with a proposed increase of 20 persons through this proposal.</p> <p>EPA in their referral response to Council have confirmed a works approval is required for a premises which exceeds a design or flow rate of 5,000L per day for treatment or discharge.</p>
Wastewater management for Scheduled Premises is regulated by the EPA, not Council	<p><u><i>Objection noted</i></u></p> <p>Whilst Council has statutory authority to approve an individual wastewater system with a design capacity of less than 5,000L, and has done so in this case for the new accommodation building, EPA are responsible for the whole facility as a scheduled premises. A works approval process has been initiated out of this application.</p>
Insufficient information regarding proposed and existing wastewater management systems.	<p><u><i>Objection not supported</i></u></p> <p>This permit application only relates to the new accommodation building and amenities block and does not extend to the existing land use.</p> <p>EPA are the responsible authority for on-site wastewater disposal under the <i>Environment Protection Act 1970</i> and approval is managed through a separate process.</p>
Possible effluent contamination of Gellibrand River/wetlands from existing Kangarooie operation.	<p><u><i>Objection not supported</i></u></p> <p>This is not a matter within the scope of planning assessment for the proposed use and development.</p> <p>EPA are responsible and will address environmental management from on-site wastewater disposal through the works approval process, including any system audit, land capability assessment and Environmental Management Plan.</p>

### **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 and development to be undertaken, supporting Kangarooie's continued use of the site as a key tourist and accommodation facility.
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 development of land for group accommodation at Kangarooie is supported by the relevant policy direction and planning controls of the Corangamite Planning Scheme. The site itself benefits from direct policy support that seeks to facilitate its continued use for tourism and accommodation.

The proposal complies with the purpose and decision guidelines of Rural Activity Zone (Schedule 1) and the Bushfire Management Overlay and will result in and proper and orderly planning outcome.

Issues raised within the submission for the application relating to environmental management and on-site wastewater disposal have been reviewed, and will be addressed through a separate works approval process. EPA accept and support this approach.

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. PP2019/131 to be given under Section 52 of the *Planning and Environment Act 1987*, pursuant to Section 64 of the *Planning and Environment Act 1987*, decides to issue a Notice of Decision to Grant a Permit under the provisions of the Corangamite Planning Scheme in respect of the land known as Lot 1 TP 251582J, 1080 Old Ocean Road, Princetown, for the Use and Development of Land for Group Accommodation, 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.**

#### **Materials and Colours**

- 2. 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.**

#### **Stormwater Management**

- 3. All stormwater discharge from the development is to be contained on-site, or diverted to a legal point of discharge, to the satisfaction of the Responsible Authority.**

#### **Referral Authority Conditions**

#### **Environment Protection Authority**

- 4. Before the use and development starts, the permit holder must ensure that any obligations or duties that arise under the Environment Protection Act 1970 are complied with. This may include obtaining a works approval or licence.**

**Bushfire Management**

5. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the Responsible Authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

**Permit Expiry**

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

- a) The use and 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

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards.

**COUNCIL RESOLUTION**

*MOVED: Cr Illingworth*

*SECONDED: Cr Durant*

**That the recommendation be adopted.**

**CARRIED**

**Attachments**

1. Planning Permit Application Documents - Under Separate Cover
2. Section 55 Referral Responses - Under Separate Cover
3. Copy of Objection and Applicant Response - Under Separate Cover

## 10. OFFICERS' REPORTS

### 10.1 Twelve Apostles Trail Project Status Update

**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 paper is an information only paper to provide Council with an update on the Twelve Apostles Trail Project Stage 1 Timboon to Port Campbell.

#### **Introduction**

The Twelve Apostles Trail in its entirety is proposed to extend from the existing Camperdown to Timboon Rail Trail in Timboon, south to Princetown covering a distance of approximately 40km through various public land including Council owned land. The Trail has been considered in two stages:

- Stage 1 being the connection from Timboon to Port Campbell, and
- Stage 2 being Port Campbell to Princetown which has been identified in the Shipwreck Coast Masterplan.

Council has previously advocated for funding for the full alignment from Timboon to Princetown as a part of its state and federal priorities and sought funding through an application to the Federal Government's Regional Growth Fund which was subsequently unsuccessful.

In recent years Council has focused specifically on Stage 1 of the trail – Timboon to Port Campbell (the Trail) in order to position it as 'investment ready', given construction of the Trail will require funding from various sources including Government, private and/or commercial enterprise.

Technical planning undertaken on the Trail in 2018-2019 has included Cultural Heritage Management Plan, Flora and Fauna Assessment, Business Case, Cycling Opportunities Strategy and a social and economic analysis of outcomes associated with the trail's construction.

The current stage of technical planning is the development of a detailed design based on the preferred concept option developed in 2013 and in response to all relevant surveys and investigations.

## **Issues**

### ***Why the Twelve Apostles Trail?***

The Twelve Apostles Trail is an important and priority project for Council as it seeks to provide a world class walking and cycling trail linking Corangamite's hinterland, key coastal townships such as Port Campbell, the famous Great Ocean Road and the iconic Twelve Apostles/Shipwreck Coast destination.

In its entirety the Twelve Apostles Trail will connect five townships between the rail service in Camperdown to the coastline of the Twelve Apostles and Princetown, with over 70km of safe walking and cycling trail and will position the connecting townships of Timboon, Port Campbell and Princetown (19km apart) as potential overnight stops.

Excluding the recent impact of Coronavirus Disease (COVID-19), the number of visitors to the region has been very high, around 5 million visits per year, however as the majority are day visitors the economic yield within the region is low. The establishment of the Twelve Apostles Trail in its entirety is aimed at increasing the length of visitor stay, economic yield, wider travel and regional accessibility for non-drivers that wish to travel independently in the region.

### ***Why focus on Stage 1 Timboon to Port Campbell?***

This section of the Trail provides a vital link for the local community, businesses in Port Campbell and Timboon, and visitors to the region. It unlocks the capacity to access the coast from the train in Camperdown by using the existing trail and proposed extension. It unlocks the opportunity for cycling product development as an extension to the Camperdown Timboon Rail Trail and presents a unique point of difference for a trail in this region.

This integrated trail experience will stimulate investment in local economies, encourage business development and services aligned with the trail and trail users. It is anticipated that the project will also improve the potential for small business in the region to expand and build new visitor products particularly around local produce, accommodation, amenities and attractions including nature based experiences e.g. mountain biking in Timboon and the creation of a 'pedalicious' tour around the Apostles Gourmet Trail.

An assessment of the economic, tourism and community recreation benefits highlights once the Trail is built:

- 10,000 residents will live within 5km of the trail
- there will be 8,000 additional visits to the trail
- local recreation visits will total an estimated 20,000
- for every dollar invested there will be a return of \$2.60.

### ***The Trail concepts explained***

The *Experience Plan* for the Twelve Apostles Trail developed in 2013 (attached) provides an overview of the alignment and trail offerings established as a part of the Detailed Design project which is summarised below:

- The cycling/walking shared trail between Timboon and Port Campbell will follow the underground Wannon Water pipeline for the majority of the route occupying the western section of the road reserve. The collocation on the Wannon Water pipeline will minimize the impacts on areas of remnant vegetation.
- The roadside vegetation provides separation between the trail and road in most areas. The trail rises slightly out of Timboon and is then either flat or downhill all the way to

Port Campbell. The topography will provide significant advantages for cyclists heading to the coast from Timboon and a more challenging ride for cyclists leaving Port Campbell.

- The trail surface is to be a consistent 2.5m wide increasing to achieve an internal 3.0m clearance at all bridges and boardwalk structures.
- The route comprises three distinct trail experiences. The initial section out of Timboon follows Power Creek through magnificent remnant bushland and forms part of a popular local walking loop. Establishment of the trail will extend this loop to include links to Schulz Organic Dairy and Timboon Cheesery and the cattle underpass at Cashmore Road which will be both popular destinations, the latter particularly for international visitors.
- The Parratte Recreation Reserve located midway between Timboon and Port Campbell could in the future provide an additional destination and toilet stop. From Parratte through to the Port Campbell National Park/Wannon Water Waste Reclamation Plant the trail runs gently downhill with sweeping rural vistas and long views to the coast.
- The section west of Port Campbell will utilise the Great Ocean Road providing spectacular views down over Port Campbell and an enhanced local walking loop as part of the existing Discovery Trail and proposed pedestrian bridge over Campbells Creek.

***The Detailed Design Stage (current stage)***

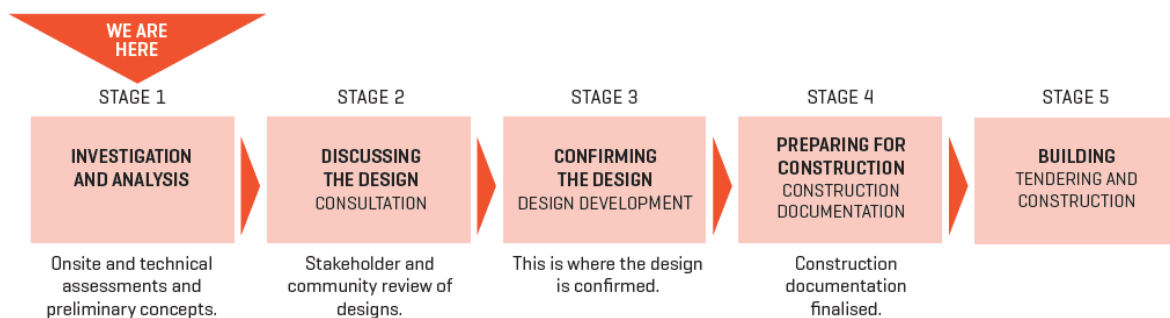
Thompson Berrill Landscape Design (TBLD) has been appointed to undertake the detailed design of the trail.

TBLD have had previous experience with Council having completed the Terang Street Streetscape design and Twelve Apostles Trail Detailed Design Report. TBLD also have proven capability in the detailed design and delivery of trails and trail infrastructure through previous projects including sections of the Great Ocean Walk, Surf Coast Walk, Barwon River Trail, Merri Creek Trail, Main Yarra Trail, Plenty River Trail, Bay Trail and Bayside Coast Walk.

Project lead Matthew Bolton has intimate knowledge of the trail project, the area and stakeholders from previous work undertaken in 2013. The team of specialist consultants have also been previously involved with the project at that time.

As a part of the Detailed Design, geotechnical testing and feature and level survey work has been completed to inform a functional design of key structures and road crossing designs. Once the functional design of the trail is completed, consultation with key stakeholders, agencies and community will occur, before refinement of the plan and confirmation of the design to inform the design development.

A process flow pictorial is provided below to illustrate the stages within this project.



It is anticipated a Draft Detailed Design will be completed by June and Final Draft Design submitted for agency approvals by mid-August 2020.

### ***Funding the Trail construction***

In 2013 detailed cost estimates identified the trail section from Timboon to Port Campbell including associated project management and contingency, would cost \$5.1million. The present-day value of the trail has been estimated at \$6.1million.

Council officers have developed its Strategic Resource Plan based on \$1.7million Council contribution with \$4.5 million from State and Federal governments and commercial partners.

Whilst the Trail is highly regarded by State Government, RDV have been clear that there is unlikely to be any State Government funding available for the project.

Council officers have identified the Federal Government *Building Better Regions* funding program as a possible source of funding. This program is a rolling grant program to support the construction of new infrastructure, or the upgrade or extension of existing infrastructure that provide economic and social benefits to regional and remote areas. The Trail meets the eligibility criteria of this program and this detailed design stage ensures the Trail project is Investment Ready (and meets the eligibility criteria) for when the next round of grants is open for applications (expected to be December 2020).

The Twelve Apostles Trail as it is expected to be designed requires funding from multiple agencies. Council will continue to advocate and seek funding opportunities for its construction.

### **Policy and Legislative Context**

The Twelve Apostles Trail has been identified in a significant number of strategies across the State as key infrastructure for the region. The project presents significant strategic alignment as highlighted:

- *Great Ocean Road World Class Tourism Investment Study 2011* specifically identifies the product development opportunity to “Develop Apostles Trail (previously Coast to Craters Trail)” as it represents a gap in the primary Nature Based Tourism product provision
- *Growing Adventure Tourism in Barwon South West Region* recommends development of the Twelve Apostles Trail as BSW’s premier overnight point to point trail ride.
- *Victoria’s 2020 Tourism Strategy* highlights the Barwon South West region lacks a must-do overnight cycle trail.
- *Victorian Trail Strategy 2014-2024* identifies the Twelve Apostles Trail as a State Significant Trail
- *Corangamite Shire Tourism Opportunities Study 2011* identifies infrastructure and accommodation opportunities with the link of the Rail Trail from Timboon to Port Campbell and Port Campbell to Moonlight Head (utilising the Great Ocean Walk).
- *Corangamite Economic Development Strategy 2017-2021* highlights a key action to support and facilitate the development of contemporary tourism product which appeals to target markets, including the Twelve Apostles Trail
- *Corangamite Recreation and Open Space Strategy 2016-2026* highlights the community places a strong importance on recreational trails Footpath and trail provision and improvements should continue to be a focus of Council
- The community highly values paths and trails for the opportunities they provide for walking, running and bike riding.

- *Great South Coast Regional Growth Plan 2011* provides a key direction to support and promote active and attractive towns through the provision and enhancement of open space, trails, streetscapes and gardens
- *Parliamentary enquiry into Rural and Regional Tourism 2008* - Identified the importance of walking tracks to regional tourism and economies
- The *Shipwreck Coast Master Plan* will provide the strategic tourism and economic planning framework within which the trail is a critically important element.
- *Corangamite Shire Municipal Public Health & Wellbeing Plan 2017-2021* identifies a key goal to improve physical facilities to support health and wellbeing within the shire.

The Twelve Apostles Trail aligns with Corangamite Shire's Council Plan 2017-2021 and the key objective to support and facilitate the development of the visitor economy.

### **Internal / External Consultation**

The Twelve Apostles Trail project has been a Council priority for more than 6 years. It has been highlighted through the Timboon and Port Campbell township community plans and through the 2013 Detailed Design study was discussed with key stakeholders and landowners.

A local Committee has driven the vision for the Trail for more than twelve years and continue to provide a reference point for Council.

As a part of the Detailed Design Project, a Project Working Committee has been established with representatives from relevant agencies and stakeholder groups to provide a reference point for the project's key stages. Overseeing the project is Council in partnership with the Twelve Apostles Trail Committee.

In December 2019, a communique was forwarded to landowners with property abutting the trail alignment, re-introducing them to the Trail project, its reasoning and intent and the current Detailed Design Stage. At this time, the Port Campbell Progress and Timboon Action Groups were also advised of the project. A copy of the Communique is attached for Council's information.

A Project Working Group meeting was held on 4 February 2020 to confirm design objectives, review project delivery and consultation timeline. A further meeting is scheduled for April to review the Functional Design.

Broader consultation will take place in April / May with stakeholders, agencies, landowners, Township Group and community when the Functional Design of all aspects of the trail are finalised. A briefing with Councillors is scheduled for 26 May 2020.

A copy of the Project Timeline as at February is attached under separate cover.

### **Financial and Resource Implications**

Council has allocated a total of \$2million towards this project as a part of Reserves in the 2019-2020 budget. Council's 2019-2020 forecast budget has been adjusted from \$1.034m to \$300,000 for the detailed design stage to be completed this financial year. The balance of funds has been projected to be spend in the 2021-2022 financial year.

The total trail construction is estimated to be \$6.1million with funding from the federal government and commercial / private enterprise anticipated and required to enable this project to be realised.



**Options**

This paper is provided for Council's information.

**Conclusion**

The Twelve Apostles Trail has significant strategic alignment and has been identified as a key output to assist with nature-based tourism experiences. Corangamite has the exceptional advantage through its natural landscape of lakes and craters and iconic coastal alignment and attractions of establishing itself as pivotal to delivering cycling opportunities for the South West of Victoria.

Our tourism growth has long been inhibited by a pattern of visitation that is vehicle dependent, short stay and concentrated on the coast. The Twelve Apostles Trail is specifically designed to alter this pattern by encouraging visitors to walk or cycle and immerse themselves in the landscape.

As well as boosting Victoria's appeal in a toughening marketplace, the extended trail will deliver an accessible, active, low environmental impact holiday alternative whilst providing a marketing and promotional opportunity to position Corangamite as the cycling capital of the South West of Victoria.

The Detailed Design stage of the Trail project is the last step to Council positioning this trail as Investment Ready.

**RECOMMENDATION**

**That Council receives this project status update.**

**COUNCIL RESOLUTION**

**MOVED:** *Cr Illingworth*

**SECONDED:** *Cr Brown*

**That the recommendation be adopted.**

**CARRIED**

**Attachments**

1. Twelve Apostles Trail Experience Plan (2013) - Under Separate Cover
2. Detailed Design Communique - Under Separate Cover
3. Detailed Design Project Timeline - Under Separate Cover

## 10.2 Timboon Town Centre Activation Project Update

**Author:** Garry Moorfield, Community Development 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 - Garry Moorfield

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

### Summary

This paper provides advice to Council on the preparation of a successful funding application to Regional Development Victoria (RDV) and the Regional Infrastructure Fund (RIF) for the Timboon Town Centre Activation Project.

### Introduction

In October 2019 Corangamite Shire received advice from the Victorian Government that the RIF would move to a competitive round-based selection process. Grants of up to \$500,000 were available to Councils and Council-sponsored projects, with the first round opening on 6 November and closing on 18 December 2019.

Applications were invited from selected Councils following an EOI process involving a round of meetings with RDV officers and testing and selection of project proposals against the published selection criteria. This led Council to nominate the 'Timboon Town Centre Activation' project as the most appropriate to obtain funding.

A formal funding announcement for the project was made by Minister Jaclyn Symes on 13 March 2020 for \$300,000.

### Issues

This project represents the third stage of works commenced in 2014 to revitalise the Town Centre of Timboon. The Timboon Railway Precinct project (stage 1) was completed in 2015 and the Town Centre Improvement project (stage 2) was completed in 2017.

The proposed Timboon Town Centre Activation project will specifically upgrade the pedestrian connection from the eastern end of the Timboon business centre through to the town's swimming pool, along the alignment of the prospective Timboon - Port Campbell Trail.

The project will also deliver:

- Replacement of a timber footbridge across Power Creek with a widened concrete structure to connect to the main shopping centre

- Provision for 30 new car-parking spaces around upgraded pedestrian connections to all parts of the Town Centre
- Tree succession planting along Power Creek and environmental remediation of storm water flowing into it
- Provision of lighting, picnic and street furniture will integrate with Stage 2 works to improve car-parking and pedestrian circulation across the town.

This project will expand the capacity of Timboon to accommodate visitors to the town, enhance its functionality and improve and better present its environmental assets, whilst enabling the town centre to connect to the existing and prospective visitation associated with the Rail Trail and its extension to the coast.

The land covered by this project is primarily Crown Land (the Power Creek Reserve) and land owned by Council. Part of the works adjoins land owned by the local IGA Supermarket and easements between commercial retail premises.

This project will improve pedestrian connections within Timboon through the upgrading and creation of new public realm assets. Investment and delivery will enhance public and tourist amenity and will support the development of new retail businesses and deliver additional employment opportunities in the town. This will contribute to Timboon's position as a coastal hinterland and tourist destination.

This project links directly to Great South Coast Regional Partnership priorities in respect to Local Jobs and the Economy, Environment and Culture, Health and Community Wellbeing and Transport Networks and Infrastructure.

### **Policy and Legislative Context**

The Timboon Town Centre Activation project relates directly to Council's mission to 'manage the opportunities and challenges facing Corangamite Shire' (Council Plan 2017 – 2021, p 6). The project relates strongly to the themes of a 'Vibrant economy, agriculture and tourism' and the 'Built and natural environment' and arises from Community Planning principles through 'the formation of influential partnerships within and beyond local communities'.

### **Internal / External Consultation**

The Timboon Town Centre Activation Project arises out of the *Blueprint for Timboon* community plan prepared in 2012. It is the third stage of realising the community's vision to improve the public realm of Timboon, leveraging the township's highly valued environmental and tourism assets.

Extensive community consultation was completed in 2017-2018 through a local project group, including representatives of Timboon Action, local traders, Power Creek Reserve Committee, Rail Trail Committee, Heytesbury and District Landcare, Timboon P12 School, and Timboon and District Health Care.

Project elements were identified, costed and ranked in order of priority. Mark Frisby of Fitzgerald Frisby Landscape Architects worked with the community project group to produce concept plans which were placed on public notice prior to confirmation by the project group. Letters of support were provided by several of the above listed organisations and local businesses and included in the application.

**Financial and Resource Implications**

Funding has been granted through RIF for \$300,000, requiring matching funding of \$100,000 to be provided by Council and \$50,000 through Beach Energy The project will be managed by Council through detailed design and delivery.

**Conclusion**

Council has obtained \$300,000 funding through the RIF to deliver the Timboon Town Centre Activation Project.

The funding application was made possible through work contribution by Council and the local community to implement directions arising from the Timboon community plan.

The successful funding is the product of a ten-year partnership between the local community and Council to invest in the potential of Timboon, involving public investment exceeding \$1M, accompanied by local private investment.

**RECOMMENDATION**

**That Council receives this project update.**

**COUNCIL RESOLUTION**

*MOVED: Cr Gstrein*

*SECONDED: Cr Beard*

**That the recommendation be adopted.**

**CARRIED**

**Attachments**

1. Timboon Town Centre Concept Plan - Under Separate Cover

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## 10.3 Cattle Underpasses Policy

**Author:** John Kelly, Manager Assets Planning

**File No:**

**Previous Council Reference:** 28 March 2017, Item 10.2

### Declaration

Chief Executive Officer – Andrew Mason

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

Author - John Kelly

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

### Summary

This report recommends Council adopt the Cattle Underpasses Policy which outlines Council's policy for cattle underpasses throughout the Shire.

### Introduction

Council's Cattle Underpasses Policy confirms the process for the establishment and ongoing maintenance of cattle underpasses under Council roads. Cattle underpasses enable property owners to move their cattle across roads which split their properties without having to interact with the vehicular traffic on these roads.

### Issues

The establishment of cattle underpasses has a positive impact on road users, as the grade separation provides increased road safety and removes the threat of damage to the road from the movement of cattle.

This policy was last reviewed in 2017 and adequately details the roles and responsibilities of the property owner and of Council. In the last 3 years there have been 3 cattle underpasses installed on local roads within the Shire.

There are no changes to the Policy recommended.

### Policy and Legislative Context

The Cattle Underpasses Policy is a Council policy that has been reviewed in accordance with Council's Policy Development Framework.

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

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

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

### Internal / External Consultation

The Cattle Underpasses Policy is an existing policy that has been reviewed internally.

### Financial and Resource Implications

Construction and maintenance of a cattle underpass and any costs associated with this are the responsibility of the property owner served by the underpass. Once the construction of a cattle underpass has been completed to Council's satisfaction, Council will take responsibility of the ongoing maintenance of the road formation and guardrail over the underpass.

In the event a cattle underpass becomes obsolete, it will be the responsibility of the property owner to remove the underpass and reinstate the road to its original condition.

Prior to the construction, a written agreement is to be entered into between the property owner and the Council confirming the above responsibilities.

### Options

Council can opt to adopt the Cattle Underpasses Policy as proposed or choose to make amendments to the policy.

### Conclusion

The proposed policy provides confirmation of Council's process for the proposed establishment and ongoing maintenance of cattle underpasses under Council roads.

## RECOMMENDATION

### That Council:

1. **Revokes the Cattle Underpasses Policy dated March 2017.**
2. **Adopts the Cattle Underpasses Policy dated March 2020.**

### COUNCIL RESOLUTION

*MOVED: Cr Durant*

*SECONDED: Cr Brown*

**That the recommendation be adopted.**

**CARRIED**

### Attachments

1. Policy Cattle Underpasses March 2020
2. Policy Cattle Underpasses March 2020 with Track Changes - Under Separate Cover

# Council Policy



## Cattle Underpasses

### Purpose

The aim of this policy is to confirm Council's process for the proposed establishment and ongoing maintenance of cattle underpasses to individual properties.

### Scope

This applies to cattle underpasses proposed to be constructed under local roads in Corangamite Shire.

### Policy Detail

Council supports the construction of cattle underpasses as a means of improving road safety and limiting the damage resulting from the movement of cattle across its local roads.

All applications for Council approval to proposed cattle underpasses are to be directed to the Manager Assets Planning. The property owner will be responsible for obtaining all other approvals and/or permits required for the works.

Prior to construction, the proposed location and design of an underpass must be approved by the Manager Assets Planning. The structural design for the underpass is to have a certification from a suitably qualified engineer that it meets the appropriate Australian design standards. All underpasses must have a concrete floor and be capable of draining.

All costs directly and indirectly associated with the design and construction of the cattle underpasses will be the responsibility of the property owner.

Ongoing maintenance and repair of the underpass will be the responsibility of the property owner served by the underpass. Once the construction of the cattle underpass has been completed to Council's satisfaction, Council will take responsibility of the ongoing maintenance of the road formation and guardrail over the underpass.

In the event a cattle underpass becomes obsolete it will be the responsibility of the property owner to remove the underpass and reinstate the road to its original condition.

Prior to the construction, a written agreement is to be entered into between the property owner and the Council confirming the above responsibilities.

### Human Rights

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

### Review Date

March 2024

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Adopted at Council on:  
Agenda Item:  
Responsibility: Manager Assets Planning

Department: Assets Planning  
To be reviewed by: March 2024  
File Number:  
Page Number: 1

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## 10.4 Works Within Road Reserves Permit Policy

**Author:** John Kelly, Manager Assets Planning

**File No:**

**Previous Council Reference:** 28 March 2017, Item 10.4

### Declaration

Chief Executive Officer – Andrew Mason

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

Author - John Kelly

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

### Summary

This report recommends Council adopt the Works Within Road Reserves Permit Policy which outlines Council's policy for issuing Works Within Road Reserves permits formerly known as Road Opening Works permits.

### Introduction

Council's Works Within Road Reserves Permit Policy sets out the requirements relating to the issue of permits for any proposed works within road reserves for which Council is the responsible authority.

### Issues

This policy applies only to notifications of works in road reserves from individuals, developers and contractors. Service utilities' consent and notifications for works in the road reserves are covered under the *Road Management Act 2004* and its Code of Practice.

This policy does not apply to vehicle crossing works. Council has a separate policy to deal with the application for vehicle crossings.

The Assets Planning Department of Council is responsible for managing the permit system for the works performed, for undertaking pre-work and post-work inspections of these works and seeking rectification works to be undertaken where required.

The individual undertaking the work on the road reserve is responsible for obtaining a permit from Council prior to works commencing, and for reinstating the area within the reserve affected by the works in accordance with the conditions accompanying the permit and the relevant Council standards.

This policy was last reviewed in 2017. There are no changes to the Policy recommended other than a change in the name of the permit and policy to better reflect the works proposed to be undertaken and avoid confusion for those applying.



### **Policy and Legislative Context**

The Works Within Road Reserves Permit Policy is a Council policy that has been reviewed in accordance with Council's Policy Development Framework.

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

Maintain our local road network at current or improved standards.

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

This policy is in line with Council's General Local Law 2015 (Local Law No.1) – Clause 29 Occupation of the Roads for Works and Clause 30 Reinstatement Works.

### **Internal / External Consultation**

The Works Within Road Reserves Permit Policy is an existing policy that has been reviewed internally within the Asset Planning Department and by Senior Officer Group.

### **Financial and Resource Implications**

Any costs associated with the works within the road reserve and the reinstatement of any part of the road damaged or affected by the works is the responsibility of the permit applicant. Council's fees and charges for a Works Within Road Reserves permit is \$110 and is reviewed annually as a part of the fees and charges schedule.

### **Options**

Council can opt to adopt the Works Within Road Reserves Permit Policy as proposed or choose to make amendments to the policy.

### **Conclusion**

The proposed policy sets out the requirements for the issuing of Works Within Road Reserves permits for works carried out in road reserves for which Council is the responsibility authority.

## **RECOMMENDATION**

### **That Council:**

- 1. Revokes the Road Opening Works Permit Policy dated March 2017.**
- 2. Adopts the Works Within Road Reserves Permit Policy dated March 2020.**

### **COUNCIL RESOLUTION**

**MOVED:** *Cr Illingworth*

**SECONDED:** *Cr Beard*

**That the recommendation be adopted.**

**CARRIED**

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**Attachments**

1. Policy Works Within Road Reserves Permit March 2020
2. Policy Works Within Road Reserves Permit March 2020 with Track Changes - Under Separate Cover

# Council Policy



## Works Within Road Reserves Permit

### Purpose

The purpose of this policy is to set out the conditions relating to the issue of permits for any proposed works, within the road reserves for which Council is the responsible authority.

### Scope

This policy applies only to notifications from individuals, developers and contractors. It does not apply to vehicle crossing works.

Service utilities' consent and notifications for works in the road reserves are covered under the *Road Management Act 2004* and its Codes of Practice.

### References

General Local Law 2015 (Local Law No.1) – Clause 29 Occupation of the Road for Works and Clause 30 Reinstatement Works.  
*Road Management Act 2004* and Codes of Practice

### Policy Detail

The Assets Planning Department of Council is responsible for:

- Managing the permit system for works performed by others within Corangamite Shire road reserves for which it is the responsible authority.
- Performing post-work inspections of the Council's assets and recording any damage not present in the pre-work inspection.
- Notifying the applicant in writing of rectification works that may be required, requesting that such rectification works be carried out within 30 days.
- Overseeing the rectification works to ensure that they comply with Council's standards
- Where rectification is not carried out as requested arrange for the works to be done and for the cost to be charged to the applicant.

The applicant is responsible for

- Obtaining a permit from Council prior to the commencement of any works to be carried within the reserve of roads for which Council is the responsible authority.
- Notifying the Council of the proposed works within the road reserve a minimum of 3 days prior to the commencement of works.
- Informing the Council of any damage to the Council's assets prior to the works commencing.
- Notifying the Council of any changes to the proposed works or design drawings prior to commencement.
- Undertaking the works in accordance with the permit and its accompanying conditions and relevant Council standards.

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Adopted at Council on:  
Agenda Item:  
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Department: Assets Planning  
To be reviewed by: March 2023  
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Corangamite Shire Council Policy – Road Opening Works Permit

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- Reinstating any part of the road damaged or affected by the works in accordance with the conditions accompanying the permit.
- Notifying the Council when the work is completed for the purpose of conducting a final inspection.
- Undertaking any further rectification works required to the satisfaction of Council.

Applications for permits are required to be in writing on the prescribed form. A permit fee will apply.

**Human Rights**

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

**Review Date**

March 2023

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Adopted at Council on:  
Agenda Item:  
Responsibility: Manager Assets Planning  
File Number:

Department: Assets Planning  
To be reviewed by: March 2023  
File Number:  
Page Number: 2

## 10.5 Information Privacy Policy and Privacy Contact Officer Appointment

**Author:** Michele Stephenson, Manager Human Resources/Risk

**File No:**

**Previous Council Reference:** Nil

### Declaration

Chief Executive Officer – Andrew Mason

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

Author - Michele Stephenson

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

### Summary

This report recommends that Council adopts the Information Privacy Policy which provides guidance to councillors and staff about the handling of personal information. The Policy has been reviewed in accordance with Council's Policy Development Framework and the recommendations from a review by the Office of the Victorian Information Commissioner.

### Introduction

The Information Privacy Policy explains how Council will handle, store and use the personal information it collects about individuals, and how individuals can access and correct their personal information or complain about possible privacy legislation breaches.

Personal information includes any information or opinion that is recorded in any form about an identifiable individual. In a small municipality it may not be necessary to name an individual for them to be identified, because the information itself might clearly identify them.

### Issues

The development of an Information Privacy Policy is recommended by the Office of the Victorian Information Commissioner (OVIC) to assist organisations in meeting their legal obligations.

A review of Local Government Privacy Policies was undertaken by OVIC in 2019. Four recommendations for councils were made as a result of the review:

1. Councils review their current policy unless it has been done within the last year
2. Councils schedule the review cycle to at least every two years
3. Councils review their explanation of their process to accessing and correcting personal information
4. When undertaking their next review, Councils should consider plain English drafting principles.

The following feedback was provided specific to the Corangamite Shire Council's Privacy Policy:

*The content is comprehensive and the standard of writing is average, not overly legalistic but the policy is easy to read and understand. You may consider a review which focuses on how the policy is written, and think about using examples to explain the IPP's and how they apply to council actions, services and activities.*

The Information Privacy Policy had been reviewed consistent with these recommendations.

### **Policy and Legislative Context**

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

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

### **Internal / External Consultation**

This is an existing policy which has been reviewed by the Human Resources/Risk Department and Maddocks Law Firm.

### **Financial and Resource Implications**

The implementation of this policy is not expected to incur any financial costs or other resourcing issues.

### **Options**

Council may adopt the Information Privacy Policy as presented or with amendments. Council can re-appoint the Manager Human Resources/Risk as privacy contact officer or nominate another person as privacy contact person.

### **Conclusion**

All recorded personal information held by Council is subject to legislated privacy provisions.

This policy provides guidance to Council officers and Councillors on how to manage personal information and also how a complaint about a potential privacy breach may be made.

## **RECOMMENDATION**

### **That Council:**

- 1. Revokes the Information Privacy Policy dated September 2016.**
- 2. Adopts the Information Privacy Policy dated March 2020.**
- 3. Re-appoints the Manager Human Resources/risk as Council's Privacy Contact Officer.**

### **COUNCIL RESOLUTION**

*MOVED: Cr Durant*

*SECONDED: Cr Beard*

**That the recommendation be adopted.**

**CARRIED**

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**Attachments**

1. Council Policy - Information Privacy March 2020
2. Council Policy Information Privacy March 2020 with Track Changes - Under Separate Cover



**CORANGAMITE  
SHIRE**

# Information Privacy Policy

**Corangamite Shire Council**  
March 2020

Responsibility: Manager Human Resources/Risk  
File Number:

Policy Number: CORCOM 12-04  
Page Number: 1





# COUNCIL POLICY

## Information Privacy

### 1. Introduction

Corangamite Shire Council (**Council**) collects and holds vast amounts of personal information about individuals. This includes information about ratepayers/residents, and council employees, contractors or volunteers.

The *Privacy and Data Protection Act 2014 (Vic)* (**PDP Act**) came into effect on 17 September 2014. The PDP Act regulates how the Victorian public sector, including councils, collects and handles personal information.

Council is committed to full compliance with its obligations under the PDP Act and the *Health Records Act 2001 (Vic)* (**HR Act**). In particular, Council will comply with the Information Privacy Principles (**IPPs**) and Health Record Principles (**HRPs**) contained in the PD Act and HR Act respectively.

### 2. Purpose

Council believes that protection of an individual's privacy is a key part of its commitment towards accountability and integrity, and is strongly committed to protecting every individual's right to privacy.

The purpose of this Information Privacy Policy is to inform individuals about Council's obligations and privacy practices, including:

- how Council will collect, store, use and disclose the personal information of individuals;
- how individuals can access their personal information and correct inaccuracies; and
- how an individual can complain about possible breaches of the PDP Act.

### 3. Scope

This policy applies to all employees, contractors, volunteers, and councillors of Council.

### 4. Relationship to other laws

Section 6 of the PDP Act provides that if a provision of PDP Act relating to an IPP is inconsistent with a provision made by or under any other Act, then the other provision prevails. This means that if something is required or authorised under the *Local Government Act 1989 (Vic)* (**Local Government Act**), then the provisions of the PDP Act do not apply. Nothing in the PDP Act affects the operation of the *Freedom of Information Act 1982 (Vic)*.

### 5. Definitions

**Health information** is broadly defined in the HR Act to include information or an opinion about:

- the physical, mental or psychological health of an individual;
- the disability of an individual;
- an individual's expressed wishes for future provision of health services;

Adopted at Council on:  
Agenda Item:  
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Corangamite Shire Council Policy – Information Privacy

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- a health service provided, or to be provided, to an individual, that is also ‘personal information’ as defined in the HR Act.

It also includes other ‘personal information’ as defined in the HR Act:

- collected to provide, or in providing, a health service;
- collected in connection with the donation or intended donation by an individual of his or her body parts, organs or body substances; or
- genetic information about an individual in a form which is or could be predictive of the health of the individual or any of his or her descendants.

Health information does not include information about an individual who has been deceased for more than 30 years.

**Health Service** is defined in the HR Act, and includes an activity performed in relation to an individual to provide a disability service, palliative care service or aged care service.

**HPPs / Health Privacy Principles** are the principles set out in the HR Act that regulate the collection and handling of health information.

**IPPs / Information Privacy Principles** are the principles set out in the PDP Act that regulate the handling of personal information.

**Personal Information** means information or an opinion (including information or an opinion forming part of a database), that is recorded in any form and whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion, but does not include information of a kind to which the HR Act applies. This includes information Council has collected in any format including correspondence, in person, photographic, video, by telephone, or on a telephone and by electronic means, including personal information Council has sourced from third parties.

**Privacy Officer** is the contact person at Council to receive and handle complaints about possible breaches of privacy.

**Public Register** means a document held by a council and open to inspection by members of the public by force of a provision made by or under an Act other than the *Freedom of Information Act 1982 (Vic)* or the *Public Records Act 1973 (Vic)*.

**Sensitive Information** is information or an opinion about an individual's:

- racial or ethnic origin;
- political opinions;
- membership of a political association;
- religious beliefs or affiliations;
- philosophical beliefs;
- membership of a professional or trade association;
- membership of a trade union;
- sexual preferences or practices; or
- criminal record,

that is also personal information.

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**6. Policy Detail**

Council has implemented practical measures and takes all reasonable steps to ensure that the use and disclosure of personal information and health information is consistent with privacy laws and community expectations.

Where personal information and health information has been collected and needs to be passed on to others who are engaged to provide services on the Council's behalf, or where non-Council staff are authorised by the Council to collect information, analyse it or deliver services, those involved will be required to treat the information in the same way that the Council does.

Councillors and officers are required to deal with personal information and health information in compliance with the IPPs or HPPs. Councillors and officers do not have unrestricted access to personal information held by Council, and they do not have an unrestricted right to use and disclose such information.

In particular, personal information held by Council must not be used for a Councillor or officer's own personal or business purposes, outside of his or her functions as a Councillor or officer. If Councillors or officers do use personal information in breach of the IPPs, they may be individually liable and their actions may mean that Council is also liable.

**7. Relevant legislation and other material**

The primary legislative obligations applying to the Council's treatment of personal information and health information are contained in the Victorian Government's PDP Act and the HR Act. Other relevant legislation, guidelines and sources are listed below:

- Victorian Charter of Human Rights and Responsibilities 2006
- *Health Services Act 1998* (Vic)
- *Freedom of Information Act 1982* (Vic)
- *Public Records Act 1973* (Vic)
- *Surveillance Devices Act 1999* (Vic)
- *Occupational Health and Safety Act 2004* (Vic)
- Office of the Victorian Information Commissioner website

**8. The Information Privacy Principles**

Privacy legislation prescribes a number of IPPs that Council is required to comply with to promote and ensure the fair and responsible collection and handling of personal information and health information. The IPPs applicable to Council are as follows:

- Information Privacy Principle 1 – Collection
- Information Privacy Principle 2 – Use And Disclosure
- Information Privacy Principle 3 – Data Quality
- Information Privacy Principle 4 – Data Security
- Information Privacy Principle 5 – Openness
- Information Privacy Principle 6 – Access And Correction

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- Information Privacy Principle 7 – Unique Identifiers
- Information Privacy Principle 8 – Anonymity
- Information Privacy Principle 9 – Trans-Border Data Flows
- Information Privacy Principle 10 – Sensitive Information

Council will conform with the privacy principles contained in the PDP Act, in the following ways:

**1. Collection**

Council will only collect personal information or health information that is necessary for the performance of its functions. For example, Council may collect personal information in the form of fleet trip data (such as vehicle behaviour and geographic location) to enable Council, among other things, to ensure it is complying with its obligations under occupational health and safety legislation.

In some instances Council is required by law to collect personal information or health information. Council will only collect sensitive information where the individual has consented or as permitted under a relevant Act.

The information provided may be used for purposes including but not limited to the following:

- To engage or manage employees (including prospective employees), volunteers, or contractors.
- To address issues arising in respect of departing or former employees, volunteers or contractors.
- To make contact where it is necessary in order to provide services requested.
- To make contact where it is necessary to resolve issues relating to our services or functions.
- To make contact prior to a meeting to confirm details.
- To provide material concerning Council initiatives and programs when information is supplied for this purpose.
- To facilitate the collection of Council fees and charges.
- To enable payment for Council provided goods and services.
- To enable Council to undertake its law enforcement functions.
- To aid community safety.

**2. Use and Disclosure**

Council will not use or disclose personal information or health information either externally or internally except for the purpose it was collected, unless it is for a related purpose and a person would reasonably expect this to occur such as, but not limited to:

- To Council's contracted service providers who manage the services provided by Council, including waste collection, meals preparation for aged and disability services and others.
- To individuals for the purpose of serving a notice to fence as required by the Fences Act.

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- To Council's professional advisers, including auditors and lawyers.
- To an immediate family member of the individual for emergency reasons.
- Where appropriate under another Act, including the *Freedom of Information Act 1982* (Cth).
- To police, fire or state emergency departments for emergency or law enforcement purposes.
- Where an individual's consent has been given.
- Where Council is required to do so by law, for example, where Council is required to share information to provide a safe workplace in accordance with occupational health and safety.

Access to information will always be on a 'need to know' basis.

**3. Data Quality**

Council will take reasonable steps to make sure that the personal information or health information it collects, uses or discloses, is accurate, complete and up-to-date. For example, where practical, Council will obtain information directly from an individual (rather than through secondary data sources) or seek verification from an individual, in order to avoid any deficiencies or inaccuracies in second-hand information.

Individuals can amend any personal information you have supplied to Council. Details on how to do this are explained under Information Privacy Principle 6.

**4. Data Security**

Council will endeavor to maintain a secure system for storing personal information or health information, for example, by carrying out regular assessments of data security risks and ensuring electronic equipment (such as computers and portable devices) on which such information is stored are password secured or encrypted [confirm].

Council will also maintain operational policies and procedures to protect personal information or health information from misuse and loss and from unauthorised modification or disclosure. Council will dispose of personal information and health information where it is no longer necessary to fulfill the purposes for which the information was collected or as required by law.

Council will take all reasonable steps to destroy or permanently de-identify records if they are no longer required. Destruction will be in accordance with disposal schedules of the *Public Records Act 1973* (Vic).

**5. Openness**

Council will make its policies relating to the management of personal information or health information available and accessible through publishing this policy both in hard copy and on its website and intranet.

Council will, on request, take reasonable steps to provide individuals with general information on the types of personal information or health information it holds and for what purposes it collects, holds, uses and discloses that information.

**6. Access and Correction of Personal Information**

Individuals have a right to seek access to their personal information and health information and make corrections. Access and correction will be handled under the *Freedom of Information Act* (Vic). Some limits may apply where particular circumstances prevent Council

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from releasing information, for example, where access to the information would pose a serious and imminent threat to the life or health of an individual.

If personal information or health information is inaccurate, incomplete, misleading or out of date, the individual may request Council to correct this information. Council will take all reasonable steps to correct this information, for example, Council may discuss with an individual the alternative ways of noting any discrepancy regarding the accuracy of the information in a way that satisfies the needs of both parties (i.e. by deletion, amendment or addition).

**7. Unique Identifiers**

Council will not assign, adopt, use, disclose or require a unique identifier from a person unless it is necessary to conduct normal business operations or the Council is required to do so by law. For example, Council may require the disclosure of a unique identifier such as an individual's tax file number to enable it to comply with its obligations under tax legislation.

**8. Anonymity**

Where lawful and practicable, Council will give an individual the option of not identifying themselves when supplying information or entering into transactions with it. In circumstances where anonymity would impede the ability of the Council to properly provide a service, Council will ensure that individuals are aware of any limitations to services if the information required is not provided.

**9. Trans-Border Data Flows**

While Council staff usually handle personal information or health information, Council may outsource some of its functions to third parties. For example, Council may engage a contractor to conduct a survey to review a council service such as Family Day Care. This may require a contractor to collect, use or disclose certain personal information or health information. It is Council's intention to require contractors to comply with the PDP Act in all respects. Personal information will not be transferred outside Victoria unless the recipient of the information is subject to privacy standards that are consistent with the IPPs, with consent, or in other limited circumstances. The privacy protections must travel with the information.

**10. Sensitive Information**

Council will not collect sensitive information about an individual except for specific circumstances. For example, Council may collect sensitive information if the individual has consented, or if the collection is required by law.

**9. The Health Privacy Principles**

The HPPs applicable to Council are set out in full in the HR Act under the following headings:

1. Collection;
2. Use and disclosure;
3. Data quality;
4. Data security and data retention;
5. Openness;
6. Access and correction;
7. Identifiers;
8. Anonymity;

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9. Transborder data flow;
10. Transfer or closure of the practice of a health service provider; and
11. Making information available to another health service provider.

If Council discontinues a health service it will give notice of the closure to past service users.

If the Council is requested to make a person's health information available to another health service provider, Council will comply with the request, basing its procedures on the requirements of the HR Act.

**10. Role of Privacy Officer**

The Privacy Officer/Health Records Officer (**Privacy Officer**) at Council handles enquiries, complaints or adjustments regarding personal or health information. Written requests for information will be responded to by the Privacy Officer unless the request is covered by the *Freedom of Information Act 1982* (Vic). Requests under this Act will be responded to in accordance with legislation and generally within 45 days.

Complaints can be directed to Council's Privacy Officer in the first instance.

**11. Complaints**

Complaints relating to Council's use of personal information or health information should be directed to:

Privacy Officer  
Corangamite Shire Council  
PO Box 84  
Camperdown Vic 3260

Telephone: (03) 55 937 135  
Facsimile: (03) 55 932 695  
E-mail: shire@corangamite.vic.gov.au

Complaints will be investigated and a written response will be provided as soon as possible (but Council will endeavour to respond to all complaints within 45 days). If an individual is not satisfied with the way in which Council handles information or deals with a complaint, a formal complaint can be made to the Commissioner for Privacy and Data Protection (or Victorian Health Complaints Commissioner in relation to health records).

**12. Public registers**

Council maintains public registers in accordance with regulation 12 of the *Local Government (General) Regulations 2015* (Vic) which may include personal information.

The public registers can be accessed at Council's Civic Centre building at 181 Manifold Street, Camperdown.

**13. Surveillance Devices**

Council will only use, install and maintain tracking devices, including GPS and camera devices, in its vehicles and plant in accordance with the *Surveillance Devices Act 1999* (Vic) and Council's relevant policies (including this policy, the Plant and Vehicle GPS Policy and the Light Vehicle Fleet Policy [

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For further information in relation to the data collected by Council via tracking devices, the way in which this data may be used, and how this data can be accessed, please refer to Council's Vehicle GPS Policy.

**14. Human Rights**

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

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## 10.6 Waste Collection Services Contract 2015001

**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

The purpose of this report is for Council to consider extending the Waste Collection Services Contract 2015001 for a further three years, with the existing contractor and not award Waste Collection Services Contract 2021001.

### Introduction

Council awarded the Waste Collection Services Contract 2015001 in April 2015 to Wheelie Waste, for a period of five years. This contract is due to conclude at the end of June 2020, if Council does not exercise its right to implement a contract extension. Under contract 2015001 Council has the ability to extend the contract on one occasion for up to five years.

The Waste Collection Services Contract includes the provision of kerbside waste collections, street litter bin collections and the acceptance and processing of comingled recyclables collected through these services.

Since the contract commenced in 2015 there have been significant changes in the waste industry and particularly the acceptance and processing of recyclables. The issues experienced in the recycling industry resulted in Council re-negotiating with the existing contractor, mid-contract, to ensure recyclables continue to be collected and processed across the municipality. This re-negotiation was undertaken with a ministerial exemption under the *Local Government Act 1989*.

### Issues

As the first term for contract 2015001 was coming to an end, Council considered its options for the continued provision of the waste collection services. It was determined that due to the changes that had already occurred in the waste industry, it was beneficial for Council to develop and advertise a new contract. This process was completed and contract 2021001 was advertised in late 2019.

The tender for the new Waste Collection Services contract included several options for changes to the current waste services, including:

- additional recycling collections
- replacement waste bins
- alternative costing options for recyclables processing, and
- an optional glass collection service.

These options were included in the contract tender to allow Council to understand a variety of new services and the associated costs, prior to deciding on their inclusion in the service provision of the new contract.

In February 2020, one week after the tender process closed for Waste Collection Services Contract 2021001, the Victorian Government released the long-awaited circular economy policy 'Recycling Victoria'. The Recycling Victoria Policy includes extensive changes to Victoria's waste sector and particularly kerbside collections provided by Local Government.

Some of the proposed changes include:

- Waste management becoming an Essential Service
- A new Waste Management Act and establishment of a Waste Authority
- Mandatory kerbside collection levels (glass and organics) and bin lid colours
- Container Deposit Scheme for Victoria by 2023, and
- Landfill levy increases.

The implementation of the new policy changes will be staged over the next ten years and provide considerable disruption to Council's advertised Waste Collection Services Contract 2021001, for the submitted tenders and for the waste and recycling sector. Two of the tender submissions specifically identified clauses that would alter their submission, if a container deposit scheme was introduced or other waste related legislation changes occurred.

The introduction of a container deposit scheme and a kerbside glass collection will change the composition of the kerbside recyclables by an estimated 40% by weight. This level of change could not have been considered by the tender submitters prior to the closing date of the tender.

Although Council has undertaken the tender process which includes and considers many of the items identified in the new State Waste Policy, the change in law clause that forms part of the waste services tender would be immediately activated if the contract was awarded. This would then require new contract negotiations to be undertaken and further legal advice obtained or the tender to be re-released for retendering.

The Waste Collection Services Contract 2021001 tender process revealed that very few organisations within the waste industry are prepared to immediately implement the new changes to waste services and recyclables receipt and processing required under the 'Recycling Victoria Policy'.

The new policy will be implemented over the next ten years with the container deposit scheme to be introduced by 2023. It is expected that during the next three years, industry and markets for products will be adjusting in preparation for the new requirements, with the intention of commencing the first changes to the new systems in 2023.

Due to the implementation timeframes for the new policy, it is beneficial for Council and the community to extend the existing contract 2015001 for a period of three years. This will allow kerbside collection service providers to establish new pricing structures and markets that align to the Recycling Victoria Policy. It is anticipated that over this three year period the cost

of providing the new collection systems and processing materials will be better known and potentially more cost effective to Council, when compared to the level of uncertainty across the waste industry at this time.

### **Policy and Legislative Context**

The review and consideration of Council's waste services, aligns with the following strategies from Corangamite Shire's *Council Plan 2017-2021*:

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

Provide cost effective and high-quality waste management services.

Preserve the natural environment of Corangamite Shire.

The provision of waste services is in accordance with the *Local Government Act 1989*.

The 'Recycling Victoria' policy requires Councils to provide communities with organics and glass collections within the next ten years. The State Government will introduce a container deposit scheme by 2023 which will change the composition and market value of kerbside recyclables. If the existing contract is extended by three years, Council will have the ability to adjust the collection system to be compliant with the new policy after the container deposit scheme commences and prior to the ten-year implementation deadline.

### **Internal / External Consultation**

Throughout the contract development process and as part of developing this Council report, legal advice has been obtained by Maddocks.

Officers have also consulted with Local Government Victoria regarding the ability for Council to obtain a Ministerial Exemption for the recycling component of the contract extension.

During the development of the circular economy policy, consultation sessions were attended and advice provided on the specific issues for rural areas with the introduction of a new policy framework for waste management.

Council officers have been in contact with Wheelie Waste in regard to the challenges provided by the Recycling Victoria Policy. Wheelie Waste has indicated that due to the changes proposed and the time frames for the policy implementation, they would consider and be supportive of a contract extension.

Council officers have also contacted Local Government Victoria (LGV) to investigate the possibility of Council receiving a ministerial exemption for the extension of the recycling component of the contract. Early indications have been favourable with LGV staff encouraging Council to submit an application.

### **Financial and Resource Implications**

Council's annual budget includes the costs associated with waste collection services. These costs are then recovered through the garbage charge per residential property, within the waste collection areas.

The cost to rate payers of extending the existing Waste Collection Services Contract 2015001, in accordance with CPI clauses, will result in a similar annual increase in costs to residents as previous annual increases through the contract.

There are no financial implications from Council withdrawing the Waste Collection Services Contract 2021001 from further assessment and awarding.

The financial impact of Council awarding Waste Collection Services Contract 2021001 has not been assessed due to the significant changes proposed for the waste industry and the additional services that will be required into the future to meet these new requirements. It would be expected that the cost of maintaining the current kerbside collection system and including additional collections for glass, may result in a large increase for rate payers who pay for a garbage charge as part of their rates.

In addition to any increase as a result of collection contracts, the garbage charge for the 2020-2021 financial year will also need to include the proposed increases in the landfill levy announced as part of the 'Recycling Victoria' policy.

### **Options**

As the existing Waste Services Contract 2015001 and the new tender Waste Collection Services Contract 2021001 are both active processes, there are several options available to Council currently. These options include:

- Continue with the evaluation and awarding of contract 2021001, or
- Re-advertise a new tender for Waste Collection Services under a new contract number.
- Initiate a contract extension for contract 2015001 for another fixed period but not exceeding 5 years, or
- Initiate a three-year contract extension for contract 2015001 (**recommended option**).

### **Conclusion**

Waste Collection Services Contract 2015001 is due to conclude at the end of June 2020, should Council not exercise its right to implement a contract extension. Since the contract commenced in 2015, there have been significant changes in the waste industry, particularly the acceptance and processing of recyclables.

In preparation for the conclusion of the first term of the contract, Council developed and advertised a new contract. This process was completed and contract 2021001 was advertised in late 2019.

One week after the tender advertising and submission process closed for Waste Collection Services Contract 2021001, the Victorian Government released the long-awaited circular economy policy 'Recycling Victoria'. The Recycling Victoria Policy includes extensive changes to Victoria's waste sector and particularly kerbside collections provided by Local Government.

Given the significant changes to occur in the waste industry as a result of the new State Government Policy, it is appropriate for Council to extend the current contract for a further three years, to limit the financial impact on the community and risk to Council, until the waste industry adjusts to the new policy framework.

## RECOMMENDATION

That Council:

1. Writes to Wheelie Waste informing them of Council's intention to implement a contract extension for a period of three (3) years.
2. Writes to Local Government Victoria requesting a ministerial exemption under the *Local Government Act 1989 for the recycling component of the Waste Services Contract 2015001*.
3. Writes to tender submitters to confirm that Waste Collection Services Contract 2021001 has been withdrawn, will not be assessed further or awarded.

## COUNCIL RESOLUTION

*MOVED:* Cr Durant  
*SECONDED:* Cr Illingworth

That the recommendation be adopted.

**CARRIED**

## 10.7 Future Use of 30 - 32 William Street, Lismore

**Author:** Wendy Williamson, Property 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 - Wendy Williamson

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

### Summary

This report is for Council to consider the future use of the former Lismore Croquet Club located at 30-32 William Street, Lismore, which is owned by Council.

### Introduction

In April 2019, Council advertised its intention to sell 30-32 William Street, Lismore and seek public submissions regarding the proposed sale. In accordance with Section 189 and Section 223 of the Local Government Act 1989, a public submission process occurred, along with an on-site meeting, allowing community members and groups to comment on the proposed sale.

No submissions were received during the submission period. A late submission was received by a newly established working group, requesting that the land be developed into a community Indigenous garden/education centre.

This report is for Council to consider the future use of 30-32 William Street, Lismore.

### Issues

#### *Property Review*

In 1948, HT Grimwade donated the parcel of land at 30-32 William Street, Lismore for the purpose of an RSL Clubroom and Bowling Club, which was to be used only by returned men and women. The construction of the RSL Clubrooms was developed and completed by 1950.

In 1982, the Lismore Senior Citizens Club shared the site with the Lismore Croquet Club, until the Senior Citizens Club relocated to the South West Health Care facility. At that time, the Lismore Croquet Club became the sole occupant of the site.

A user agreement was entered into between the Croquet Club and Council in October 2003, where the club operated for the next 15 years, however in November 2018, the club disbanded leaving Council to determine the future use of the land. There are no conditions noted on the title for Council to retain the property.

Size and location of the property

The size of the land is 2060m<sup>2</sup> with the dimensions being 40.60m x 50.75m, consisting of two lots. The lots are known as Lot 1 and 2 on 410961R and located in the Township planning zone, with a heritage overlay.

Access to the Property

The land is located one block from the main street within the township of Lismore, with access to the site via William Street. Water and power services are available.

The land has a southerly aspect with a significant cut out area incorporating an established croquet lawn. At the rear of the block there is a club house, an outside toilet building and a small storage shed. The remaining land provides access around the croquet lawn and to the buildings.

Community or Council Plans

The land has not been noted in previous community plans, although some residents have outlined that they would like to see the land retained as a community facility.



**Figure 1: The Club House, 30 – 32 William Street, Lismore**

Demonstrated Past and Current Usage

In the past, a lease agreement has been in place with a nominal rental amount of \$104 per annum being charged to the croquet club. The lease agreement was terminated in November 2018 when the Lismore Croquet Club disbanded and currently 30-32 William Street, Lismore is vacant.

Surrounding Usage

The Lismore Memorial Bowling Club is located next to the former Croquet Club at 34-36 William Street, Lismore. The club have advised Council that they too are considering disbanding due to lack of members. The premises at 34 – 36 William Street are owned by the Lismore Bowling Club. The Bowling Club have discussed this with Council Officers and have advised that their land could be utilised in any future proposals that Council has for the former Croquet Club premises.

### Other Information

Property holding costs relate to the money spent by Council to keep and maintain the property. The ongoing property holding costs associated with the facility include the fire services property levy, insurance, essential safety measures, water expenses, electricity and ground maintenance which has been estimated at \$3,000 annually.

The capital improved value (CIV) is commonly known as the total market value of land plus buildings and other improvements and is determined by an independent valuer through a desktop analysis; no onsite inspection takes place. For this purpose, the CIV as assessed 1 January 2019, as per the rating system, a value of \$127,500 was determined. The desktop valuation of the property can be used as an indicative guide only. In accordance with the *Local Government Act 1989*, Council must obtain a valuation of the land which is made not more than six months prior to the sale.

### Asbestos

A recent asbestos audit confirms asbestos is present in the building on 30-32 William Street, Lismore. Council has sought advice as to responsibilities and liability as owner of this parcel of land and has been advised that a copy of the asbestos register must be provided to the group who are taking over management or control of the facility. If a lease agreement is to be entered into, then a number of clauses can be built into the agreement to ensure that the tenant and Council are clear on responsibilities.

### ***Proposal***

Council supported the development of a proposal from the community for an indigenous garden/education centre. A working group was established to investigate the feasibility of the centre and a proposal has been submitted.

The working group have since been incorporated as Murnong Indigenous Garden Inc. and have provided a proposal for Council's consideration. The proposal highlights the:

- Vision
- Community Consultation Undertaken
- Educational opportunities
- Finances
- Governance
- Timeline for implementation.

Murnong Indigenous Garden Inc. have received approval from the local Wathaurung Aboriginal Corporation to proceed with the project. The incorporation have explored other potential site options for a garden/educational centre, however they have not been able to identify a site suitable.

In discussing the proposal with Murnong Indigenous Garden Inc. they have advised that they wish to enter into a three-year lease agreement with Council, with an option for the site to be gifted to them at the conclusion of the three-year term.

The incorporated body could hold a lease agreement as a Community group which under Councils Leasing Policy would see the group charged a nominal rental amount of \$104 (exc. GST) per annum. The incorporated body would be responsible for property costs, maintenance and capital improvements.



### ***Options for Future Use***

Council has a number of options when considering the future use for the former Lismore Croquet Club located at 30-32 William Street, Lismore.

#### Council retain

Council could retain the property and the management of the land for a future community use. There would be costs associated with ongoing maintenance and management of the land and building, including the fire services property levy, and parks and garden maintenance. All ongoing costs, maintenance, structural and capital improvements and charges would be the responsibility of Council, with the total property holding costs estimated at \$3,000.

#### Proceed to sale

The building has been identified as surplus to Council's requirements, Council could dispose of this asset which would realise some minor savings on recurrent operating costs (\$3,000), and potentially generate a financial return for Council.

There will be some costs incurred by Council should it proceed with the sale of this property. This will include a property valuation and legal fees. These costs can be offset by the sale proceeds. Council would be required to maintain the property prior to the parcel being sold.

#### Expressions of interest for commercial development

In an attempt to help boost the local economy, Council could advertise for expressions of interest for use of the facility from commercial operators wishing to utilise the site. Council could work with the Lismore Bowling Club to look at an increased offering should they too disband. This would provide a further opportunity for interested parties to consider a commercial use of the site.

Any future development would be subject to the relevant local planning scheme, heritage overlay and required planning permits associated with the use of the premises. Submissions would outline their proposed future use of the facility and their suggested terms and conditions of use.

#### Gift the facility

Council could look at gifting the facility to Murnong Indigenous Garden Inc. This would see the incorporated body absorb all operating costs associated with the facility.

#### Enter into a lease agreement with Murnong Indigenous Garden Inc.

Council could enter into a lease agreement for the land at 30-32 William Street, Lismore with Murnong Indigenous Garden Inc. for a term of three years. In accordance with Council's Property Leasing Policy a subsidised rental amount of \$104 (exc. GST) per annum would be applicable over the next three years. The incorporated body would be responsible for property costs, maintenance and capital improvements. The lease will be reviewed at the end of the lease term in accordance with Council's Property Leasing Policy and the Sale of Council Land and Buildings Policy. **Officer preferred option.**

### **Policy and Legislative Context**

The *Local Government Act 1989* must be adhered to when considering the future use of Council land.

Under Section 5(2)(d) of the *Local Government Act 1989*, Council is capable of acquiring, holding, dealing with or disposing of property for the purpose of performing its functions and exercising its powers.

In accordance with Section 189 of the Local Government Act 1989, if Council resolve to sell the land a property valuation will need to be obtained for the valuation of the land which is not more than six months prior to the sale. In the instance that Council chooses to proceed with the sale of this property, the valuation amount needs to remain confidential, as the reserve price will be set according to the valuation determined.

The Sale of Council Land and Building Policy and procedures outline the way in which Council administrates its real estate assets in accordance with Council strategies, plans and legislative requirements.

Additionally, if Council were to consider leasing the parcel of land to Murnong Indigenous Garden Inc. Councils property leasing policy would need to be adhered too.

The management of Council land aligns with the following key themes in the Council Plan 2017-2021;

Council will make budgetary decisions that ensure 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.

We are committed to improving the liveability of Corangamite Shire through the management of our facilities, town planning and environmental sustainability.

### **Internal / External Consultation**

A property review has been completed on Council owned land and buildings.

Notification of an on-site meeting to discuss Council's intention to sell the Lismore Croquet Club was sent directly to those businesses and surrounding landowners, advising of an on-site meeting with the community to hear all views raised on the matter. A public notice was also advertised in the Lismore Newsletter. The on-site meeting occurred on 5 April 2019.

A public notice advertising Council's intention to sell the land followed the on-site meeting and has allowed the opportunity for community members and groups to make public submissions regarding the sale of the land. Submissions regarding the proposal were sought in accordance with Section 223 of the Local Government Act 1989, with the submission period closing 5pm Friday 7 June 2019.

A total of 12 residents attended the on-site meeting, and no submissions were received during the submission period. One late submission was subsequently received following the submission period.

### **Financial and Resource Implications**

There have only been administration costs to date associated with the review of this property.

Although there will be some costs incurred by Council should it proceed with the sale of the land, including a property valuation and legal fees, these costs could be offset by the sale proceeds. Council may generate a financial return from the sale of this land.

According to Council policy, all profits from the sale of land are treated as general revenue in the year in which it is received and considered as part of Council's annual budget. In the instance that Council chooses not to sell the land, and enter into a lease agreement with Murnong Indigenous Inc. ongoing costs associated with the land such as the fire services property levy and maintenance of the block will be the responsibility of the incorporated body.

Should Council choose not to enter into a lease agreement or sell the land, funding for ongoing costs associated with the facility will be required. The total property holding costs are estimated at \$3,000.

### **Options**

Council has a number of options available when considering the future use of the former Lismore Croquet Club located at 30–32 William Street, Lismore:

1. Council retain
2. Proceed to sale
3. Expressions of interest for commercial development
4. Gift the facility
5. Enter into a lease agreement with Murnong Indigenous Garden Inc. **Officer preferred option**

### **Conclusion**

The property located at 30–32 William Street, Lismore, has been identified as surplus to Council's requirements.

Submissions have been sought in accordance with the Local Government Act 1989 with one submission being received from Murnong Indigenous Garden Inc. The submission outlines a proposal to develop the land into a community indigenous garden/education centre, with a four-year business plan provided.

A number of options have been considered as to the future use of the property located at 30-32 William Street, Lismore. It is proposed to enter into a lease agreement with Murnong Indigenous Garden Inc, for a three-year term for the purpose of establishing a community garden/education centre. At the conclusion of the three-year term, it is suggested that gifting of the parcel to the Murnong Indigenous Garden Inc. is considered.

## RECOMMENDATION

That Council:

1. Enters into a lease agreement with Murnong Indigenous Garden Incorporated for use of the former Lismore Croquet Club located at 30-32 William Street, Lismore for the purpose of establishing a community garden/education centre, which expires 31 March 2023.
2. Sets the lease fee in accordance with Council Policy at \$104 (exc. GST) per annum
3. Affixes the Common Seal of Council to the lease agreement

## COUNCIL RESOLUTION

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

That the recommendation be adopted.

**CARRIED**

Cr R. Gstein, having declared an indirect conflict of interest in Item 10.8 left the meeting at 7.54 pm.

## **10.8 Purchase of Two (2) Jayco Cabin Amenity Blocks**

**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 declare I have an indirect conflict of interest because of impact on residential amenity.

Author - Brooke Love

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

### **Summary**

This report seeks Council approval to purchase Two (2) Jayco Cabin Amenity Blocks for within the Lakes & Craters Holiday Park located at 220 Park Road, Camperdown.

### **Introduction**

Council allocated \$200,000 as a part of its 2018-2019 budget for the construction of suitable amenities for the users of the caravan park and access to users of the Botanic Gardens. These funds were endorsed by Council as a carry forward to the 2019-2020 budget at its September 2019 meeting.

In accordance with Council's Procurement Policy, items for building and construction works up to a value of \$200,000 require a minimum of three written quotations before placing an order.

Exemptions from purchases requiring a purchase order can be authorised by the CEO under circumstances, as defined in the Act, and in which there may be legitimate reasons compliance with the minimum spend competition thresholds are not met.

As the Heritage Victoria permit stipulates specifically the type of unit to be provided and Council has sought a quote from the supplier directly, a procurement exemption has been sought.

In this instance the CEO has an indirect conflict of interest because of impact on residential amenity, as such Council are asked to consider this recommendation.

### **Issues**

A Heritage Victoria permit (P29093) has been issued for the demolition and construction of the existing toilet blocks along with the associated sewerage works. The permit specifies the two amenities blocks as Jayco, 28'10" x 17 Cabin Amenities.

In accordance with Council's Procurement Policy, items with a value of \$10,001 up to \$150,000 (**\$200,000 building and construction works**) require a minimum of three written quotations before placing an order.

Quotes have been sourced directly from Jayco. The total amount for these units is a total of \$198,770. See attached quotation provided under separate cover.

Exemptions from purchases requiring a purchase order can be authorised by the CEO under circumstances, as defined in the Act, and in which there may be legitimate reasons compliance with the minimum spend competition thresholds are not met. These are defined in Attachment 1 of Council's Procurement Policy which is attached for Council's reference.

In this instance it is felt that *7. Support From Original Supplier* is the valid reason for a procurement exemption being *for additional property or services by the original supplier or authorised representative where a change in supplier would compel the agency to procure property or services that do not meet the requirements of compatibility with existing services*, where;

- 'Authorised representative' – is Jayco as endorsed by Heritage Victoria in permit P29093.
- 'Compatibility' – is 28'10" x 17 Cabin Amenities, Jayco 27/3/14 (female) and 28'10" x 17 Cabin Amenities, Jayco 27/3/17 (male) as endorsed by Heritage Victoria in permit P29093.

If three quotations were to be sourced, Council would need to approach Jayco distribution agencies. It is expected that these companies will provide a similar amount or apply a mark-up on pricing for handling, administration and distribution.

### **Policy and Legislative Context**

The purchase of 2 Jayco Cabin Amenity blocks under a procurement exemption and consideration by Council is in accordance with Council's Procurement Policy and Employee Code of Conduct and meets the requirement of Heritage Victoria Permit P29093.

This project aligns with Council's Plan 2017-2021 under several key themes:

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

Support and facilitate the development of the visitor economy.

### **Internal / External Consultation**

The purchase of 2 Jayco Cabin Amenity Bocks under a procurement exemption has been reviewed by Council's Contract Administration Coordinator and Director corporate.

### **Financial and Resource Implications**

Council has allocated \$200,000 for the construction of suitable amenities for the users of the caravan park and access to users of the Botanic Gardens. Council had previously made provision in its five-year capital works plan for 2019-2020 for additional toilets in the botanic gardens. The contribution to the amenity block upgrade in the holiday park was seen as a way to eliminate duplication of facilities at the site and still provide access to all visitors to the site, both holiday park users and botanic garden / lookout visitors. Council will retain ownership of the amenities.

The purchase of the 2 Jayco Cabin Amenities for \$198,770 are within Council's allocated budget.

**Options**

Council may choose to approve the purchase of 2 Jayco Cabin Amenities under a Procurement Exemption, or may choose to not proceed with the purchase and request Council seek three quotations

**Conclusion**

The provision of amenities for visitors to the caravan park and botanic gardens has been identified in Council's five-year capital works plan for several years. The specified Jayco Cabin Amenities meet the requirements of the Heritage Victoria permit approved in September 2018. The procurement of the 2 Jayco Cabin Amenities under procedural exemption is in accordance with Council's Procurement Policy.

**RECOMMENDATION**

**That Council approves the purchase, under a procedural exemption, for the supply of Two (2) Jayco Cabin Amenities for within the Lakes & Craters Holiday Park located at 220 Park Road, Camperdown for the cost of \$198,770.**

**COUNCIL RESOLUTION**

***MOVED: Cr Illingworth***

***SECONDED: Cr Beard***

**That the recommendation be adopted.**

**CARRIED**

**Attachments**

1. Quote Female Amenity with Family Room - Under Separate Cover - Confidential
2. Quote Male Amenity with Laundry - Under Separate Cover - Confidential
3. Extract Attachment 1 Procedural Exemption Council Procurement Policy - Under Separate Cover

Cr R. Gstrein returned to the meeting at 7.59 pm

## 10.9 Councillor Attendance at the 2020 Australian Local Government Association's Conferences

**Author:** Penny MacDonald, Executive Services and Governance Coordinator

**File No:**

**Previous Council Reference:** Nil

### Declaration

Chief Executive Officer – Andrew Mason

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

Author - Penny MacDonald

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

### Summary

The purpose of this report is for Council to consider Councillor representatives for attendance to the Australian Local Government Association's National General Assembly and National Local Roads and Transport Congress.

### Introduction

Each year the Australian Local Government Association (ALGA) organises the National General Assembly of Local Government (NGA) in Canberra, and the National Local Roads and Transport Congress (Congress) at a location determined annually. This year the NGA will be held in Canberra from 14-17 June, and the Congress will be held at Wrest Point (Hobart, Tasmania) from 17-18 November.

The NGA and the Congress are important events for Corangamite Shire, as they provide Councillors with the opportunity to elevate the Shire and its priorities to the Federal level. Councillors attending the conferences will also gain insight into a range of issues affecting the Local Government sector and bring crucial information back to Council.

### Issues

#### *National General Assembly*

The theme for the 2020 NGA is *Working Together for our Communities*, with a program that emphasises the need for local government to work with the other levels of government and non-government stakeholders to meet the challenges facing communities. Participants will have the opportunity to discuss issues of national significance and meet with members of Parliament, to advocate for our communities and promote issues of importance to Corangamite Shire.

Sessions during the NGA will include discussions on developing community resilience, community engagement, climate change and the current political landscape. Speakers invited to address the NGA include the Prime Minister, Leader of the Opposition, and the federal Minister for Regional Health, Regional Communications and Local Government.



Council has budgeted for up to three (3) Councillors to attend the NGA this financial year. Councillors Neil Trotter and Wayne Oakes attended the NGA in 2019, with Cr Ruth Gstrein attending on behalf of the Municipal Association of Victoria.

### ***National Local Roads and Transport Congress***

The program for the 2020 Congress is not yet available, however the annual conference provides Council with the vital opportunity to send a Councillor delegate to hear from road and transport industry experts on current issues, challenges and emerging trends, as well as contribute to discussions on ALGA policy direction and advocacy efforts.

In 2019, the Congress covered a wide range of issues including road safety, the future of transport, use of technology, and road funding.

As the Congress occurs shortly after the general Council election in October 2020, prior to the first Ordinary meeting of the new Council, Council is unable to nominate a Councillor to attend the Congress. However, Council may resolve to authorise expenditure for one Councillor to attend the Congress, with the representative to be identified once the new Council is sworn in.

### **Policy and Legislative Context**

The Support for Councillor Professional Development Policy provides for Councillors to attend conferences, workshops and seminars to increase their knowledge of issues affecting the local government sector. The policy requires expenditure to be approved by a decision of Council when the proposed costs of a single professional development opportunity exceeds \$2,000 per Councillor. To assist with determining the eligibility of proposed professional development activities, the policy includes criteria to assess whether the content is appropriate and to current or likely future Council issues.

An assessment of attendance at both the National General Assembly of Local Government 2020 and National Local Roads and Transport Congress 2020 against the criteria is provided below.

1. *Does the event provide an opportunity to receive or upgrade relevant and necessary training directly related to the Councillors' role?*  
Yes, Councillors representing Corangamite Shire will be provided with the opportunity to upgrade their knowledge on a range of issues that influence the Local Government sector and is directly related to their role as Councillor.
2. *Does the event provide an opportunity to learn key information about an issue of public policy related to the Corangamite community?*  
Yes. Councillors attending the NGA and the Congress will have the opportunity to increase their understanding of issues of national significance, such as climate change, domestic violence, community resilience and emergency management at the the NGA, and road safety at the Congress, all of which will be beneficial to Council's policy development.
3. *Does the event have the potential to foster broad economic development opportunities within Corangamite Shire?*  
Yes. Sessions during the conferences are likely to include issues that impact economic development, providing Councillors with an opportunity to identify initiatives to improve economic development within the Shire.

4. *Does the event provide an opportunity for Councillor(s) to build their networks both within and across sectors, in a way which will be of benefit to the Corangamite community?*

Yes. Panel sessions will allow for interaction with presenters and other keynote speakers, providing maximum opportunity for delegates to increase their knowledge and bring back important information to Council. Informal networking will also occur during the conferences, which will provide Councillors with the opportunity to share ideas and gain invaluable contacts for the future.

#### **Internal / External Consultation**

The Chief Executive Officer has consulted with Councillors regarding the opportunity for them to attend the 2020 NGA and whether a representative from the new Council should attend the Congress.

Councillors who attend the conferences are expected to present a verbal report to Councillors on the events at the next available Councillor briefing.

#### **Financial and Resource Implications**

It is estimated that costs for attendance at the NGA will be approximately \$2,850 per Councillor, including conference registration, flights, accommodation and formal dinners. However, this amount is dependent on accommodation and flight availability, and does not include additional transport and ancillary expenses.

Attendance at the Roads Congress for one Councillor is estimated to cost approximately \$2,000 depending on accommodation and flight availability. This estimate includes registration, flights and accommodation. The estimate does not include other expenses including parking or additional meals.

The estimated cost for three (3) Councillors to attend the NGA is within the 2019-2020 Budget allocation for Councillor training and development. Attendance to the Congress for one Councillor has been included in the draft 2020-2021 budget for Councillor training and development.

Councillors do not have individual training and development allocations within the budget, and may participate in professional development opportunities as required within the constraints of the general training and development budget for all Councillors.

#### **Options**

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

It should be noted that the timing of this report is take advantage of early bird registration savings, and that the conferences may not proceed due to the COVID-19 virus.

#### **Conclusion**

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

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

## RECOMMENDATION

**That Council:**

1. **Nominates one or more Councillors to attend the National General Assembly of Local Government 2020, and approves expenditure related to attendance consistent with the Councillor Professional Development Policy and Councillor Expenses Policy.**
2. **Approves expenditure for one Councillor from the new Council to attend the National Local Roads and Transport Congress 2020.**

## COUNCIL RESOLUTION

***MOVED:***            *Cr Gstrein*

***SECONDED:***      *Cr Beard*

**That Council approves expenditure for one Councillor from the new Council to attend the National Local Roads and Transport Congress 2020.**

**CARRIED**

## 10.10 Change of Council Meeting Date September 2020

**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 relates to the rescheduling of the ordinary Council meeting in September 2020, due to the local government general elections on 24 October 2020.

### Introduction

At its meeting on 22 November 2016, Council determined its meeting dates for the duration of its term of office. Since that time, it has become evident that it will be necessary to move the September 2020 Council meeting, due to the meeting falling on the first day of the election (caretaker) period.

### Issues

The September 2020 Council meeting has been scheduled for 22 September 2020, the first day of the election (caretaker) period. During the election period, Council is unable to make major policy decisions, including those relating to large contracts. Council is also unable to make inappropriate decisions, such as decisions that may influence voting in the election or might reasonably be made after the election by the new council.

Current work plans will likely require Council to decide a number of contract at the September Council meeting such as the contract for the Timboon Streetscape and road construction related contracts. Due to time constraints and the need to finalise works it is not possible to bring consideration of the contract forward one month or defer a decision to November 2020, when the first meeting after the election will be held. As such, the meeting on 22 September 2020 should be brought forward by one week to 15 September 2020.

### Policy and Legislative Context

Under the *Local Government Act 1989* (the Act), Council is empowered to set its ordinary Council meetings at a time, date and frequency that it determines.

Sections 93A and 93B govern the conduct of councils during the election period. Section 93A prohibits councils from making major policy decisions, and section 93B requires councils to have an election period policy that includes provisions to prevent councils from making inappropriate decisions. Under the Act major policy decisions include matters relating to the employment of the chief executive officer and substantial contracts. Inappropriate decisions are defined as decisions that may affect the voting in an election or may be reasonably deferred until after the election, which is included in Council's Election (Caretaker) Period Policy.

The rescheduling of the September 2020 meeting is consistent 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 demonstrate high levels of ethical behaviour and governance standards.

#### **Internal / External Consultation**

Relevant Council officers have been consulted regarding the rescheduling of the September Council meeting and related work plans.

#### **Financial and Resource Implications**

There are no financial implications associated with moving the September 2020 Council meeting.

#### **Options**

Council officers believe it is necessary to move its ordinary meeting on 22 September 2020, due to the election (caretaker) period commencing on the same day, and the need to meet work plan commitments.

#### **Conclusion**

The September 2020 ordinary Council meeting has been scheduled for 22 September 2020, however officers believe it should be brought forward by one week to 15 September 2020. This is due to the election (caretaker) period commencing on 22 September, and the need for Council make decisions necessary to achieve scheduled work plans.

### **RECOMMENDATION**

**That Council reschedules its ordinary meeting in September 2020 to Tuesday 15 September 2020.**

#### **COUNCIL RESOLUTION**

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

**That the recommendation be adopted.**

**CARRIED**

## 10.11 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 25 February 2020.

### 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:

- 25 February 2020 Councillor briefing
- 3 March 2020 Planning Site Inspection
- 10 March 2020 Councillor Briefing
- 11 March 2020 Councillor Budget Workshop
- 17 March 2020 Councillor Budget Workshop.

**RECOMMENDATION**

**That Council accepts the attached Record of Assembly of Councillors.**

**COUNCIL RESOLUTION**

**MOVED:** *Cr Illingworth*

**SECONDED:** *Cr Gstrein*

**That the recommendation be adopted.**

**CARRIED**

**Attachments**

1. Record of an Assembly of Councillors Councillor Briefing 25 February 2020
2. Record of an Assembly of Councillors Planning Site Inspection 3 March 2020
3. Record of an Assembly of Councillors Councillor Briefing 10 March 2020
4. Record of an Assembly of Councillors Councillor Budget Workshop 11 March 2020
5. Record of an Assembly of Councillors Councillor Budget Workshop 17 March 2020

# Council

## Record of an Assembly of Councillors



**Date:** 25 February 2020      **Time:** 1.00 pm  
**Place:** Killara

**Present:**

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

*Cr Oakes arrived at 1.30 pm and left 2.30 pm*

**Officers:**

Brooke Love       Andrew Mason       Rory Neeson       David Rae

*Andrew Mason arrived at 1.30 pm*

*Aaron Moyne (Item 1)*

*Lyll Bond and Jessica Maxwell (Item 2)*

*Jarrold Woff and Wendy Williamson (Item 4)*

**Guests:**

*Zoe Porlai, Spiire, Daniel Wilkinson and Rodd Zhang, ACEnergy (Item 1)*

*Luke Fraser and David Downie (Item 3)*

*Val Lang, Chris Lang, Colin Bourke, Eleanor Bourke and Millicent Roberts (Item 4)*

**Issues Discussed:**

Item	Discussion Topic
1	<b>Terang Battery Energy Storage System Project – 70 Littles Lane, Terang</b>
2	<b>Waste Services Contract 2021001 Options Discussion</b>
3	<b>Great South Coast Economic Futures Report</b>
4	<b>Murnong Indigenous Garden Lismore</b>
5	<b>Hot Topics</b> <i>Agenda Items, BRICKS, Food and Fibre, Booringa Rd, Library Update, Climate Change, Seat from GORRT, Terang Stadium Fire, Local Govt. Act, Great Ocean Road Authority</i>
6	<b>Councillor Items</b> <i>Nuggets Flat, Powercor Line Clearance, Terang Post Office Clock, Correspondence Responses, Corona Virus Impacts, Electric Car Charging, Council Outstanding Actions, GSC Forum, Trestle 10</i>

**Conflicts of Interest declared:** Nil

**Councillor left the meeting at:** am/pm

**Councillor returned to the meeting at:** am/pm

**Councillor Conflict of Interest Form Completed:** Yes/No

**Meeting close:** 6.00 pm

**Note taker:** Andrew Mason

*Please note the arrival and departure time of guests, staff and Councillors, as well as any Councillors or staff who declared a conflict of interest.*



# Planning Inspection

## Record of an Assembly of Councillors



**Date:** 3 March 2020

**Time:** 10.15 am

**Location:** 1080 Old Ocean Road, Princetown

**Application No:** PP2019/131

**Present:**

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

**Officers:**

- Aaron Moyne

**Applicant:**

- Matt Bowker

**Objectors/Attendees:**

N/A

**Issues Discussed:**

- Application summary and overview
- Objector summary
- Assessment criteria and policy
- Planning assessment process and reporting

**Conflicts of Interest declared:** Nil

**Meeting close:** 11.00 am

**Note taker:** Aaron Moyne

# Council

## Record of an Assembly of Councillors



**Date:** 10 March 2020 **Time:** 10.00 am  
**Place:** Killara

**Present:**

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

*Cr Oakes was an apology*  
*Cr Beard arrived at 10.08 am*  
*Cr Illingworth left at 4.00 pm*

**Officers:**

Brooke Love  Andrew Mason  Aaron Moyne  David Rae

*Steven Welsh (Item 1)*  
*Rory Neeson (Items 1, 2 and 6)*  
*Mikayla Hein (Item 3)*  
*Brooke Love and Mikayla Hein left the meeting at 1 pm.*  
*Brooke Love returned to the meeting at 1.20 pm.*

**Guests:**

*Keith Tonkin (Item 3)*  
*Michael Scholtes (Item 5)*  
*Tony Ford, Basil Ryan and Jane Young (Item 6)*

**Issues Discussed:**

Item	Discussion Topic
1	Digital Opportunities
2	Port Campbell Town Centre Project – Preliminary Costings
3	Cobden Aerodrome Feasibility Analysis
4	Hot Topics <i>Corona Virus, GSC Board, Roadside Vegetation Meeting, LG Act, Hydrogen, ALGA and National Roads Congress, Timboon Tracks, Sexual Harassment Audit, Rail Update</i>
5	Corangamite Regional Library Corporation 2020-2021 Budget
6	GSC Food and Fibre
7	Councillor Items <i>Western Plains Working Together Group, Lismore Customer Requests, Cobden Cart Club, Peat Mapping, Beach Energy Shut Down, Native Fish Conference, Timboon Consultant</i>

**Conflicts of Interest declared:** Nil

**Councillor left the meeting at:** am/pm

**Councillor returned to the meeting at:** am/pm

**Councillor Conflict of Interest Form Completed:** Yes/No

**Meeting close:** 4.45 pm

**Note taker:** Andrew Mason

*Please note the arrival and departure time of guests, staff and Councillors, as well as any Councillors or staff who declared a conflict of interest.*

# Council

## Record of an Assembly of Councillors



**Date:** 11 March 2020      **Time:** 10.30 am  
**Place:** Killara

**Present:**

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

*Cr Oakes was an apology*

*Cr Gstrein arrived at 10.40 am*

*Brooke Love left at 11.05 am and returned at 12.20 pm.*

*Cr Illingworth left at 3.00 pm*

*Cr Brown left at 3.05 pm*

**Officers:**

- Brooke Love       Andrew Mason       Aaron Moyne       David Rae  
*Adam Taylor*

**Guests:**

*Nil*

**Issues Discussed:**

Item	Discussion Topic
1	2020-2021 Draft Budget

**Conflicts of Interest declared:** Nil

**Councillor left the meeting at:** am/pm

**Councillor returned to the meeting at:** am/pm

**Councillor Conflict of Interest Form Completed:** Yes/No

**Meeting close:** 3.35 pm

**Note taker:** Andrew Mason

*Please note the arrival and departure time of guests, staff and Councillors, as well as any Councillors or staff who declared a conflict of interest.*

# Council

## Record of an Assembly of Councillors



**Date:** 17 March 2020  
**Place:** Killara

**Time:** 9.30 am

**Present:**

- |  |  |  |  |
|--|--|--|--|
| <input checked="" 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 type="checkbox"/> Cr Oakes            | <input checked="" type="checkbox"/> Cr Trotter |  |

*Cr Oakes was an apology*

**Officers:**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Brooke Love (Item 1) | <input checked="" type="checkbox"/> Andrew Mason (Item 1)         |
| <input checked="" type="checkbox"/> Aaron Moyne (Item 1) | <input checked="" type="checkbox"/> David Rae (Item 1 and Item 2) |
| Adam Taylor (Item 1)                                     |   |
| Rory Neeson (Item 1)                                     |   |
| Lyall Bond (Item 1)                                      |   |

**Guests:**

*Nil*

**Issues Discussed:**

Item	Discussion Topic
1	2020-2021 Draft Budget
2	Personnel Matter

**Conflicts of Interest declared:** Nil

**Councillor left the meeting at:** NA

**Councillor returned to the meeting at:** NA

**Councillor Conflict of Interest Form Completed:** NA

**Meeting close:** 5.39 pm

**Note taker:** David Rae

## 10.12 Council to Chief Executive Officer Delegation - Emergency Powers

**Author:** Penny MacDonald, Executive Services and Governance Coordinator

**File No:**

**Previous Council Reference:** Nil

### Declaration

Chief Executive Officer – Andrew Mason

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

Author - Penny MacDonald

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

### Summary

The purpose of this report is for Council to review the Instrument of Delegation to the Chief Executive Officer, to enable the continuation of good governance and operations of Council during a State of Emergency.

### Introduction

The *Local Government Act* and other legislation provides for the appointment of delegates to act on behalf of Council. This is because Council is a legal entity composed of individual councillors that can only act by resolution, or through others acting on its behalf by way of delegations. Essentially, delegations enable day to day decisions to be made, without the need for resolutions by Council.

A State of Emergency has been declared in relation to the COVID-19 pandemic, which is expected to have far reaching and lengthy implications for the community. Due to the pandemic, there is a risk that Council meetings cannot be held, or a quorum at meetings cannot be achieved due to councillor illness or self-isolation. Four councillors are required to be present for a Council meeting to proceed, and there is currently no provision in the *Local Government Act* permitting councillors to attend meetings electronically.

To ensure Council operations continue to function during the pandemic, it is deemed necessary to enhance the Chief Executive Officer's delegation.

### Issues

The attached Instrument of Delegation has been prepared to include a clause that enhances the Chief Executive Officer's powers during a State of Emergency that affects Corangamite Shire, when Council meetings cannot be held or a quorum of Councillors cannot be achieved.

At such times, the Chief Executive Officer would be able to make decisions on behalf of Council beyond that which is currently permitted. However, it is important to note that section 98(1) of the *Local Government Act* states certain functions cannot be delegated and require

a decision of Council. These functions include adoption of the budget. Should a Council meeting or quorum not be achievable at the time the budget requires adoption, it will be possible to seek an extension of time from the Minister.

It is intended that any decisions made under the State of Emergency clause in the revised Instrument of Delegation would be reported to Council at the next possible Council meeting.

### **Policy and Legislative Context**

Section 98 of the Act enables Council to delegate powers through an Instrument of Delegation.

Review of the Council to Chief Executive Officer Instrument of Delegation is consistent with the Council Plan 2017-2021 commitment and objectives:

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 deliver value for money by ensuring that services are required and delivered efficiently and sustainably.

### **Internal / External Consultation**

The Instrument of Delegation has been prepared based on a template provided by Maddocks' delegations service, with a new clause enhancing the Chief Executive Officer's powers during a State of Emergency when Council meetings cannot be held or a quorum of councillors cannot be achieved.

Maddocks recommended councils review their Instrument of Delegation to the Chief Executive Officer, to enable the continuation of Council operations during the COVID-19 pandemic should it become impossible to hold Council meetings.

The proposed change to the Instrument of Delegation has been discussed by the Senior Officer Group and with the Mayor, and is consistent with the approach taken by other councils such as Yarra City Council and the City of Stonnington.

### **Financial and Resource Implications**

The revised delegation will provide the Chief Executive Officer with unlimited financial powers only in the event of a State of Emergency, when Council meetings cannot be held or a quorum of Councillors cannot be achieved.

### **Options**

Council may choose to either:

1. Endorse the Instrument of Delegation to the Chief Executive Officer as presented.
2. Make changes to the Instrument before endorsement.
3. Not update the Instrument of Delegation to the Chief Executive Officer at this time.

### **Conclusion**

Council, as a legal entity only capable of making decisions by resolution, delegates its powers to Council staff to enable day to day decisions to be made, without the need for Council resolutions.

The current COVID-19 pandemic may result in Council being unable to meet or a quorum of Councillors unable to be achieved due to illness or self-isolation. To ensure Council operations continue during the pandemic, Council's Instrument of Delegation to the Chief Executive Officer has been reviewed and updated. A new clause had been added to enable the Chief Executive Officer to make greater decisions on behalf of Council during a State of Emergency that affects Corangamite Shire, when Council meetings cannot be held or a quorum cannot be achieved.

## RECOMMENDATION

**In the exercise of the powers conferred by sections 98(1) of the *Local Government Act 1989* (the Act) and all other legislation referred to in the attached instrument of delegation, Council resolves that:**

1. There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer, the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that instrument.
2. The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.
3. On the coming into force of the Instrument all previous delegations to the Chief Executive Officer are revoked.
4. The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
5. It is noted that the Instrument includes a power of delegation to members of Council staff, in accordance with section 98(3) of the Act.
6. The common seal be affixed to the instrument.

## COUNCIL RESOLUTION

**MOVED:** *Cr Illingworth*

**SECONDED:** *Cr Gstrein*

**That the recommendation be adopted.**

**CARRIED**

## Attachments

1. s5 Instrument of Delegation to the Chief Executive Officer March 2020
2. s5 Instrument of Delegation to the Chief Executive Officer March 2020 Tracked Changes - Under Separate Cover

*S5. Instrument of Delegation to Chief Executive Officer*



CORANGAMITE  
SHIRE

**Corangamite Shire Council**

**Instrument of Delegation**

**to**

**The Chief Executive Officer**



**Instrument of Delegation**

In exercise of the power conferred by section 98(1) of the *Local Government Act 1989 (the Act)* and all other powers enabling it, the Corangamite Shire Council (**Council**) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that

- 1. this Instrument of Delegation is authorised by a Resolution of Council passed on [date];
- 2. the delegation
  - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
  - 2.2 is subject to any conditions and limitations set out in the Schedule;
  - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
  - 2.4 remains in force until Council resolves to vary or revoke it.
- 3. The member of Council staff occupying the position or title of or acting in the position of Chief Executive Officer may delegate to a member of Council staff any of the powers (other than the power of delegation conferred by section 98(3) of the Act or any other powers not capable of sub-delegation) which this Instrument of Delegation delegates to him or her.

The Common Seal of                    )  
CORANGAMITE SHIRE COUNCIL )  
was affixed in the presence of    )

.....  
Chief Executive Officer

.....  
Date

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**SCHEDULE**

The power to

1. determine any issue;
2. take any action; or
3. do any act or thing

arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

**Conditions and Limitations**

The delegate must not determine the issue, take the action or do the act or thing

4. if the issue, action, act or thing is an issue, action, act or thing which involves
  - 4.1 awarding a contract exceeding the value of \$250,000;
    - 4.1.1 excluding the following procurement activities which are permitted but must not exceed the value of \$500,000:
      - (a) payment of all Council insurances;
      - (b) purchase of heavy fleet approved through the annual budget and procured in accordance with Council's Procurement Policy;
      - (c) Schedule of Rates contracts up to an anticipated amount not exceeding \$500,000 for the term of the contract;
    - 4.2 making a local law under Part 5 of the Act;
    - 4.3 approval of the Council Plan under s.125 of the Act;
    - 4.4 adoption of the Strategic Resource Plan under s.126 of the Act;
    - 4.5 preparation or adoption of the Budget or a Revised Budget under Part 6 of the Act;
    - 4.6 adoption of the Auditor's report, Annual Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act;
    - 4.7 determining pursuant to s.37 of the Act that an extraordinary vacancy on Council not be filled;
    - 4.8 exempting a member of a special committee who is not a Councillor from submitting a return under s.81 of the Act;

- 4.9 appointment of councillor or community delegates or representatives to external organisations; or
- 4.10 the return of the general valuation and any supplementary valuations;
5. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
6. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
7. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
  - 7.1 policy; or
  - 7.2 strategyadopted by Council; or
8. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
9. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff;
10. with the exception of instances when a State of Emergency has been declared by the State or Federal Government that relates to Corangamite Shire, and Council meetings cannot be held or a quorum cannot be achieved. In such cases, to ensure the continuation of good governance and the operations of Council in the best interests of the Corangamite Shire, the delegate may determine any issue, take any action or do any act or thing that does not require a Council decision under the *Local Government Act*, or any other Act or Regulation.

## **11. OTHER BUSINESS**

Items of Other Business were considered earlier in the meeting.

## **12. OPEN FORUM**

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

The following item was submitted:

- Mr Matthew Bowker spoke in support of Council's decision made under other business and the importance of the 12 Apostles Trail to the local economy. Mr Bowker was supportive of Councils continuing advocacy for the trail and spoke highly of the trail committee for their ongoing dedication.

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## 2. CONFIDENTIAL ITEMS

Nil.

**Meeting Closed: 8.13 pm**

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

**CONFIRMED:**

\_\_\_\_\_  
**(Chairperson)**

**DATE:**