



CORANGAMITE  
SHIRE

# minutes

## CORANGAMITE SHIRE

### MEETING OF COUNCIL TUESDAY 26 MAY 2020

Held at the Theatre Royal  
Manifold Street, Camperdown  
at 7.00 pm

**COUNCIL:**

Cr Neil Trotter (South West Ward)  
MAYOR

Cr Ruth Gstrein (Central Ward)  
DEPUTY MAYOR

Cr Helen Durant (Central Ward)

Vacant (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 MEETING OF THE CORANGAMITE SHIRE  
COUNCIL HELD AT THE THEATRE ROYAL, MANIFOLD STREET,  
CAMPERDOWN 7.00 PM ON 26 MAY 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 Rory Neeson, Acting Director Sustainable Development Brooke Love, Director Works and Services David Rae, Director Corporate and Community Services

**1. PRAYER**

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

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

Amen.”

**2. ACKNOWLEDGEMENT OF COUNTRY**

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

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

**3. APOLOGIES**

Nil.

**4. DECLARATIONS OF CONFLICT OF INTEREST**

Cr S. Illingworth declared an indirect conflict of interest by close association in Agenda Item 9.8 and left the meeting prior to any discussion or vote of the matter.

**DISCLAIMER**

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

## 5. CONFIRMATION OF MINUTES

### RECOMMENDATION

That the Minutes of the Corangamite Shire Ordinary Council meeting held on Tuesday 12 May 2020 be confirmed.

### COUNCIL RESOLUTION

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

That the recommendation be adopted.

**CARRIED**

## 6. DEPUTATIONS & PRESENTATIONS

The Mayor, Cr N. Trotter, advised that Council had received the following written deputation which had been circulated to Councillors prior to the meeting:

- Mr Robert Riordan regarding Agenda Item 9.7 Extension of Contract 2017 Supply and Delivery of Diesel Fuel to Council.

## **7. COMMITTEE REPORTS**

Nil.

## **8. PLANNING REPORTS**

### **8.1 Planning Permit Amendment Application PP2019/025.A - Use and Development of Land for Service Industry and Caretaker's House (variation to use and site management and landscaping conditions) - 1108 Cross Forest Road, Cobden**

**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 application seeking approval to amend Planning Permit PP2019/025 which allows for the Use and Development of Land for Service Industry and Caretaker's Dwelling, subject to conditions, at 1108 Cross Forest Road, Cobden.

The amendment application seeks to vary permit conditions which relate to on-site vehicle and personal storage and landscaping.

Two submissions have been received for the amendment application, both objecting to the proposal.

The scope of the planning assessment is limited to the extent of changes proposed. Following assessment of the amendment application, it is recommended that Council issue a Notice of Decision to Refuse to Grant an Amendment to a Planning Permit.

#### **Introduction**

Planning Permit PP2019/025 was approved by Council on 9 September 2019 and allows for the Use and Development of Land for Service Industry and Caretaker's House, subject to conditions. The permit gives approval for a mechanics workshop and ancillary residence.

Planning Permit Amendment Application PP2019/025 was received by Council on 9 December 2019 and seeks approval to amend the permit to vary permit conditions relating to on-site vehicle and personal storage and landscaping.

Notice of the application was given and Council has received two objections, which raise the following issues:



- Permit non-compliance
- Use and site management
- Landscaping
- Hours of operation
- Amenity impact.

This report provides a planning assessment of the amendment application.

### ***History***

The subject site has the following history:

- PP1996/047 approved in June 1996 for the Construction of a Dwelling and Shed. Only the shed was constructed.
- PP2008/175 refused by Council for the Use and Development of a Dwelling, based upon rural-residential use in the Farming Zone and amenity impact from the adjoining concrete batching plant.
- PP2019/025 – approved in September 2019 for the Use and Development of Land for Service Industry and Caretaker’s House, subject to conditions.
- Enforcement proceedings under the *Planning and Environment Act 1987* were initiated on the permit holder for non-compliance with the permit conditions. This was postponed once the amendment application was received.

### ***Subject Land***

The site is located north-west of Cobden within the Farming Zone (FZ), outside of the township settlement boundary, and has a total area of approximately 4047m<sup>2</sup>.

The site itself contains an existing building used as a mechanics workshop, which incorporates an ancillary caretaker’s residence, whilst the southern half of the site is clear of any built form. Multiple goods, machines and vehicles are currently stored on-site for both business and personal purposes.

An existing vehicle crossover provides access from Cross Forest Road, whilst scattered perimeter trees are established along the rear (western) boundary.

### ***Surrounding Area***

Adjoining land uses within the area are mixed and include rural-residential properties, containing existing single dwellings on lots removed from farming, a former concrete batching plant (decommissioned) and larger lots associated with agriculture. One dwelling exists approximately 70m from the site and four dwellings are within 200m of the site.

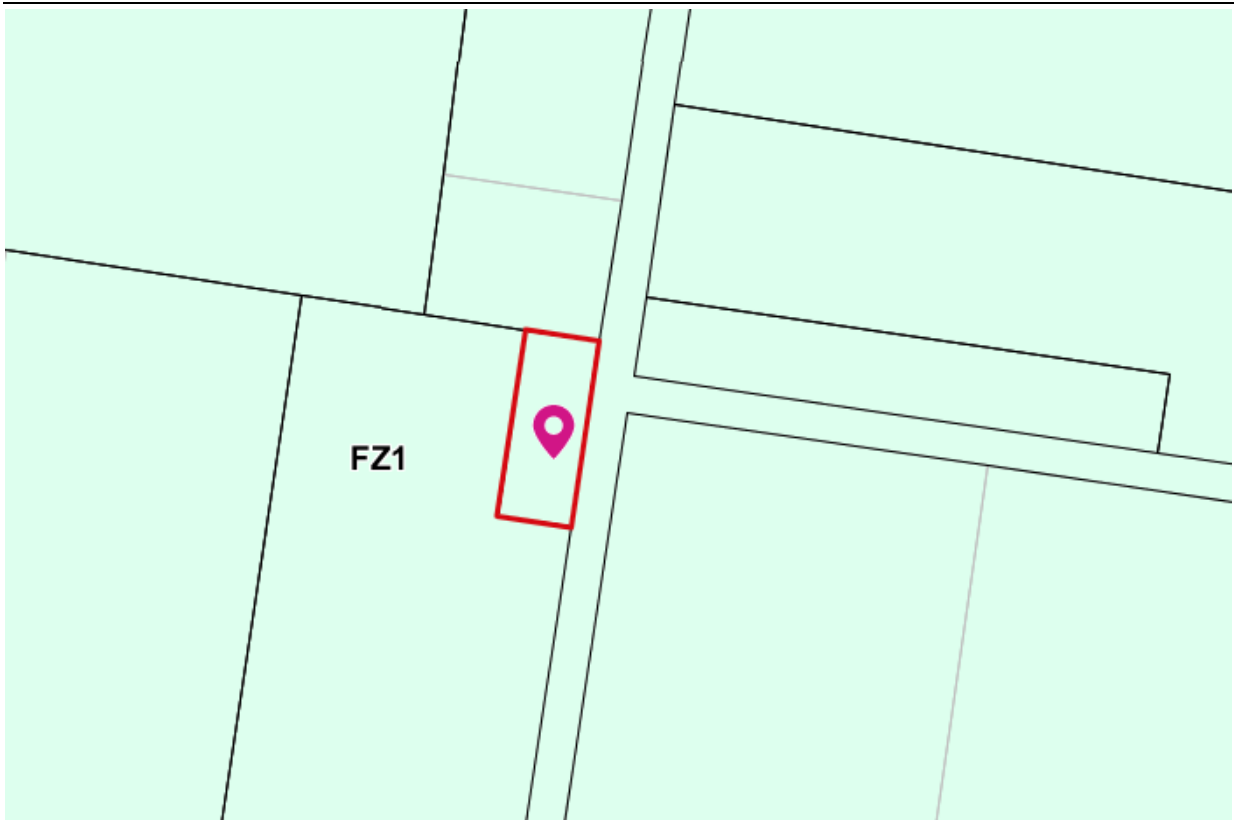


Figure 1. Planning Zone Map

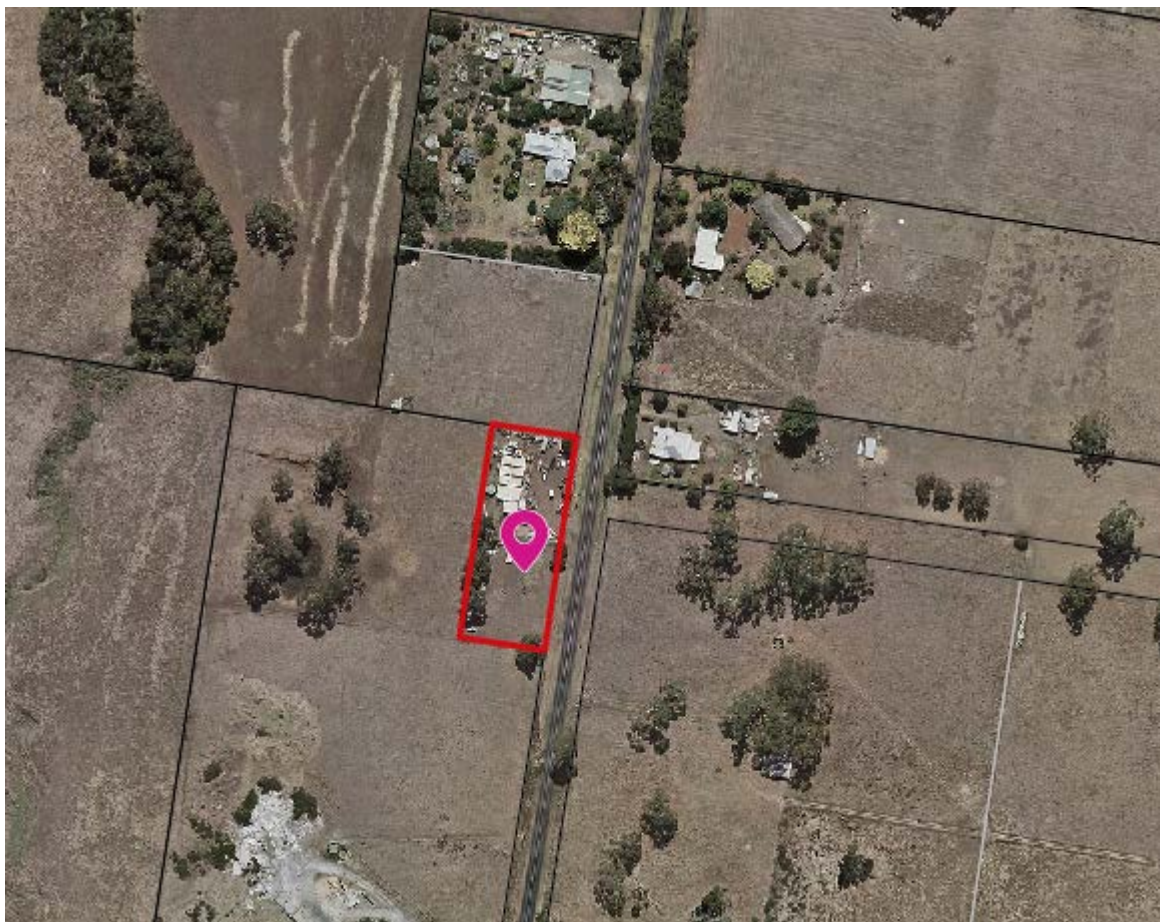


Figure 2. Aerial Map

***Proposal***

The proposal seeks to amend the permit as follows:

**Vehicle and Personal Storage Items (Condition 9)**

The permit limits the numbers of vehicles and machines on-site associated with the use to five registered and five unregistered vehicles. Personal storage of goods, machinery and vehicles must be limited.

The applicant proposes to increase storage to provide for 10 registered and 10 unregistered vehicles and machines to be stored, including storage along the rear (western) boundary of the site under existing trees.

An amended site layout plan has been submitted to show a north boundary (2.1m(h) corrugated iron) fence, shipping container storage and an internal (1.2m(h) corrugated iron) fence, along with customer car parking.

**Site Landscaping (Condition 21)**

The permit requires a two-metre wide landscaping buffer for visual screening purposes to be planted along the Cross Forest Road boundary.

The applicant proposes to vary this requirement by planting climber species along the front fence-line at approximately three metre intervals, leaving them to establish over time.

**Policy and Legislative Context**

***Zoning***

The site located within the Farming Zone which requires a permit for the use and development for Service Industry and Caretaker's Residence.

The purpose of the zone seeks to support the use of land for agriculture and ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.

***Planning Policy Framework (PPF)***

The following clauses of the PPF are relevant to the permit amendment application:

**Clause 13 Environmental Risks and Amenity**

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

**Clause 14 Natural Resource Management**

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

**Clause 15 Built Environment and Heritage**

- Clause 15.01-2S Building Design
- Clause 15.01-6S Design for Rural Areas

Clause 17 Economic Development

- Clause 17.03-2S Sustainable Industry

Clause 19 Infrastructure

- Clause 19.03-3S Integrated Water Management

Clause 21 Municipal Strategic Statement

- Clause 21.01 Municipal Profile
- Clause 21.02 Settlement, Built Form and Heritage
- Clause 21.04 Economic Development

**Internal / External Consultation**

***Referrals***

No statutory external referrals were undertaken for the amendment application.

The following internal referral comments have been sought:

Internal Unit	Response
Environmental Health Unit	<ul style="list-style-type: none"> <li>• No records of an approved wastewater system on-site, suggesting either an old or illegally installed system.</li> <li>• The small size of the site and topography (sloping to the south) constrain development and wastewater capacity.</li> <li>• No vehicle storage or access may occur over any effluent disposal area.</li> </ul>
Building Unit	<ul style="list-style-type: none"> <li>• A Building Notice was issued for the property under Section 106 of the <i>Building Act 1993</i> on 11 March 2019, requesting that the landowner 'show cause' for use of the building for habitable purposes without a building or occupancy permit.</li> </ul>

***Advertising***

Notice of the application was given in accordance with Section 52 of the *Planning and Environment Act 1987*, including:

- Letters to adjoining landowners/occupiers
- Council website.

Two submissions have been received, objecting to the amendment application.

Key issues raised can be summarised as follows:

- Permit non-compliance
- Use and site management
- Landscaping
- Hours of operation
- Amenity impact.

Copies of the submissions were provided to the applicant who provided no further response.

### ***Consultation***

Since the planning permit was issued by Council in September 2019, ongoing consultation has been undertaken with the landowner in attempt to achieve permit compliance.

The permit holder has been formally reminded on multiple occasions of their legal obligations and responsibilities to comply with the permit conditions.

A letter was sent on 25 November 2019 to the permit holder by solicitors on behalf of Council, seeking action before enforcement proceedings commence. This letter, and a subsequent on-site meeting with the permit holder on 3 December 2019, resulted in the amendment application being received.

A further meeting was held on 5 February 2020 to discuss the planning permit conditions and amendment application, attended by the permit holder, Cr Ruth Gstrein, Andrew Mason (CEO) and Aaron Moyne (Manager Planning and Building Services). This was followed by a letter sent to the permit holder on 6 February 2020 to confirm an agreed pathway for the amendment application, highlighting that this would not prejudice any future Council decision.

### **Planning Assessment**

Assessment of the amendment application is limited to changes proposed and not a complete merits review of the approved use and development. This means that the permit would remain valid, should any decision to refuse the permit amendment be made.

The previous decision made by Council to issue a permit, subject to conditions, provides a good starting point as part of this assessment. The planning permit was given approval on the basis that the use and development was appropriate for the site, with permit conditions included to manage the scale and extent of the use on-site and any off-site amenity impact. The permit conditions generally relate to:

- Site Access and Traffic Management
- Hours of Operation
- Amenity
- Use and Site Management
- Car Parking
- Landscaping

The current permit gives approval for a mechanics workshop and ancillary residence. The permit does not give approval for a residential use to occur, instead it must be ancillary to and associated the business.

The applicant has not achieved permit compliance and now seeks changes to increase vehicle and personal storage on-site and alter landscaping requirements.

The Planning Policy Framework (PPF) is clear and seeks to ensure that industrial development is designed and sited in a manner to incorporate appropriate site management techniques, considers adjoining land uses and manages the level of amenity impact. This is currently not being achieved by the existing land use and is unlikely to be advanced as a policy response through the proposed amendment.

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Assessment of the amendment application will address the following key issues:

1. Whether an increase in vehicle and personal storage on-site is appropriate?

Current permit conditions allow for a maximum of five unregistered and five registered vehicles to be stored on-site, with limited personal storage or other scrap vehicles and machine components to occur. Other permit conditions control use and management practices undertaken on-site.

The amendment application seeks to increase maximum vehicle storage to 10 registered and 10 unregistered vehicles on-site. This will include vehicles storage along the rear (western) property boundary and in front of the existing mechanics workshop.

The proposed change to increase on-site storage is not supported. Increasing vehicle and machine storage on-site will only further intensify and entrench the use to an unacceptable level, which permit conditions currently seek to manage. Increased storage on-site has the potential to exacerbate amenity impacts and untidiness of the site.

The permit was previously granted for the mechanics business on the land at a limited scale, based on the nature of the site, its location and physical context. Planning policy and the provisions of the Farming Zone do not support expansion of industrial (mechanics workshop) uses within rural areas. Instead, these uses should be directed to existing industrial areas or in locations with buffer distances where amenity impacts can be managed.

Existing permit conditions limiting vehicle storage should be maintained.

2. Whether a change to the landscaping is appropriate?

Current permit conditions require the provision of a two-metre wide indigenous landscaping buffer for visual screening of the site to adjoining land along the Cross Forest Road boundary.

The amendment application proposes to vary this requirement by planting creeper species along the existing cyclone wire fencing, for them to grow and establish over time. The basis for this request is site soil condition, claimed not to be suitable for the landscaping, and presence of an overhead powerline.

The proposed change to vary the landscaping requirements is not supported and will not provide a suitable planning outcome. There is opportunity to improve soil conditions on-site to support a two-metre wide vegetation buffer. The vegetation buffer, as opposed to the fence line creepers, will be provided on-site and deliver a more effective and appropriate visual screen along the road frontage. The permit holder will have a responsibility to manage this vegetation and the use of indigenous species will assist with tolerance and growth.

The current landscaping requirements do not breach any Powercor guidelines for tree planting, which can occur beneath and within the vicinity of power lines, including up to 4m in height within 5m of a powerline.

Existing permit conditions regarding landscaping should be retained.

3. Whether the site has the physical capacity to support an expansion or intensification of the use?

In seeking to increase the vehicle storage numbers on-site, the amendment application proposes to store vehicles along the rear (western) site boundary. A site layout plan submitted with the amendment application shows an existing septic system and effluent lines which consume a large part of the site.

The site is only small and has a total area of approximately 4047m<sup>2</sup>, with topography decreasing to the south. The southern half of the site is generally free of any existing buildings.

Through assessment of this amendment application, internal referral comments from Council’s Environmental Health Unit have been sought. Council has no records of an operating or approved wastewater system on-site. The small size of the site constrains its wastewater and effluent disposal capacity, whilst vehicle movements and storage must not occur over any effluent disposal area.

The wastewater limitations for the site and proposal to store vehicles along the rear boundary, in close proximity to any existing wastewater system, reinforce that the proposed amendment is inappropriate, and the site has limited, if any, capacity to accommodate an expansion of storage.

Existing permit conditions require that wastewater be disposed of to comply with the Code of Practice by the Environment Protection Authority. The existing building is currently being occupied without the required approval. Any future building permit application for the ancillary residential component will trigger inspection of the existing system to determine if it is compliant, requires alteration, or if a new system needs to be installed.

***Response to Objections***

Two submissions objecting to the application have been received. Copies of the submissions are provided under separate cover.

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

<b>Objection</b>	<b>Officer response</b>
Permit non-compliance	<u><i>Objection supported</i></u> Compliance with the permit and its subsequent conditions approved by Council in September 2019 has not been achieved. This is an ongoing matter to pursue with the permit holder through a compliance and enforcement process.
Use and site management	<u><i>Objection supported</i></u> Existing permit conditions seek to manage the site and use to a level that is appropriate and will limit any visual, amenity or environmental impact.  An increase in on-site storage of vehicles and machines will not facilitate an improvement of site conditions.
Landscaping	<u><i>Objection supported</i></u> The proposed landscaping treatment to plant creepers which will grow along the fence line is not appropriate or supported as a visual screen. Existing landscaping conditions are recommended to be maintained.

Objection	Officer response
Hours of operation	<p><i>Objection supported in part</i></p> <p>The amendment application does not propose to change the hours of operation, nor has Council been provided with any direct and tangible evidence that the permit holder has not complied with this condition.</p>
Amenity Impact	<p><i>Objection supported in part</i></p> <p>Whilst the adjoining rural-residential properties are located within the Farming Zone, which does not afford them the level of amenity protection expected in a residential area, the proposal to increase on-site storage and vary landscaping requirements is still likely to increase the level of amenity impact to their land. Ongoing permit non-compliance elevates this issue.</p>

### Options

Council has the following options:

1. Issue a Notice of Decision to Refuse to Grant an Amendment to a Permit, as set out in the recommendation. **(Recommended option)**. The existing permit will remain valid on the land and this decision will require further action to be advanced with the permit holder to obtain compliance.
2. Issue a Notice of Decision to Amend a Permit, subject to conditions.

### Conclusion

The amendment application to vary permit conditions for on-site vehicle and personal storage and landscaping is not supported, having regard to PPF directions, site conditions and physical context, and potential for increased amenity impact to adjoining properties.

The planning permit issued by Council in September 2019 for the use and development was undertaken to allow a small-scale mechanics business with ancillary caretaker's residence, with conditions in place to control the use and site management practices. Approval of the amendment will further intensify the use to a level not appropriate for the site.

Since the permit was approved, permit compliance has not been achieved, resulting in ongoing issues and increasing the visual impact of the site. This situation needs to be fixed to ensure the site is kept in a neat and tidy order and to limit off-site impacts. An increase to on-site storage and changes to landscaping will not achieve this outcome.

Issues raised within the submissions for the application have been reviewed and are largely supported, in response to the matters they raise.

It is recommended that Council issues a Notice of Decision to Refuse to Grant an Amendment to a Permit, to work towards achieving a proper and orderly planning outcome.



## RECOMMENDATION

That Council, pursuant to Section 76 of the *Planning and Environment Act 1987*, resolves to issue a Notice of Decision to Refuse to Grant an Amendment to a Permit for the Use and Development of land for Service Industry and Caretaker's Dwelling (variation to use and site management and landscaping conditions) in respect to the land known and described as 1108 Cross Forest Road, Cobden (Lot 1 PS 130829 Parish of Elingamite), based on the following grounds:

1. The amended proposal does not provide an acceptable outcome or net community benefit in terms of the Planning Policy Framework.
2. The amended proposal to increase on-site vehicle storage will intensify the use to an unacceptable level not appropriate for the site.
3. The amended proposal will not provide an appropriate landscaping or visual screening outcome.
4. The amended proposal is limited based on site constraints and physical capacity to contain additional storage, due to wastewater and effluent disposal requirements.
5. The amended proposal will result in an unacceptable visual amenity impact to adjoining land.
6. The amended proposal will not result in the proper and orderly planning of the area.

### COUNCIL RESOLUTION

*MOVED: Cr Illingworth*

*SECONDED: Cr Beard*

**That the recommendation be adopted.**

**CARRIED**

### Attachments

1. Application Planning Permit Amendment PP2019/025.A - Under Separate Cover
2. Planning Permit T Carpenter PP2019/025 - Under Separate Cover
3. Submissions PP2019/025.A - Under Separate Cover
4. Photos of Subject Site

**Planning Permit Amendment Application PP2019/025.A**

Use and development of land for service industry and caretaker's house (variation to use and site management and landscaping conditions)

1108 Cross Forest Road, Cobden

**SITE PHOTOS**

**Location: view south from Cross Forest Road**



**Planning Permit Amendment Application PP2019/025.A**

Use and development of land for service industry and caretaker's house (variation to use and site management and landscaping conditions)

1108 Cross Forest Road, Cobden

**Location: view from adjoining rural-residential property to site**



**Planning Permit Amendment Application PP2019/025.A**

Use and development of land for service industry and caretaker's house (variation to use and site management and landscaping conditions)

1108 Cross Forest Road, Cobden

**Location: site frontage**



**Planning Permit Amendment Application PP2019/025.A**

Use and development of land for service industry and caretaker's house (variation to use and site management and landscaping conditions)

1108 Cross Forest Road, Cobden

**Location: site entrance**



**Planning Permit Amendment Application PP2019/025.A**

Use and development of land for service industry and caretaker's house (variation to use and site management and landscaping conditions)

1108 Cross Forest Road, Cobden

**Location: southern half of site (effluent disposal area and proposed storage)**



**Planning Permit Amendment Application PP2019/025.A**

Use and development of land for service industry and caretaker's house (variation to use and site management and landscaping conditions)

1108 Cross Forest Road, Cobden

**Location: view north to site from Cross Forest Road (\*note: sloping conditions)**



## 9. OFFICERS' REPORTS

### 9.1 Naming of Roads, Features or Localities Policy Review

**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**

This report recommends that Council adopt the revised Naming of Roads, Features or Localities Policy 2020.

A review has identified that the only proposed change to the Policy is an update to ensure consistency with the new *Local Government Act 2020*.

A further review of the Policy will be undertaken in June 2021, in response to a recently announced State Government review of Naming Rules scheduled to be released in late 2020.

#### **Introduction**

The Policy is due for review in accordance with the policy review schedule. The current Naming of Roads and Streets Policy was adopted by Council in 2017 and sets out guidelines and a process for the naming or changing names of roads, features or localities within the Shire.

Officers have reviewed the 2017 policy and its relationship to the Naming Rules for places in Victoria 2016. The Naming Rules are the statutory requirements developed by State Government that guide the naming of roads, features and localities. Council is a naming authority for roads, features and localities within its municipal area and is required to apply the Naming Rules.

#### **Issues**

##### ***The Victorian Naming Rules***

The State Government manage the *Naming rules for places in Victoria, Statutory requirements for naming roads, features and localities – 2016* (Naming Rules). The Naming Rules are mandatory for naming authorities (predominantly Councils) in Victoria. Any relevant Council policy developed must refer to them and can only vary from the rules in the area of consultation.



### ***Corangamite Naming of Roads, Features or Localities Policy 2020***

Council must follow the Naming Rules but has discretion when deciding who to consult.

If a proposed naming, renaming or boundary change is considered small-scale and will only affect a limited number of residents, ratepayers and businesses, consultation should focus on these people. If the road, feature or locality is known to a lot of people and is, or will be, used extensively by the wider community, the consultation should extend to all possible stakeholders.

Under the proposed Corangamite Shire Naming of Roads, Features or Localities Policy 2020 (see Attachment 1), Council will use the following to guide for consultation on changes:

<b>Proposal</b>	<b>Who to consult</b>	<b>The Type of Consultation</b>
New road New feature Renamed road Boundary change of a road	Immediate community	<ul style="list-style-type: none"> <li>• Letters to affected residents, ratepayers or businesses; and to residents</li> <li>• Notices</li> <li>• Public meetings (if it is a large-scale proposal or potentially contentious issue)</li> </ul>
New locality (suburb) Renamed feature or locality Boundary change of a feature or locality	Immediate and extended community	<ul style="list-style-type: none"> <li>• Letters to affected residents, ratepayers or businesses; and to residents, ratepayers and businesses in properties adjacent to the proposed new boundaries</li> <li>• Notices</li> <li>• Surveys</li> <li>• Public meetings (if it is a large-scale proposal or potentially contentious issue)</li> </ul>

### ***State Government Review of Road Naming Rules***

On 12 May 2020, Geographic Names Victoria (GNV) announced an upcoming review of the Naming Rules. A draft document is expected to be released later in 2020. To ensure consistency with any changes to the Naming Rules resulting from that review, it is proposed to conduct a further review Council's policy in June 2021.

### **Policy and Legislative Context**

GNV and the *Geographic Place Names Act 1998* control the naming of roads, streets, places and features throughout Victoria. The Naming Rules are a mandatory requirement on all naming authorities (Councils).

### **Internal / External Consultation**

The Planning Unit has reviewed this policy internally to ensure consistency with the State Government Naming Rules.

### **Financial and Resource Implications**

There are no financial or resource implications as a result of an update to this Policy.

### Options

Council may decide to adopt the Policy as prepared with only minor change or choose not to adopt the Policy, however, the mandatory Naming Rules must apply.

### Conclusion

The Naming of Roads and Streets Policy 2017 has been reviewed by Council Officers and an updated policy is recommended for adoption.

A further review of the Policy will be scheduled for June 2021, following review and update of the State Government Naming Rules.

### RECOMMENDATION

#### That Council:

1. **Revokes the current Naming of Roads, Features and Localities Policy 2017.**
2. **Adopts the Naming of Roads, Features and Localities Policy 2020.**

### COUNCIL RESOLUTION

*MOVED: Cr Brown*

*SECONDED: Cr Beard*

**That the recommendation be adopted.**

**CARRIED**

### Attachments

1. Council Policy Naming of Roads, Features and Localities 2020 - Track Changes - Under Separate Cover
2. Council Policy Naming of Roads, Features or Localities 2020



**CORANGAMITE  
SHIRE**

# **Naming of Roads, Features or Localities Policy**

**Corangamite Shire**

June 2020

# Council Policy



## Naming of Roads, Features or Localities Policy

### Introduction

This policy sets out the guidelines and principles that need to be followed by Council officers when naming a road, feature or locality within the Shire boundaries.

The naming of roads, features and localities is important for public safety and to identify locations for managing emergencies and delivering goods and services. Names make a landscape easy to refer to and capture patterns of settlement. Names are necessary for orientation, communication, service delivery, map and atlas production, emergency response and natural disaster relief.

The State government released the *Naming rules for places in Victoria – Statutory requirements for naming roads, features and localities – 2016* (Naming Rules). The Naming Rules are the statutory requirements under the *Geographic Place Names Act 1998* for all naming authorities to follow in nominating or considering a name of a road, feature or locality in Victoria <https://www.propertyandlandtitles.vic.gov.au/naming-places-features-and-roads/naming-rules-for-places-in-victoria>. The Corangamite Shire Council is a naming authority for roads, features and localities within its municipal area and is required to apply the Naming rules.

This policy provides a system of ensuring roads, features and localities within the Shire are appropriately named and recorded in a consistent manner and in accordance with the Naming Rules.

### Definitions

**Roads** – For the purposes of the Naming Rules, a road is considered to be any public or private land-based thoroughfare or course navigable by vehicle or foot. It can be used for assigning addresses or allowing access between points or to a feature. Examples of roads include alleyways, streets, highways, fire tracks, bike paths and walking tracks.

**Features** – A feature is considered to be a unique geographical place or attribute that is easily distinguished within the landscape. For example, a feature can be a mountain, watercourse, building, prominent structure or park.

**Localities** - A locality is a geographical area that has identifiable community and/or landscape characteristics. In urban areas, a locality is commonly referred to as a 'suburb'.

### Scope

The Corangamite Shire Council is the naming authority for roads, features and localities within its municipal area for which it is responsible irrespective of whether it owns or manages the road, feature or locality. This policy outlines the process for naming any feature, locality or road (whether public or private) which is the responsibility of Council.

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Corangamite Shire Council Policy – Naming of Roads, Features or Localities Policy

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The Naming Rules represent the definitive position in respect to all naming processes. Both the Naming Rules and this policy apply only to new naming proposals or proposals to re-name a road, feature or locality.

Council is not responsible for naming arterial roads, freeways or geographical places of regional, state and national significance.

For information relating to naming a feature, locality or road which is the responsibility of a private company or state government department as the naming authority refer to the Naming Rules.

**Relevant Legislation and Guidelines**

*Local Government Act 2020*

Naming rules for places in Victoria – Statutory requirements for naming roads, features and localities - 2016 (Naming Rules).

*Geographic Place Names Act 1998* – primarily section 5 and section 23 which makes compliance with the Naming Rules mandatory for all local governments.

**Policy Detail**

***Council to Approve Road, Feature or Locality Names***

Any person, community group, organisation, government department or authority can propose a new name, change an existing name or change a boundary. A person must not apply a name to a road, feature or locality without the consent of the Council. This does not apply to any freeway or to any supplementary name applied to the entire length of a declared road by VicRoads.

Upon receipt of a request, Council, as the naming authority must adhere to the Naming Rules including the Checklist located in Appendix C of the Naming Rules and specifically will:

- Consider or propose a name for a road, feature or locality in accordance with Section 1 of the Naming Rules.
- Check for compliance with the relevant naming rules in accordance with Sections 2, 3, 4 and 5 of the Naming Rules.
- Ensure proposals include:
  - The proposed name.
  - The location of the road, feature or locality, including a map and, if relevant, its current name.
  - Background information on why Council should consider naming or changing the name or boundary including any historic reasons of local relevance.
  - The reason for the proposal or why the current name is not considered appropriate or any other relevant information.
  - Contact details of the proposer(s) and information on public consultation that has occurred and/or support and non-support that has been gathered from community members or groups.
  - A statement about how the proposed name conforms with the relevant principles and requirements in the Naming Rules.
- Undertake community consultation in accordance with Sections 7 and 8 of the Naming Rules. This includes analysis of community feedback and responding to any objections.

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- Consider a proposal in accordance with Section 9 of the Naming Rules including making a decision to accept or reject a proposal and recording the decision.
- Upon acceptance of a proposal lodge the proposal with the Office of Geographic Names for the Registrar’s consideration in accordance with Sections 10 and 11 of the Naming Rules. The final endorsement and gazettal and registration of a proposal is undertaken by the Registrar of Geographic Names in accordance with Sections 12 and 13 of the Naming Rules.
- Implement appropriate signage and recording in VICNAMES (the online tool used to search and record geographic names, features and localities in Victoria) in accordance with Section 13 of the Naming Rules.

**Notice of a proposal or application**

Council will seek to give notice of an application or proposal in accordance with the following:

Proposal	Who to consult	The Type of Consultation
New road. New feature. Renamed road. Boundary change of a road.	Immediate community.	<ul style="list-style-type: none"> <li>• Letters to affected residents, ratepayers or businesses; and to residents.</li> <li>• Notices.</li> <li>• Public meetings (if it is a large-scale proposal or potentially contentious issue).</li> </ul>
New locality (suburb). Renamed feature or locality. Boundary change of a feature or locality.	Immediate and extended community.	<ul style="list-style-type: none"> <li>• Letters to affected residents, ratepayers or businesses; and to residents, ratepayers and businesses in properties adjacent to the proposed new boundaries.</li> <li>• Notices.</li> <li>• Surveys.</li> <li>• Public meetings (if it is a large-scale proposal or potentially contentious issue).</li> </ul>

**Assessment and evaluation**

A preliminary assessment and evaluation of all naming/renaming proposals will be undertaken by Council officers. The objective of this assessment is to establish that the proposal has reasonable and justifiable merit and will consider:

- The reasons/rational for the proposal.
- Broad community interest and benefit.
- Potential costs.
- Existing community views.
- Controversy that a proposal may generate.

**What must Council consider?**

The Council shall name and may rename a road, feature or locality required for public traffic and public purposes in accordance with the following principles and guidelines and in compliance with the Naming Rules:

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Corangamite Shire Council Policy – Naming of Roads, Features or Localities Policy

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**Principles**

- Ensuring public safety.
- Recognising the public interest.
- Linking the name to place.
- Ensuring names are not duplicated.
- Names must not be discriminatory.
- Recognition and use of Aboriginal languages in naming.
- Dual names.
- Using commemorative names.
- Using commercial and business names.
- Language.
- Directional names to be avoided.
- Assigning extent to a road, feature or locality.

**Guidelines**

The following naming themes are encouraged for all place naming applications:

- Names derived from Indigenous heritage and language.
- Social and historical events of the local area.
- Prior uses of the land.
- Prior landowners/residents of the land.
- Notable community members.
- Local flora and fauna.
  
- Council will also consider the following:
  - whether the name is likely to be confused with the name of another road, feature or locality in the area;
  - whether the name would duplicate the name of another separate road in the same postcode area, feature or locality;
  - whether a loop road is named in such a way that two separate intersections involve roads with the same two names or similar names;
  - whether the same name would apply to separate lengths of road which are separated by a physical obstruction to vehicular travel, within the same postcode area; and
  - any other matter relevant.

***Changes to Road, Features or Localities Names***

Prior to the finalisation of a change of a road, feature or locality, the Council must give public notice, enabling people to make written submissions.

Such notice shall be undertaken in accordance with a consultation strategy determined as appropriate in line with Section 7 of the Naming Rules.

**Objections and Submissions**

Following notification, any objection or submission received during the public consultation period must be considered by Council including deciding the weight to be given to competing submissions having regard to the Naming Rules. All submissions must be included in an assessment report which includes an assessment and response to the submission.

If Council accepts a proposal and lodges it with the Registrar of Geographic Names, it must provide details of what the objections/submissions were and how they will be or have been dealt with.

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Council must advise submitters of its decision in writing in accordance with Section 8 of the Naming Rules. Objectors have 30 days within which to lodge an appeal to the Registrar of Geographic Names.

Council must write a report on its decision of a proposal which includes information about how the proposal conforms to the relevant principles and guidelines of the Naming Rules and discussion on and responses to any objection/submission received during the public consultation period.

**Road Identification**

Where the Council erects signs on roads/streets which are readily passable by traffic to indicate the road name, regard may be had to the requirements of Australian Standard AS 1742.5 "Street Name and Community Facility Name Signs".

**Notice of Road, Feature or Locality Names**

After changing or naming any road, feature or locality, notice shall be forwarded to:

1. the owners of properties abutting such road, feature or locality;
2. the Registrar of Geographic Names;
3. all emergency services including Police, Country Fire Authority, Ambulance Services, Hospitals, SES;
4. other service providers such Australia Post, power, telephone;
5. Commissioner of State Land Tax; and
6. State and Commonwealth Electoral officers.

**Record of Road, Feature or Locality Names**

Council must keep a record of all road, feature or locality names and name changes agreed to by the Council and must accurately record the names, locations and the dates that the changes become operative.

**Administration Process**

The administration and notification process is outlined within the Naming Rules. These must be referred to throughout the process.

**Review Date**

The next review of this document is scheduled for completion by the Manager Planning and Building Services on or before 30 June 2021. The policy may be reviewed earlier where there is any legislative change.



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## 9.2 Social Inclusion Policy Review

**Author:** Katie Hearn, Manager Community Services

**File No:**

**Previous Council Reference:** Nil

### Declaration

Chief Executive Officer – Andrew Mason

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

Author – Katie Hearn

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

### Summary

This report recommends Council adopt the revised Social Inclusion Policy 2020 as attached.

### Introduction

The current Social Inclusion Policy was previously updated in April 2017. Officers have reviewed the policy and have identified minor changes (as indicated on the attached version incorporating tracked changes). The current Social Inclusion Policy was implemented in 2017 and required minor updating in reference to Council's current Municipal Public Health and Wellbeing Plan 2017-2021 and the new 2020 Local Government Act. Additionally, a person-centred approach is a requirement of many community services now and has been included to ensure person centric practice and policy guidance is embedded in Council's approach.

Person centred means the person or individual is at the centre of all approaches while valuing the individual needs and preferences and the knowledge they bring about their own lives and circumstances.

### Issues

The purpose of this policy is to state Council's position regarding social inclusion. This policy provides guidance on how Corangamite Shire will work towards a more equitable and inclusive community.

The Social Inclusion policy also ensures that Council's approach is informed by equity (equal rights) and human rights in its procedures, related policies and services to community in alignment with the Human Rights Act.

The policy demonstrates Corangamite Shire's commitment to being responsive to the needs, interests and aspirations of individuals and groups within its communities, and to ensuring that Council resources are used fairly, equally, effectively and efficiently.

Council recognises social inclusion as an important step in creating a community where all people feel valued and included in community life and are treated fairly. A community that

recognises inclusion in its social fabric places diversity as an asset making for richer community life.

### **Policy and Legislative Context**

The 2020 Local Government Act requires a Council and CEO to set out measures to seek to ensure gender equality, diversity and inclusiveness.

The Charter of Human Rights and Responsibilities Act 2006 (the Charter) is a Victorian law that sets out the basic right, freedoms and responsibilities of all people in Victoria. It is about the relationship between government and the people it services.

The Victorian Charter of Human Rights and Responsibilities describes twenty basic rights that promote and protect the values of freedom, respect, equality and dignity. Council must not knowingly breach these rights, and must always consider them when they create laws, develop policies and deliver their services.

### **Internal / External Consultation**

Consultation with the Program Support Leader Access and Inclusion and Aged & Disability Services Team was undertaken during the review of this policy.

### **Financial and Resource Implications**

There are no financial and resource implications as a consequence of adopting the revised Social Inclusion Policy.

### **Options**

Council may choose to adopt the updated Social Inclusion Policy, make changes and adopt or it may choose not to adopt the policy.

### **Conclusion**

The Social Inclusion Policy supports Council in demonstrating that it is committed to promoting an inclusive and accessible community where all people are active, socially connected individuals who are able to access information, activities, facilities and services within the community.

## **RECOMMENDATION**

### **That Council:**

- 1. Revokes the Social Inclusion Policy dated May 2017.**
- 2. Adopts the Social Inclusion Policy dated May 2020.**

### **COUNCIL RESOLUTION**

**MOVED:** *Cr Durant*

**SECONDED:** *Cr Brown*

**That the recommendation be adopted.**

**CARRIED**

**Attachments**

1. Social Inclusion Policy May 2020 - Tracked Changes - Under Separate Cover
2. Social Inclusion Policy May 2020



**CORANGAMITE  
SHIRE**

# **Social Inclusion Policy**

**Corangamite Shire**  
May 2020

# Council Policy



## Social Inclusion Policy

### Introduction

This policy confirms Corangamite Shire Council's commitment to social inclusion.

Corangamite Shire Council acknowledges its responsibility and role in strengthening community wellbeing and reducing the causes of disadvantage.

Social inclusion is based on an understanding of the integrated nature of many social issues, such as the links between socio-economic status, health and wellbeing and the need for a coordinated approach. Council recognises there are often cross-overs in disadvantage that create further vulnerability, e.g. women experiencing poverty, culturally and linguistically diverse (CALD) people with disabilities and young people who are gay.

### Purpose

The purpose of the Social Inclusion Policy is to provide guiding principles for Council to support integrated and equitable decisions and actions, particularly for individuals and groups that face barriers in accessing resources and opportunities. Social inclusion is the opportunity for people to participate fully in economic and community life, form and foster healthy, meaningful relationships, develop their full potential and be treated with dignity and respect.

Local government has a key role to play in creating a socially inclusive and sustainable community and is the logical leader to coordinate place-based community planning. Given that all communities have their own characteristics; Council can identify and provide for Corangamite Shire's local needs. This will be achieved most effectively in partnership with all levels of government and particularly with the community sector.

### Scope

The policy applies to all staff, contractors, volunteers and Councillors at Corangamite Shire Council.

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

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Corangamite Shire Council Policy – Social Inclusion Policy

### Principles of Social Inclusion

By applying the following Social Inclusion principles, opportunities to improve wellbeing and quality of life are created for those individuals and groups that experience disadvantage.

- **Access** - Council is committed to providing and advocating for services and facilities that are available to all regardless of background, ability or capacity.
- **Equity** - Council is committed to fairness in providing services, making decisions and distributing resources particularly for those in need, so all members of the community benefit.
- **Participation and partnership** - Council recognises the rights of people to contribute to decisions that affect their lives and is committed to supporting opportunities for engaging in planning and decision making. Council recognises that working together with others produces better outcomes. This aligns with Corangamite Shire's Community Engagement Policy.
- **Human rights** - Council recognises and supports the basic rights and freedoms to which all humans are entitled. This includes civil and political rights; economic, social and cultural rights; and the right to be treated with dignity and respect, free from discrimination.
- **Person-Centred Practice** – Council is committed to ensuring all services delivered to the community are delivered by staff following a person-centred approach which enables service users to be empowered.
- **Sustainability** - Council is committed to assessing social, cultural, environmental and economic impacts of its decisions and actions on people today and on future generations.
- **Community strengths** - Council recognises that all communities have strengths. Council values and sees the benefits of strengths like diversity and community connections in building strong communities. Council recognises the value of promoting a strong and positive view of the local community rather than focusing on community deficits.
- **Safe and healthy communities** - Council is committed to creating a Shire which is safe and healthy and recognises that a safe and healthy community improves wellbeing for all.
- **Evidence based approach** - Council recognises the importance of evidence based solutions. It is committed to being informed about what does and doesn't work, based on best practice principles. Council is also committed to monitoring and evaluating actions and strategies to ensure continuous improvement and effective and efficient service delivery.

### References

The Social Inclusion Policy aligns with policy and legislation at the National, State and local level. The following plans and legislation are embedded within the Social Inclusion Policy:

- National Human Rights Action Plan (2012)
- Australian Human Rights Framework (2010)
- Victorian Charter of Human Rights and Responsibilities Act (2006)
- Local Government Act 2020

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Corangamite Shire Council Policy – Social Inclusion Policy

- Disability Services Act (2006)
- Corangamite Shire Council Plan (2017-2021)
- Municipal Public Health & Wellbeing Plan (2017 – 2021)
- Corangamite Shire Council 'Tools for Engagement' toolkit.

**Policy Detail**

Corangamite Shire's population profile can shape Council's approach to social inclusion. Best practice suggests that place-based responses targeted to particular locations are the most appropriate and effective when approaching social inclusion. There are many factors that impact on wellbeing and quality of life.

Some individuals and groups do not enjoy the same opportunity as others, therefore experiencing higher rates of disadvantage. Corangamite Shire Council recognises how complex and diverse each group is and the breadth of strengths and challenges each experience.

Council will apply social inclusion principles to shape work and allocate resources in a way which supports social sustainability and social inclusion. Some of this will be done directly, and some through advocacy and lobbying other levels of government drawing on data and best practice examples.

Inclusive language is used in this Council policy and regular auditing processes will be implemented to identify any gaps in inclusive service provision.

The Social Inclusion Policy assists Council to meet the requirements of the Local Government Act 2020. The Act states that services should be provided in an equitable manner and be responsive to the diverse needs of the municipal community.

Services should be accessible to the members of the Municipal community for whom the services are intended;

The local law requirements that a local law must not be inconsistent with any Act (including the Charter of Human rights and Responsibilities Act 2006) or regulations;

**Reference to linked Procedure or Guidelines**

There is a strong link between this Social Inclusion policy and Council's Community Engagement policy.

There are strong links with Corangamite Shire Councils 'Tools for Engagement' toolkit.

**Review Date**

April 2023

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Adopted at Council on:  
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File Number:

Department: Community Services  
To be reviewed by:

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## 9.3 Investment Policy

**Author:** Adam Taylor, Manager Finance

**File No:**

**Previous Council Reference:** Nil

### Declaration

Chief Executive Officer – Andrew Mason

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

Author - Adam Taylor

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

### Summary

This report seeks Council adoption of the Investment Policy dated May 2020 as attached.

### Introduction

The current Investment Policy is due for review. The policy has been reviewed by management and no amendments are proposed.

### Issues

The Investment Policy establishes the basis for the investment of Council's surplus funds and to optimise the balance between risk and return. The Investment Policy is an existing policy and was extensively reviewed in 2018.

### Policy and Legislative Context

Consideration of this report is in accordance with the Audit Committee's Annual Work Plan and the following commitments in the 2017-2021 Council Plan:

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

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

### Internal / External Consultation

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

### Financial and Resource Implications

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

### Options

Council may adopt the reviewed Investment Policy as presented or with amendments.



### **Conclusion**

The Investment Policy provides guidance for Councils authorised officers when investing Council's surplus funds. The policy is due for review and attached to this report.

### **RECOMMENDATION**

**That Council:**

- 1. Revokes the Investment Policy dated April 2019**
- 2. Adopts the Investment Policy dated May 2020.**

### **COUNCIL RESOLUTION**

*MOVED: Cr Beard*  
*SECONDED: Cr Gstrein*

**That the recommendation be adopted.**

**CARRIED**

### **Attachments**

1. Investment Policy May 2020 - Tracked Changes - Under Separate Cover
2. Investment Policy May 2020



**CORANGAMITE  
SHIRE**

# Investment Policy

**Corangamite Shire**

May 2020

# Council Policy



## Investment Policy

### Introduction

This policy provides guidance on the effective and responsible utilisation of Council's surplus cash funds within the government legislative framework and will conform to applicable Federal and State regulations.

Particular emphasis is directed towards investment decisions that limit unnecessary exposure to risk and optimise return on investment whilst ensuring sufficient liquidity for Council's on-going operating commitments.

### Purpose

This policy establishes the basis for the investment of Council's surplus funds and to optimise the balance between risk and return. The purpose of Council's investment policy is to ensure that:

- All funds are invested in accordance with legislative and Council requirements.
- Effective internal controls are in place to minimise investment risk and unauthorised appropriation of Council funds.
- All investment transactions are appropriately authorised and documented.
- Investment decisions are based on the security of funds by limiting unnecessary exposure to risk.
- The financial yield is enhanced through prudent investment of funds whilst ensuring sufficient liquidity for Council's day to day operational commitments.
- Legally restricted funds are appropriately invested so as to earn a reasonable income towards their purposes (whilst limiting unnecessary exposure to risk).

### Scope

This policy applies to all Council officers (Investment Officers) who are involved in the investment of Council funds. It is considered that this Policy does not impact negatively on any rights identified in the Charter of Human Rights Act (2006).

### Definitions

- The Act – Local Government Act 2020
- APRA – Australia Prudential Regulation Authority
- ADI – Authorised Deposit-taking Institution. It covers banks, building societies and credit unions.
- AFS – Australian Financial Services
- VFMC - Victorian Funds Management Corporation
- S&P – Standard and Poor's rating agency
- Moody's – Moody's rating agency
- Investment Officers – Director Corporate and Community Services, Manager Finance, Accountant(s).

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Corangamite Shire Council Policy – Investment Policy

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**References**

- Local Government Act 2020 (specifically Section 103 – Investments)
- Australia Prudential Regulation Authority

**Policy Detail**

1. Prudent Person Standard

The standard of prudence is to be used by Investment Officers when managing the overall portfolio. Investments will be managed with the care, diligence and skills that a prudent person would exercise in managing the affairs of other persons. This includes having in place appropriate reporting requirements that ensure the investments are being reviewed and overseen regularly.

Investment Officers are to manage the investment portfolios not for speculation, but for investment in accordance with this Policy. Investment Officers are to avoid any transaction that might harm confidence in Council. Investment Officers must consider the safety of capital and income objectives when making an investment decision.

2. Ethics and Conflicts of Interest

Investment Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This includes activities that would impair the investment officer's ability to make impartial decisions.

The Policy requires that Investment Officers disclose to the Chief Executive Officer any conflict of interest on any investment positions that could be related to the investment portfolio.

3. Delegation of Authority

Authority for implementation of the Policy is delegated by the Council to the Chief Executive Officer in accordance with the Victorian Local Government Act 2020.

Authority for the day-to-day management of the Council's investment portfolio is delegated by the Chief Executive Officer to the Director Corporate and Community Services and Manager Finance. The Accountant(s) and Manager Finance have the authority to review the reasonableness of an investment, initiate or redeem an investment in accordance with this policy.

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Corangamite Shire Council Policy – Investment Policy

3.1.1. Term to Maturity of Investments

Investment Officers are only permitted to invest in term to maturity deposits or similar products with an ADI. Such investment products must have a readily available market and may include any of the following types of investments:

- At call accounts
- Fixed term deposits
- Negotiable Certificates of Deposit
- Bank bills
- Promissory notes
- Bonds
- Floating Rate Notes
- Floating Rate Certificates of Deposit

3.1.2. All other investments

All other investments, including investments in managed investment schemes (managed funds) or Australian equities, will need a specific Council resolution and must:

- Be in a manner approved by the Minister, either generally or specifically
- Be supported by a specified cash backed reserve in Council's balance sheet.

Investments in Managed Fund, Fixed Interest Securities of an Australian Authorised Deposit Taking Institution and Shares listed on the Australian Stock Exchange must be managed by the Victorian Funds Management Corporation. Currently, investments with the VFMC must be for a minimum value of \$2million and for a minimum term of three years.

4. Investment Objectives

Council's overall objective is to invest its funds at the most advantageous rate of interest/return available to it at the time, for that investment type, and in a way that it considers most appropriate given the circumstances. In priority, the order of investment priority shall be preservation of capital, liquidity, and return.

4.1. Preservation of Capital

Preservation of capital shall be the principal objective of the investment portfolio. Investments are to be performed in a manner that seeks to ensure security of principal of the overall portfolio. This includes managing credit and interest rate risk within given risk management parameters and avoiding any transactions that would prejudice confidence in Council. Diversification of investments assists in reducing the overall risk of the investment portfolio.

4.2. Maintenance of liquidity

In addition to the balances held in its bank account for routine operating requirements, the investment portfolio will maintain sufficient liquidity to meet all reasonably anticipated operating cash flow requirements of Council, as and when they fall due, without incurring significant transaction costs due to being required to sell or redeem an investment.

4.3. Return on Investments

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Corangamite Shire Council Policy – Investment Policy

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The portfolio is expected to achieve a market average rate of return and take into account Council's risk tolerance and current interest rates, budget considerations, and the economic cycle.

Investment Officers should aim to maximise where possible, favourable returns that do not jeopardise the security of funds invested. It would be anticipated that returns would exceed the Bank Bill Swap Rate (BBSW).

## 5. Portfolio Implementation

### 5.1. Authorised Personnel

The Investment Officers are authorised to invest Council's operating funds at their discretion in investments consistent with the Policy and legislation.

### 5.2. The Role of the Audit Committee

To ensure separation of duties, The Audit Committee will:

- Oversee the development and maintenance of the Policy and its guidelines.
- Recommend to the Council modification to the Policy.
- Monitor compliance with the Act.

The Audit Committee is not to direct investment decisions or become involved in the management of the investment portfolio. Its role is to review the policy, processes and refer investment decisions to the Council if required.

### 5.3. Internal Controls

The Manager Finance will establish internal controls and processes that will ensure investment objectives are met and that the investment portfolio is protected from loss, theft or inappropriate use.

The Audit Committee is responsible for reviewing the Policy and recommending amendments to Council.

To minimise the potential for investment risk and unauthorised appropriation of Council funds, the following internal controls will apply:

- All placement and redemption of investments must be authorised by any two of the Investment Officers, one of which must be Director Corporate and Community Services or Manager Finance.
- The investment authorisation process must be carried out in accordance with any other relevant policies and procedures.
- Each transaction will require written confirmation by the Financial Institution.
- Investments are to be reconciled monthly to the General Ledger

## 6. Investment Parameters

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Corangamite Shire Council Policy – Investment Policy

6.1. Prohibited Investments

This Policy prohibits any investment carried out for speculative purpose, including the following:

- Derivative based investments;
- Principal only investments or securities that provide nil or negative cash flow;
- Standalone securities issued that have underlying futures, options, forward contracts and swaps of any kind;
- Any investments or securities issued in non-Australian currency; and
- ‘Enhanced cash Funds’ or similar products that fall within the definition of a Collateralised Debt of Obligation (CDO).

6.2. Term to Maturity investments are required to be made with an APRA approved ADI.

6.3. Money is to be transferred using the General Bank Account

- Funds must be transferred electronically and be authorised by two officers who are authorised signatories on the general bank account.
- Interest earned on investments being rolled over may either be reinvested or redeemed to Council’s general bank account at the time of maturity.
- All funds that are being redeemed, or interest being paid, must be directly credited to Council’s general bank account.

6.4. Factors to consider when investing

In order to meet investment objectives, Investment Officers must take into consideration all of the following factors when carrying out investment functions:

6.4.1. Existence of Guarantee and security

Determine whether the investment is guaranteed by the Institution, or by the Government. Note the Commercial / Bank Bills guaranteed by the Institution, although guaranteed, rank as an unsecured creditor in the event of winding up.

6.4.2. Credit Rating of Institution and Portfolio Investment Parameters

a) Term to Maturity of Investments

A credit rating is used to determine the level of risk involved when investing with the ADI. All investments should not have a risk exposure greater than the minimum set out in the table below. The table also details the maximum percentage of funds that may be held by any one financial institution, the maximum term to maturity and the maximum percentage of total investment portfolio.

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Corangamite Shire Council Policy – Investment Policy

Long Term		Short Term		Maximum term to maturity	Maximum Portfolio Allocations		
S&P	Moody's	S&P	Moody's		Funds with a single ADI	Percentage of total portfolio	
AAA	Aaa	A-1+	P-1	2 Years	50%	100%	
AA+	Aa1						
AA	Aa2						
AA-	Aa3						
A+	A1	A-1				25%	50%
A	A2						
A-	A3						
BBB+	Baa1	A-2	P-2			25%	25%
BBB	Baa2						

Where the aggregate of the portfolio decreases resulting in funds with a single ADI or within a particular credit rating exceeding the applicable limit, the Investment Officers will work towards balancing the portfolio as future investments mature.

b) Managed Investment Schemes (Managed Funds)

Investments in Managed Investment Schemes must be in a manner approved by the Minister. Investments in Managed Investment Schemes must also be in accordance with 3.1.2 above.

6.4.3. Prudential requirements of investment institution

Council will only invest in ADI's that meet the APRA prudential requirements, including:

- Liquidity Coverage Ratio
- Capital Adequacy Ratio

6.4.4. Investment Term and Amount

Investments can be made at any time where excess cash is available. It is prudent to have multiple investments with varying maturity dates to maximise returns to meet Council's cash flow requirements. Investment Officers should ensure a sufficient level of funds is available to meet short term debts. However, discretion of the Director of Corporate and Community Services or Manager Finance can be used in regards to diversification for funds placed in "At-Call" type accounts.

6.4.5. Other considerations

Council's aim is to invest funds to obtain the best return possible with the least risk, however, consideration must be given to any fees applicable to transferring funds between Institutions that may erode investment returns.

6.5. Use of Licenced Broker

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To be reviewed by: May 2021

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Corangamite Shire Council Policy – Investment Policy

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Term to maturity Investments can be placed directly with an ADI or through an AFS licenced broker.

6.6. Quotation on Investments

Not less than three (3) quotations shall be obtained from approved ADI's whenever a Term to Maturity investment is proposed. The best quote will be successful after allowing for administrative and banking costs, as well as having regard to the limits set above.

Investment Officers shall take into account the following factors:

- The level of risk against return (i.e.: credit rating vs interest rate).
- The process required to transfer cash to the institution.
- The spread of Council's existing investments.

7. Investment Decision

All investments should be reviewed by another Investment Officer of which one must be either the Director Corporate and Community Services or Manager Finance. An investment decision is required to have sufficient documentation to meet the policy and audit requirements.

8. Reporting On Investments

- Investment activities and results must be reviewed on a monthly basis by the Manager Finance and reported to the Director Corporate and Community Services in the form of an Investment Activity Report.
- A register of investments will be maintained together with an investment file containing all letters of advice.
- Investments will be brought to account and valued at fair value plus transaction costs directly related to the acquisition of the financial asset in accordance with IFRS.
- Interest revenue will be recognised as it is earned.

**Legislative compliance**

All investments must comply with Section 103 of the *Local Government Act 2020*, relevant regulations and Ministerial guidelines.

**Review Date**

The Policy will be reviewed in May 2021 or as required by changed circumstances, including changes to legislation and policies.

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

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

Department: Finance  
To be reviewed by: May 2021

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## 9.4 Public Interest Disclosure Policy Review

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

**File No:**

**Previous Council Reference:** Nil

### Declaration

Chief Executive Officer – Andrew Mason

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

Author - Michele Stephenson

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

### Summary

This report recommends that Council adopt the Public Interest Disclosures Policy (PID Policy). This is an existing Council Policy that has been reviewed to reflect changes to the protected disclosure legislation. The policy is supported by procedures to assist those making or handling a complaint or disclosure, and the welfare management of people involved in a public interest disclosure.

### Introduction

The *Protected Disclosure Act 2012* has been renamed to the *Public Interest Disclosure Act 2012* (PID Act). Amendments have been made to the PID Act, which was established to facilitate the confidential disclosure and investigation of improper conduct in relation to public bodies and public officers.

The PID Act requires organisations that can receive PID's (including councils) to have clear procedures for people to make a PID and to make sure these procedures are known to staff and the public. The usual way for an organisation to support its responsibilities is to appoint someone to a clearly identified role of PID Coordinator. The Manager Human Resources/Risk is currently Council's PID Coordinator.

Overall the new PID scheme provides a lower threshold for making PID's to IBAC and more flexibility and alternative pathways for how agencies handle disclosures and complaints.

### Issues

The PID Policy and procedures documents have been reviewed and updated to reflect the new legislation. The key changes to the legislation include:

- The establishment of a new parliamentary oversight committee - the Integrity and Oversight Committee (IOC), consolidating the oversight of a number of integrity agencies, including the IBAC
- The terms 'protected disclosure' and 'protected disclosure complaint' have been replaced with:

- **Public Interest Disclosure** – disclosure by a natural person of information that shows/tends to show or information that the person reasonably believes shows/tends to show improper conduct or detrimental action
- **Public Interest Complaint** – a public interest disclosure that has been determined by IBAC, the Victorian Inspectorate or IOC to be a Public Interest Complaint (previously a protected disclosure complaint).
- The definition of ‘improper conduct’ has been revised
- Bodies that receive PID’s now includes the IOC
- Along with the Inspectorate and IBAC, the IOC can now determine that a PID meets the criteria to be a PIC
- Under the new scheme, the following bodies have been added to the bodies that can investigate PIC’s.
  - The Chief Municipal Inspector
  - The Information Commissioner
  - The Racing Integrity Commissioner.
- There is a new ‘no wrong door’ provision. This allows for a PID made to the wrong receiving entity to be redirected to another receiving entity.
- A new class has been included for disclosure to an external body.
- There is now a lower threshold for proving detrimental action (previously a discloser would have to prove that detrimental action was a ‘substantial’ reason for action taken against them, but from 1 January the word ‘substantial’ has been removed).

### **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 Council 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 PID Policy as presented, or with amendments. Council can re-appoint the Manager Human Resources/Risk as Public Interest Disclosure Coordinator or nominate another person as PID Coordinator.

### **Conclusion**

Council must have a framework in place for the making and management of public interest disclosures, the welfare management of those involved in a disclosure, and to report suspected corrupt conduct.

The review of this policy will ensure Council is meeting its legislative obligations under the PID Act and other relevant legislation.

## RECOMMENDATION

**That Council:**

1. Revokes the Protected Disclosure Policy dated December 2017
2. Adopts the Public Interest Disclosures Policy dated May 2020
3. Re-appoints the Manager Human Resources/Risk as Council's Public Interest Disclosures Coordinator.

## COUNCIL RESOLUTION

*MOVED: Cr Gstrein*

*SECONDED: Cr Brown*

**That the recommendation be adopted.**

**CARRIED**

## Attachments

1. Policy Public Interest Disclosures May 2020 - Tracked Changes - Under Separate Cover
2. Policy Public Interest Disclosure May 2020



**CORANGAMITE  
SHIRE**

# Public Interest Disclosures Policy

Corangamite Shire  
March 2020

# Council Policy



## Public Interest Disclosures

### 1. Introduction

The *Public Interest Disclosures Act 2012* (**PID Act**) is a legislative framework to encourage and assist people to report improper conduct in the public sector, including by public bodies and public officers, and to report detrimental action that may be taken in reprisal for being involved in a disclosure. The PID Act provides protections for those who make a disclosure (**a discloser**) and ensures the confidentiality of disclosers and also the content of disclosures.

The Independent Broad-based Anti-corruption Commission (**IBAC**) is Victoria's anti-corruption agency responsible for preventing and exposing public sector corruption and police misconduct. It is formed from the *Independent Broad-based Anti-Corruption Commission Act 2011* (**IBAC Act**).

Further information can be obtained from the IBAC website: [www.ibac.vic.gov.au](http://www.ibac.vic.gov.au).

### 2. Purpose

The purpose of this policy is to ensure that Corangamite Shire Council (**Council**) has an effective process for managing the receipt of protected disclosures and their assessment and notification. It also aims to provide protection for those who make a public interest disclosure, are the subject of a public interest disclosure, and those who might be cooperating in a public interest disclosure.

This policy should be read in conjunction with Council's *Public Interest Disclosure Management Procedures* and Council's *Making and Handling Public Interest Disclosures Procedures*, which have been developed to facilitate, handle and manage public interest disclosures, as well as to establish procedures for protecting people against detrimental action.

### 3. Scope

This policy applies to disclosures of improper conduct or detrimental action by Council or its officers, which are made in accordance with the PID Act.

Any person or group of individuals (not an organisation or company) can make a disclosure under the PID Act about improper conduct by public officers or a public body. The individual or group of individuals could be from within the organisation or from the public.

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Agenda item: [insert]  
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To be reviewed by: [insert]  
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Corangamite Shire Council Policy – Protected Disclosures

#### **4. Definitions**

**Detrimental Action:** Action threatened or taken by a person or group of people against a person(s) in reprisal for their involvement in a protected disclosure.

**Discloser:** A person who makes a complaint, allegation or disclosure.

**Disclosure:** Any complaint, concern or allegation made in accordance with the PID Act.

**Improper Conduct:** Under the PID Act, this encompasses:

- Corrupt conduct; and/or
- Any of the following conduct by a Public Officer or Public Body in their official capacity:
  - a criminal offence;
  - serious professional misconduct;
  - dishonest performance of public functions;
  - an intentional breach or reckless breach of public trust;
  - an intentional or reckless misuse of information or material acquired in the course of the performance of public functions;
  - a substantial mismanagement of public resources;
  - a substantial risk to the health or safety of one or more persons;
  - a substantial risk to the environment;
- Conduct by a third party that adversely affects the honest performance of a public officer or public body or is intended to adversely affect effective performance of a public officer or public body while obtaining an advantage for the third party; and/or
- Conduct by a third party that could constitute a conspiracy or attempt to engage in any of the above.

Less serious or trivial conduct is excluded from the definition of improper conduct.

**Public Interest Complaint:** A disclosure which has been determined and assessed by IBAC to be a protected disclosure in accordance with Part 2 of the PID Act.

**Public Interest Disclosure Procedures:** Procedures established by Council to facilitate and encourage the making of disclosures under the PID Act, the management of disclosures by Council, and to describe how Council will manage

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Corangamite Shire Council Policy – Protected Disclosures

the welfare of persons connected with protected disclosures.

**Public Officer:** Public officer includes but is not limited to Local Government Councillors and Council employees or officers.

**Public Body:** A public sector body within the meaning of section 4(1) of the *Public Administration Act 2004* (Vic), or a Council established under the *Local Government Act 1989* (Vic) or a body performing a public function on behalf of the State.

#### **5. Relevant legislation and other material**

The primary legislative obligations applying to Council's treatment of protected disclosures are contained in the PID Act and the *Independent Broad-based Anti-corruption Commission Act 2011*. Other relevant legislation, guidelines and sources are listed below:

- Council's *Making and Handling Protected Disclosure Procedures*;
- Council's *Protected Disclosures Management Procedures*;
- Council's Employee Code of Conduct
- Council's Councillor Code of Conduct;
- *Local Government Act 1989* (Vic);
- Victorian *Charter of Human Rights and Responsibilities 2006*;
- IBAC *Guidelines for handling public interest disclosures January 2020*]; and
- IBAC *Guidelines for public interest disclosure welfare management January 2020*

#### **6. Policy Detail**

Council is committed to the aims and objectives of the PID Act. We recognise the value of transparency and accountability and will not tolerate improper conduct by the organisation, its employees, member, officers or Councillors. We support the making of disclosures that reveal improper conduct, or which reveal detrimental action taken against anyone who is involved in a disclosure.

Council has obligations under the PID Act which it takes very seriously, including the requirement to protect the identity of a discloser and the matters raised by a discloser. Maintaining confidentiality in relation to public interest disclosures is critical in ensuring reprisals are not made against a discloser.

Council will take all reasonable steps to protect people who make public interest disclosures from any detrimental action in reprisal for making a disclosure. It will also afford natural justice to the person who is the subject of the disclosure.

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Adopted at Council on: [insert date]  
Agenda item: [insert]  
Responsibility: Manager Human Resources/Risk  
Document Number: [insert]

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Directorate: Corporate & Community Services  
To be reviewed by: [insert date]  
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Corangamite Shire Council Policy – Protected Disclosures

Council has developed processes and procedures to manage disclosures, including notifications to IBAC. Council has also established procedures to protect people against detrimental action that might be taken against them in reprisal for making a public interest disclosure, or against people cooperating with a public interest complaint investigation.

Council has also ensured it has procedures in place to manage misdirected disclosures and manage external disclosures.

Council will:

- Have a secure management system for the handling, storage and notification of public interest disclosures including the identification of the roles and responsibilities of those in the reporting structure;
- Have a secure process for receiving verbal or written disclosures;
- Have a means of identifying its Public Interest Disclosure Coordinator;
- Have a secure means of notifying IBAC of assessable disclosures;
- Have Public Interest Disclosure Procedures that are accessible to the public and to employees and Councillors;
- Have appropriate education and training for Councillors and employees to raise awareness in relation to the PID Act;
- Have appropriate education and training for relevant staff in the receipt, handling, assessment and notification of disclosures, and in the welfare management of those associated with a protected disclosure;
- Ensure the confidentiality of information received or obtained in connection to a protected disclosure;
- Take the appropriate disciplinary action and/or other action against any employees who are engaged in detrimental action; and
- Have a way to collect and collate statistics on public interest disclosures for the purpose of annual reporting.

**7. 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*.

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Adopted at Council on: [insert date]  
Agenda item: [insert]  
Responsibility: Manager Human Resources/Risk  
Document Number: [insert]

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Directorate: Corporate & Community Services  
To be reviewed by: [insert date]  
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## 9.5 Corporate Purchase Card Policy

**Author:** Adam Taylor, Manager Finance

**File No:**

**Previous Council Reference:** Nil

### Declaration

Chief Executive Officer – Andrew Mason

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

Author - Adam Taylor

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

### Summary

This report seeks Council adoption of the Corporate Purchase Card Policy dated May 2020 as attached.

### Introduction

The current Corporate Purchase Card Policy (Policy) is due for review. The Policy has been reviewed with minor amendments proposed.

### Issues

The Corporate Purchase Card Policy is an existing policy. The Policy applies to any Council officer and Councillor who hold a corporate purchase card (credit card). It should be considered part of and should be read in conjunction with Council's Procurement Policy and Organisational Staff Meals and Accommodation Policy.

Purchase Cards provide an efficient means of purchasing which significantly reduce the cost of processing for Council. While purchase cards are a flexible and efficient way to make purchases, for this reason they also constitute a fraud and corruption risk.

Clear policy alongside a robust oversight framework and strong organisational culture are important controls to avoid fraud. In this regard the Policy has been reviewed in accordance with the recommendations made by the 2019 Victorian Auditor General's Office review into Fraud and Corruption Control into Local Government. Council's internal control framework with respect to credit card use is summarised below.

The Corporate Purchase Card Policy has been reviewed by Council officers to ensure appropriate controls exist for the use of corporate purchase cards within Council.

### Internal Control Framework – Corporate Purchase Cards

There are mechanisms in place to ensure the use of corporate purchase cards and expenditure by cardholders is appropriate. These include:

- An appropriate Policy framework:

- Council Policies: specifically, Procurement, Corporate Purchase Card, Fraud Prevention and Control (all available on Council's website).
- Organisational Policies: Employee Code of Conduct and specifically, Staff Meals and Accommodation Policy (which states alcohol is considered a personal expense and will not be paid by Council). The Policy also sets limits on meals and accommodation.
- Segregation of duties, whereby the cardholder does not approve their own transactions.
- Annual employee declarations to acknowledge and accept conditions of corporate purchase card use. The acknowledgement is also signed when staff are first issued with a corporate purchase card.
- Employee inductions, including messaging on ethics/integrity, code of conduct and encouraging the reporting of inappropriate behaviour (including to external oversight bodies).
- Biennial training on fraud and corruption. Again, including messaging on ethics/integrity, code of conduct and encouraging the reporting of inappropriate behaviour (including to external oversight bodies).
- Oversight and scrutiny of corporate purchase card transactions that includes monthly reporting to and review by the Senior Officer Group (CEO and Directors).
- Quarterly reporting to Council's Audit Committee on mayor and CEO transactions.
- External and Internal Audit functions.
- Annual review of cardholders and limits.
- Ongoing conversations and messaging within the organisation on expected behaviours at staff/team meetings and via other internal communication channels.

### **Policy and Legislative Context**

Consideration of this report is in accordance with the Audit Committee's Annual Work Plan and the following commitments in the 2017-2021 Council Plan:

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

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

It is expected during the implementation of the *Local Government Act 2020* a review of the Policy before the proposed review date of May 2022 may be required.

### **Internal / External Consultation**

The Senior Officer Group has reviewed the proposed changes to the Policy. Council's Audit Committee will receive a report in June 2020 on Council's progress against implementing the recommendations reported in the Victorian Auditor General's Office review into Fraud and Corruption Control into Local Government.

### **Financial and Resource Implications**

There are no financial and resource implications as a consequence of this report or adopting a revised Policy.

### **Options**

Council may adopt the reviewed Corporate Purchase Card Policy as presented or with amendments.

**Conclusion**

Purchase cards provide an efficient means of purchasing which significantly reduce the cost of processing for Council. Purchase cards should be controlled by clear policy and procedures and a robust internal control framework. The Corporate Purchase Card Policy is due for review and attached to this report. The amendments proposed are consistent with the Victorian Auditor General's Office Review into Fraud and Corruption Control into Local Government.

**RECOMMENDATION****That Council:**

1. Revokes the Corporate Purchase Card Policy dated April 2019.
2. Adopts the Corporate Purchase Card Policy dated May 2020.

**COUNCIL RESOLUTION**

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

**That the recommendation be adopted.**

**CARRIED**

**Attachments**

1. Corporate Purchase Card Policy May 2020 - Tracked Changes - Under Separate Cover
2. Corporate Purchase Card Policy - May 2020



**CORANGAMITE  
SHIRE**

# Corporate Purchase Card Policy

**Corangamite Shire**

May 2020

# Council Policy



## Corporate Purchase Card Policy

### Introduction

This policy sets out the guidelines and principles that need to be followed by the Mayor and Council officers who utilise a corporate purchase card.

### Purpose

The objective of introducing purchase (credit) cards is to increase efficiency by reducing the cost, paperwork and time associated with purchasing goods and services. No purchase order needs to be completed when a credit card is used for the transaction.

### Scope

This policy applies to any Councillor or Council officer who holds a corporate purchase card. It should be considered part of and should be read in conjunction with the Council Procurement Policy. It is considered that this Policy does not impact negatively on any rights identified in the *Charter of Human Rights and Responsibilities Act (2006)*.

### Definitions

*Council Business Expenditure* – are bona fide business transactions that are required by a cardholder undertaking normal duties in the course of their employment with Council and would otherwise be undertaken by purchase order or petty cash.

*Corporate Purchase cards* – will be a credit card identified by the words Corangamite Shire. The card will be personalised and issued to the user to provide a clear audit trail. The name of the card holder is on the card.

*Cardholder (Authorised Officers)* – is any officer of the Corangamite Shire receiving authorisation to have a corporate purchase card issued in his or her name. This includes the CEO and Mayor.

*Personal Use/Personal transaction* – any purchases intended for personal benefit. Purchase of any items not normally provided to a staff member in the course of their employment with Council.

*Commbiz* – Commonwealth Bank of Australia online banking system. This system is used to manage Council's purchase cards.

### References

- Procurement Policy
- Staff Meals and Accommodation Policy

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## Policy Detail

### APPLICATION

- The authorising Manager completes the application form for an employee whose position and duties require the issue of a purchase card (Attachment A). The staff member must have a financial delegation under the Procurement Policy.
- The application is to be authorised by:
  - Appropriate Director
  - Finance Manager
- The employee must complete the “Council Corporate Credit Card Acknowledgement and Undertaking” (refer Attachment B) form before the use of the Card.
- All cards will be issued to cardholders by the Finance Manager, or delegated officer and the details of that card, together with signature acknowledging receipt must be immediately entered in the register of Credit Cards.
- Card limits are at the discretion of the Chief Executive Officer and should not be more than the officer’s financial delegation under the Procurement Policy. Where a business need requires a limit in excess of the financial delegation a transaction limit in line with financial delegation will be applied
- Card limits are to be reviewed at least annually by Manager Finance. Amendments to limits are to be recommended to the Chief Executive Officer for approval.

### CARD USE

- The card must be used for **Council business expenditure** only and in accordance with the *Local Government Act 2020*, the Council’s Purchasing Card Policy, and the Procurement Policy.
- All meals and accommodation expenditure must be in line with the Meals and Accommodation Policy
- The card must not be used for personal use or a personal transaction.
- The card must not be used for gratuities (or tips)
- The card must not be used for the withdrawal of cash through any facility, whether it is a Bank, ATM or EFTPOS facility.
- The card must not be used by officers other than the card holder, unless the card holder is a Manager or Senior Officer and infrequent use is requested by the officer and granted by the card holder.
- The cardholder shall not provide the card number or card pin to another officer for the purposes of undertaking transactions.
- The card must not be used for fuel purchases unless the fuel card is unable to be used.
- The cardholder must retain all tax invoices and/or receipts and maintain any other records of their transactions to facilitate reconciliation and costing of transactions for that card.
- The cardholder must take strict care to maintain the security of their card, ensuring that it is kept in their possession at all times and not left in any place from which it may be taken.

**The cardholder must return their card to the Finance Manager, or delegated officer, prior to periods of extended leave (any period in excess of four weeks), re-assigned to a new position where the use is not required or where their employment is terminated with the Corangamite Shire.**

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## RESPONSIBILITIES

### *Cardholders*

The individual cardholder is responsible for:

- The safe keeping of the card and the prompt reporting to their respective manager and the Finance Department if the card is mislaid or stolen.
- Ensuring that the card is only used within the approved limits attributed to that particular purchase card and within the approved budget.
- Purchasing is required be in line with the existing Procurement Policy and quotes are required in line with spend limits in the policy.
- Meals and accommodation expenditure are in line with the Staff Meals and Accommodation Policy.
- Purchasing does not need to be from existing approved Council providers.
- Returning the card to the Finance Manager or other person designated by the Corangamite Shire during periods of extended leave, upon transfer to a position not requiring a credit card or upon the termination of their employment with the Shire.
- Registering all tax invoices, dockets and other support documentation in ECM under their respective folder and maintain these documents in accordance with Council Procedures. EFTPOS receipts do not represent tax invoices and will not be accepted as supporting documentation.
- In the event that a tax invoice is lost or unavailable a statutory declaration is required.
- Completing the credit card allocation process within TechOne to facilitate prompt costing and authorisation of credit card transactions, with an accurate description of goods or services purchased.
- Reporting any disputed transactions to their manager and the Finance Department to allow for the prompt resolution of any errors or misuse.
- Completion of Annual Acknowledgement and Undertaking declaration.

### *Managers, Directors and CEO*

Managers, Directors and CEO are responsible for:

- The initial approval of applications for purchase cards by employees within their area of responsibility.
- Ensuring that each employee is made aware of and understands their individual responsibility associated with holding a purchase card.
- The prompt receipt, costing and authorisation of transactions for each cardholder within their area of responsibility.
- Ensuring all issues pertaining to disputed transactions are brought to the attention of the Finance Department.

### *Finance Department*

The Finance Manager (or his/her delegate) is responsible for:

- Ensuring the credit card register within Commbiz is maintained and accurate at all times.
- Safe custody of cards surrendered by employees during extended periods of leave.
- Annual review of all purchase cards and limits to ensure appropriate business need.
- Coordination of Annual Acknowledgement and Undertaking declarations.
- Maintaining a register of purchase cards which should include the following details

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Corangamite Shire Council Policy – Corporate Purchase Card Policy

- Name of the cardholder
- Card number
- Date of issue
- Card expiry
- Delegation limit
- Card limit
- Transaction Limit
- Cardholder agreement signed

*Audit Committee*

The Audit Committee is responsible for:

- Review of the Corporate Purchase Card policy as required.

**AUTORISATION OF TRANSACTIONS**

*Employees transactions*

Transactions on employee credit cards will be authorised via a supervisor in line with their existing delegated authority.

*CEO Transactions*

Transactions on the CEO credit card will be signed by the mayor, approved by the Director of Corporate and Community Services and reported to the audit committee on a quarterly basis.

*Mayor*

Transactions on the Mayors credit card will be approved by the CEO and reported to the audit committee on a quarterly basis.

**TERMINATION OF USE**

Once it has been established that a cardholder no longer requires a card, the card, together with all supporting documentation for any outstanding transactions and other relevant documentation must be forwarded to the Finance Manager who will update the Register of Cardholders within Commbiz.

Payroll shall not release any termination payments until appropriate clearances in respect of a cardholder's card have been obtained from the Finance Manager.

**UNAUTHORISED USE**

Unauthorised use means any instance of non-compliance with this policy, whether by the cardholder or another person and can involve:

- Unauthorised or inappropriate transactions made on a card; or
- Any other non-compliance with any direction or rules for card use, including use that, from the public perspective, has the potential to cause reputational risk to Council.

Unauthorised use will be subject to disciplinary action including the requirement for reimbursement by the employee of the expense.

**Review Date**

The next review of this document is scheduled for completion by the Manager Finance on or before 31 May 2022

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Corangamite Shire Council Policy – Corporate Purchase Card Policy



### CORPORATE PURCHASE CARD REQUEST/NOMINATION FORM

[Return completed form to Finance Department]

Nominated Card Holder: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Drivers Licence Number: \_\_\_\_\_

Position: \_\_\_\_\_

Directorate: \_\_\_\_\_

Department: \_\_\_\_\_

Predominant Purpose for Requesting the Card:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Nominated Card Holder (sign)  
Name:  
Date:

\_\_\_\_\_  
Manager Approval (sign)  
Name:  
Date:

\_\_\_\_\_  
Director Approval (sign)  
Name:  
Date:

Card Limit Requested: \$500 \$1,000 \$5,000 \$10,000 \$25,000 \$50,000

**FINANCE USE ONLY**

Date Request Received: \_\_\_\_\_

Financial Delegation (per policy): \_\_\_\_\_

Date Approved by Manager Finance: \_\_\_\_\_

Card Number Allocated: \_\_\_\_\_

Date Card Issued: \_\_\_\_\_

Signature of Card Administrator: \_\_\_\_\_

\_\_\_\_\_  
Adopted at Council on:  
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Corangamite Shire Council Policy – Corporate Purchase Card Policy



## CORPORATE PURCHASE CARD ANNUAL ACKNOWLEDGEMENT & UNDERTAKING

[Return completed form to Finance Department]

Nominated Card Holder: \_\_\_\_\_

Position: \_\_\_\_\_

Directorate: \_\_\_\_\_

Department: \_\_\_\_\_

### ACKNOWLEDGMENT AND UNDERTAKING

I have read and understood the Corporate Purchase Card Policy and Purchase Card procedures manual. I agree that:

- ✓ I will only purchase within my delegated purchasing limit and within the approved budget;
- ✓ I will not use the Purchase Card for cash advances, personal expenditure;
- ✓ I will only purchase fuel when use of a fuel card is not issued or available;
- ✓ I will only use the Purchase Card for Council business expenditure;
- ✓ The Purchase Card is my responsibility and I will take strict care of the Purchase Card and if lost or stolen, will report it immediately to the Commonwealth Bank's Lost/Stolen Cards Unit and my supervisor;
- ✓ I will return the Purchase Card in the event of cessation of my employment;
- ✓ The Purchase Card remains the property of the Commonwealth Bank and can be cancelled at any time by the Commonwealth Bank;
- ✓ I will surrender the Purchase Card upon request by Council;
- ✓ I will process expenditure and provide tax invoices within TechOne Purchase Card module within 7 days of receipt to facilitate prompt costing and authorisation of credit card transactions;
- ✓ Unsubstantiated expenditure may be deducted from any salary amounts owing to me.

\_\_\_\_\_  
**Name**

\_\_\_\_\_  
**Signature**

**Date:**    /    /  
\_\_\_\_\_

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

Department: Finance  
To be reviewed by:

Page Number: 6

## 9.6 Lease Agreement - David Newman Centre, 20A Church Street, Camperdown

**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 a lease agreement with South West Healthcare (SWH) for use of the David Newman Centre, located at 20A Church Street, Camperdown for the purpose of conducting adult day care activities.

### Introduction

Corangamite Shire currently leases the David Newman Centre to South West Healthcare, who use the facility to conduct adult day care activities. There has been a lease in place with SWH for close to twenty years, with the current lease commencing 1 July 2017 and set to expire on 30 June 2020.

### Issues

The current agreement with South West Healthcare is a commercial lease, based on a valuation undertaken in 2014 and a subsidy applied in line with Councils Property Leasing Policy, to charge SWH an amount of \$5,695 (exc. GST) annually.

Councils Property Leasing Policy is designed to outline and assist the way in which Council administers the granting of leases and licences for Council controlled land and buildings. The policy considers assessment and calculation of lease subsidies which may apply for tenants occupying Council owned or controlled land and buildings whose operations are considered to be Community Service (Category B), Other (Category C) or Commercial/ Private (Category D), and where there is deemed to be a net community benefit.

SWH and their associated operations have been classified as Commercial/Private (Category D) and a commercial lease fee would be applicable. In accordance with Councils Property Leasing Policy, a current market rental valuation was obtained from Opteon Property Valuers in March 2020. The property was valued at a rate of \$18,800 (exc. GST) per annum for the purpose of entering into a new lease agreement. The community benefits offered by SWH and the operation of the David Newman Centre were considered and assessed with a subsidised lease amount of \$9,400 (exc. GST) per annum proposed to SWH. The lease fee

proposal was discussed with SWH, who advised that the fee is a significant increase from the current lease agreement and did not appear to take into account the significant financial investment SWH have made into the facility including;

- Internal painting
- Carpet replacement
- Replacement of the kitchen
- Establishment of a garden
- Installation of fencing
- Installation of garage
- Improvements to garden area
- Outdoor shade structure.

A subsequent counter offer was made to Council for a lease agreement with SWH to commence 1 July 2020 for a five (5) year term for a lease fee amount of \$7,000 (exc.GST) per annum. In consideration of the counteroffer, Council Officers have acknowledged the long term and future contribution of capital and maintenance works undertaken by SWH and have applied a further subsidy (contribution to Building/Capital Maintenance) to the proposed lease fee.

An option to lease the building for a further term of five (5) years is also available. The annual lease fee would also be subject to annual CPI adjustments.

### **Policy and Legislative Context**

Agreement to lease the David Newman Centre to South West Healthcare is consistent with the commitments in the 2017-2021 Council Plan:

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

We value the importance of local business to our economy and the overall prosperity of Corangamite Shire.

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

In accordance with the *Local Government Act* Council must advertise its intention to lease land for a period of four (4) weeks seeking submissions to the proposed lease.

### **Internal/External Consultation**

Council Officers consulted with South West Healthcare in March 2020 and informed them of Councils intention to renew the lease agreement. The consultation outlined the process for the renewal of lease in line with Councils Property Leasing Policy.

The terms and conditions of the lease agreement have been negotiated with SWH and are consistent with the existing agreement.

### **Financial and Resource Implications**

Under the current lease agreement, South West Healthcare is responsible for all outgoings and provide Council with a lease fee of \$5,695 (exc. GST) per annum for use of the David Newman Centre.

Negotiations have occurred between Council Officers and SWH and it is suggested that the lease fee be increased to \$7,000 (exc. GST) per annum, based on the valuation report and the application of Councils Property Leasing Policy classification. The annual lease fee would also be subject to annual CPI adjustments.

SWH will be responsible for all service charges to the property, including electricity, phone, water, fire services property levy, municipal rates and charges.

All revenue received from this lease agreement will be treated as general revenue in the year it is received and will be considered as part of Council's annual budget.

### **Options**

Council may choose to advertise its intention to enter into a lease as prepared, with amendments or choose not to advertise its intention to enter into a lease.

### **Conclusion**

South West Healthcare currently occupies the David Newman Centre located at 20A Church Street, Camperdown for the purpose of adult day care activities. The current lease commenced 1 July 2017 and is set to expire 30 June 2020.

A lease valuation report has been obtained highlighting a rate of \$18,800 (exc. GST) per annum for the purpose of entering into a new lease agreement. The community benefits offered by SWH and the operation of the David Newman Centre have been considered and assessed with a subsidised lease amount proposed.

SWH have advised that the fee of \$9,400 (exc. GST) is a significant increase from their current lease agreement and have proposed a five (5) year term with an option for a further five (5) year term at a lease fee of \$7,000 (exc. GST) with a CPI increase annually.

## RECOMMENDATION

That:

1. Council advertise its intention to enter into a five (5) year lease agreement with South West Healthcare for use of the David Newman Centre located at 20A Church Street, Camperdown for the purpose of providing adult day care activities.
2. The lease has the option of one further term of five years.
3. The annual lease fee be set at \$7,000 (plus GST) with annual CPI adjustments applicable.
4. If no submissions are received, Council delegate authority to the Chief Executive Officer to enter into a lease agreement with South West Healthcare.
5. The Common Seal of Council be affixed to the lease agreement.

### COUNCIL RESOLUTION

*MOVED: Cr Gstrein*

*SECONDED: Cr Durant*

That the recommendation be adopted.

**CARRIED**

### Attachments

1. Application of Rental Subsidy - David Newman Centre 2020 - Under Separate Cover

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## 9.7 Extension of Contract 2017010 Supply and Delivery of Diesel Fuel to Council

**Author:** Mikayla Hein, Manager Works

**File No:**

**Previous Council Reference:** Nil

### Declaration

Chief Executive Officer – Andrew Mason

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

Author - Mikayla Hein

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

### Summary

This report seeks Council endorsement for the extension of the existing Contract for Supply and Delivery of Diesel Fuel to Council Depots for an additional period of one year from 1 July 2020 to 30 June 2021.

### Introduction

In 2017, Council undertook a tender process to seek tenders for the Supply and Delivery of Diesel Fuel (Contract 2017010) to Council Depots across the Corangamite Shire. The Contract period was executed as a three-year agreement, with two optional one-year extensions at the discretion of Council. The Contract was awarded to R & P Matthews Pty Ltd. The Contract period commenced 1 July 2017.

### Issues

The Contract expires on 30 June 2020 for the initial three-year period and is a critical Contract for Council.

The current supplier has delivered satisfactory performance for the initial term of the Contract and rates for supply of product are considered acceptable and within budget.

At 1 July 2020, the first one-year extension will be due to commence, pending Council endorsement.

At 30 June 2021 an additional one-year extension option will become valid pending satisfactory performance of the current supplier and agreement from the current supplier for the last one-year extension.

### Policy and Legislative Context

The Contract for the Supply and Delivery of Diesel Fuel to Council Depots is in keeping with commitments in the 2017-2021 Council Plan.



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

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

Procurement is in accordance with Council's Procurement Policy and the current Contract terms and conditions.

### **Internal / External Consultation**

Written confirmation has been received from Matthews Petroleum with agreement to enter into a one-year extension of the current contract.

The Works Departments has reviewed the performance and conditions to warrant an extension of the Contract as per the two, one-year extensions available and therefore deemed that an extension would be appropriate for 2020-2021, pending Council endorsement.

### **Financial and Resource Implications**

The Contract states that the formula for calculation of rates is based on the Terminal Gate Pricing at Geelong, plus:

- 4.47 cents / L for delivery to Camperdown, Cobden, Lismore and Timboon Depots and the Naroghid Landfill, or
- 6.47 cents / L for delivery to the Simpson and Terang Depots.

The annual usage is estimated to be approximately 623,509 L at the Camperdown, Cobden, Lismore and Timboon Depots and the Naroghid Landfill, plus approximately 86,610L at the Simpson and Terang Depots, totalling approximately 710,119L.

The current Terminal Gate Price at Geelong as at 13 May 2020 is 97.60 cents / L. Therefore, the total estimated costs to Council would be \$726,551 which meets the financial budget for 2020-2021.

This formula is specified for both one-year extensions of the Contract.

When the Contract was awarded in 2017, a competitive tender process was advertised and only two submissions were received. The unsuccessful submission was 16% higher in tendered price than the current successful supplier.

Matthews Petroleum offered an additional option of BP fuel cards to be linked to the diesel price, resulting in additional benefit for users at local fuel stations in the area as there are Matthews' owned fuel stations at Camperdown, Cobden and Terang. The contract pricing is offered for both bulk and bowser purchased diesel.

In addition, the previous contract prior to 2017 was through Procurement Australia. Upon investigation into pricing and value for money it was evident that Council would achieve better value by undertaking its own competitive tender process. As a result, an 8 cents / litre saving was achieved in 2017 with this current contract.

## Options

There are several options for Council in awarding the Contract extension.

Council may:

1. Extend Contract 2017010 for a duration of one year from 1 July 2020 to 30 June 2021, and delegate authority to CEO for the second and last extension pending satisfactory performance by the contractor, or
2. Not extend the Contract and undertake a new tender process.

Option 1 would provide no disruption to current operations. This option is the most time and resource efficient option and meets current budget requirements. The Corangamite Shire has experienced satisfactory performance from the supplier and is satisfied with the Contract performance and price.

Option 2 would require a new tender process to be completed. This could identify new suppliers in the region interested in the contract.

## Conclusion

Contract 2017010 was awarded in 2017 on a three-year basis, plus two, one-year extensions. The performance of the current supplier has been satisfactory for the first three-year period. The supplier has committed to an extension if endorsed by Council. The financial implications of an extension of the Contract as per the terms and conditions meets Council's 2020-2021 proposed budget.

## RECOMMENDATION

**That Council:**

1. **Awards a one-year extension to contract 2017010 with R & P Matthews Pty Ltd from 1 July 2020 to 30 June 2021.**
2. **Delegates to the CEO the ability to negotiate a further one-year extension to contract 2017010 with R & P Matthews Pty Ltd for the period 1 July 2021 to 30 June 2022.**

### COUNCIL RESOLUTION

**MOVED:**            *Cr Beard*  
**SECONDED:**      *Cr Gstrein*

**That Council awards a one-year extension to contract 2017010 with R & P Matthews Pty Ltd from 1 July 2020 to 30 June 2021.**

**CARRIED**

Having declared a conflict of interest by close association in Agenda Item 9.8, Cr S Illingworth left the meeting at 7.33 pm.

## **9.8 Quick Response Grants Allocation May 2020**

**Author:** David Rae, Director Corporate and Community Services

**File No:**

**Previous Council Reference:** Nil

### **Declaration**

Chief Executive Officer – Andrew Mason

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

Author – David Rae

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

### **Summary**

The purpose of this report is to approve the May 2020 allocation of funds under the Quick Response Grants Program.

### **Introduction**

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

### **Issues**

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

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

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

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

### **Policy and Legislative Context**

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

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

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

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

Improved educational outcomes in Corangamite Shire.

Support our small towns and dispersed population.

Improve the health and wellbeing of our community.

### Internal / External Consultation

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

### Financial and Resource Implications

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

Ward	Annual Allocation \$	Previous Allocations \$	This Allocation \$	Remaining Allocation \$
Coastal	2,500.00	1,478.00	1,000.00	22.00
North	2,500.00	2,500.00	0.00	0.00
South Central	2,500.00	860.00	0.00	1,640.00
South West	2,500.00	1,478.00	499.90	522.10
Central	7,500.00	3,876.09	0	3,623.91
	<b>17,500.00</b>	<b>10,192.09</b>	<b>1,499.90</b>	<b>5,808.01</b>

### Options

Council can consider:

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

### Conclusion

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

**RECOMMENDATION**

**That Council approves the following applications for funding from the Quick Response Grants Program for May 2020:**

<b>Applicant</b>	<b>Purpose</b>	<b>Ward</b>	<b>Amount</b>
Heytesbury Rebels Cricket Club	Purchase of cricket balls for 2020-2021 season.	<b>Coastal</b>	<b>\$500.00</b>
Simpson Football Netball Club	Upgrade of sporting and fitness equipment to enable players and members of the community greater access to training equipment.	<b>Coastal</b>	<b>\$500.00</b>
Timboon Golf Club	To erect practise driving nets for the use and enjoyment of members and visitors to the golf course.	<b>South West</b>	<b>\$499.90</b>

**COUNCIL RESOLUTION**

**MOVED:**            *Cr Beard*

**SECONDED:**    *Cr Brown*

**That the recommendation be adopted.**

**CARRIED**

**Attachments**

1. Quick Response Grants Assessment - May 2020 Allocation - Under Separate Cover
2. Application QRG Heytesbury Rebels Cricket Club - Part A - Under Separate Cover
3. Application QRG Heytesbury Rebels Cricket Club - Part B - Under Separate Cover
4. Application QRG Simpson Football Netball Club - Part A - Under Separate Cover
5. Application QRG Simpson Football Netball Club - Part B - Under Separate Cover
6. Application QRG Simpson Football Netball Club - Part C - Under Separate Cover
7. Application QRG Simpson Football Netball Club - Part D - Under Separate Cover
8. Application QRG Timboon Golf Club - Part A - Under Separate Cover
9. Application QRG Timboon Golf Club - Part B - Under Separate Cover
10. Application QRG Timboon Golf Club - Part C - Under Separate Cover

Cr S. Illingworth returned to the meeting at 7.37 pm.

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## 9.9 Planning and Environment Act 1987 - Instrument of Appointment and Authorisation

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

**File No:**

**Previous Council Reference:** Nil

### Declaration

Chief Executive Officer – Andrew Mason

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

Author - Penny MacDonald

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

### Summary

Council's Instrument of Appointment and Authorisation for the exercise of powers under the *Planning and Environment Act 1987* and the *Local Government Act 2020* has been revised due to the new local government legislation and personnel changes. This report provides advice on the changes and recommends a new Instrument be made.

### Introduction

Council authorises a range of officers to act on its behalf to carry out functions under various State laws that are specific to their roles.

The Instrument of Appointment and Authorisation covers the roles of Planning Officers and Environmental Health Officers in the administration and enforcement of the *Planning and Environment Act 1987*.

### Issues

The Instrument of Appointment and Authorisation, dated 24 October 2019, requires updating due to the new *Local Government Act 2020* and personnel changes in the Planning department and Environmental Health team.

The new Instrument of Appointment and Authorisation would apply to the following officers who are appointed as Planning Officers or Environmental Health Officers with responsibilities under the *Planning and Environment Act 1987*.

- Andrew John Mason
- Aaron Gerard Moyne
- Melanie Osborne
- Darren Stanley Frost
- Lyall Robert Bond
- William Albert Fidler
- Emily Kate Lanman
- John Timothy Murrphy.

### **Policy and Legislative Context**

The authorisation of officers using this Instrument is consistent with legal advice provided by Maddocks Lawyers. The authorisation is also consistent with the Council Plan 2017-2021 commitment that 'Council will demonstrate high levels of ethical behaviour and governance standards'.

The Instrument ensures officers are authorised for the purposes of the *Planning and Environment Act 1987*, the regulations made under that Act, and under section 313 of the *Local Government Act 2020*, which allows officers to institute proceedings for offences against the acts and regulations described in the Instrument.

### **Internal / External Consultation**

Relevant managers and directors have been consulted in the preparation of this report.

### **Financial and Resource Implications**

There are no financial implications associated with consideration of this report.

### **Options**

Council is required to update the Instrument of Appointment and Authorisation for functions under the *Planning and Environment Act* to ensure officers are appropriately authorised to carry out their roles.

### **Conclusion**

Changes to legislation and personnel within the Planning department and Environmental Health team requires Council to update the Instrument of Appointment and Authorisation for functions under the *Planning and Environment Act 1987*. Adoption of the Instrument of Appointment and Authorisation fulfils Council's requirement to ensure its officers are appropriately authorised.

## RECOMMENDATION

That Council, in exercise of the powers conferred by s224 of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached Instrument of Appointment and Authorisation (the Instrument), resolves that:

1. The members of Council staff referred to in the Instrument and listed below, be appointed and authorised as set out in the Instrument:
  - (a) Andrew John Mason
  - (b) Aaron Gerard Moyne
  - (c) Melanie Osborne
  - (d) Darren Stanley Frost
  - (e) Lyall Robert Bond
  - (f) William Albert Fidler
  - (g) Emily Kate Lanman
  - (h) John Timothy Murrhy.
2. The Instrument comes into force immediately the common seal of the Council is affixed to the Instrument and remains in force until Council determines to vary or revoke it.
3. The Instrument of Appointment and Authorisation (Planning and Environment Act 1987) dated 24 October 2019 be revoked.
4. The common seal of Council be affixed to the Instrument.

### COUNCIL RESOLUTION

*MOVED: Cr Durant*

*SECONDED: Cr Brown*

That the recommendation be adopted.

**CARRIED**

### Attachments

1. S11A Instrument of Appointment (Planning and Environment Act) May 2020



*S11A. Instrument of Appointment and Authorisation  
(Planning and Environment Act 1987)*



CORANGAMITE  
SHIRE

**Corangamite Shire Council**

**Instrument of Appointment and Authorisation**

*(Planning and Environment Act 1987 only)*

**Instrument of Appointment and Authorisation  
(Planning and Environment Act 1987)**

In this instrument "officer" means -

- Andrew John Mason
- Aaron Gerard Moyne
- Melanie Osborne
- Darren Stanley Frost
- Lyall Robert Bond
- William Albert Fidler
- Emily Kate Lanman
- John Timothy Murrhny

**By this instrument of appointment and authorisation** Corangamite Shire Council -

1. under s147(4) of the *Planning and Environment Act 1987* - appoints the officers to be authorised officers for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under s313 of the *Local Government Act 2020* authorises the officers either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

**It is declared that** this instrument -

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked.

This instrument is authorised by a resolution of the Corangamite Shire Council on [date]

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

.....  
*Chief Executive Officer*

.....  
*Date*

## 9.10 Records of Assembly of Councillors

**Author:** Andrew Mason, Chief Executive Officer

**File No:**

**Previous Council Reference:** Nil

### Declaration

Chief Executive Officer – Andrew Mason

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

### Summary

This report documents the Assembly of Councillors to be reported since the last Ordinary Meeting of Council on 28 April 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:

- 28 April 2020 Councillor Briefing Session
- 7 May 2020 Councillor Briefing Session Virtual Meeting
- 12 May 2020 Councillor Briefing Session Virtual Meeting

### **RECOMMENDATION**

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

#### **COUNCIL RESOLUTION**

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

**That the recommendation be adopted.**

**CARRIED**

### **Attachments**

1. Record of an Assembly of Councillors 28 April 2020
2. Record of an Assembly of Councillors 7 May 2020
3. Record of an Assembly of Councillors 12 May 2020

# Council

## Record of an Assembly of Councillors



**Date:** 28 April 2020      **Time:** 5.00 pm  
**Place:** Theatre Royal

**Present:**

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

**Officers:**

Brooke Love                       Andrew Mason                       Aaron Moyne                       David Rae

Rory Neeson (Hot Topics Item - Economic Stimulus Package)

**Guests:**

*Nil*

**Issues Discussed:**

Item	Discussion Topic
<b>1</b>	<b>Hot Topics</b> <i>Agenda Items, Covid-19 Update, By-election, Planning Update – 12 Apostles Shop Extension, Goat Farm, Tiny Houses, Graincorp, Airfield, Economic Stimulus Package, Childcare Update, Virtual Meetings, Budget Conflicts of Interest, GSC, Working for Victoria, Eastern Maar</i>
<b>2</b>	<b>Councillor Items</b> <i>Home Businesses in Cobden, Financial Assistance Grants, Port Campbell Recreation Reserve, Footpaths in Terang, Gribbles Road Telstra Tower, Budget Changes.</i>

**Conflicts of Interest declared:**

Cr Gstrein declared an indirect conflict of interest in Hot Topics Agenda Item 9.2 PP2019/140 Buildings and Works for Construction at 28 Lord Street, Port Campbell and Hot Topics Item Economic Stimulus Package.

**Councillor left the meeting at:**

5.10 pm

**Councillor returned to the meeting at:**

5.20 pm

**Councillor Conflict of Interest Form Completed:**

Yes

**Meeting close:** 7.00 pm

**Note taker:** Andrew Mason

# Council

## Record of an Assembly of Councillors



**Date:** 7 May 2020      **Time:** 10.00 am  
**Place:** Virtual Meeting via Zoom

**Present:**

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

*Cr Gstrein left the meeting at 10.28 am and returned at 10.34 am*

**Officers:**

- Brooke Love                       Andrew Mason                       Rory Neeson                       David Rae

**Guests:**

*Nil*

**Issues Discussed:**

Item	Discussion Topic
1	Virtual Council Meeting Arrangements
2	EB Updates
3	COVID-19 Economic Stimulus and Support Package Policy
4	COVID-19 Financial Hardship Policy

**Conflicts of Interest declared:** Cr Gstrein declared a direct interest regarding Item 3.

**Councillor left the meeting at:** 10.28 am

**Councillor returned to the meeting at:** 10.34 am

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

**Meeting close:** 12.30 pm

**Note taker:** Andrew Mason

# Council

## Record of an Assembly of Councillors



**Date:** 12 May 2020      **Time:** 12.30 pm  
**Place:** Virtual Meeting via Zoom

**Present:**

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

*Cr Brown arrived at 1 pm having declared an indirect conflict of interest in Item 1.*

**Officers:**

- Brooke Love                       Andrew Mason                       Rory Neeson                       David Rae

*Jarrold Woff (Item 1)*

*Paul Coverdale, Adam Taylor (Item 2)*

*Aaron Moyne (Item 3)*

**Guests:**

*Stephen Davey – Opteon Solutions (Item 2)*

*Barrie Walder and Terry Maguire – DELWP (Item 2)*

**Issues Discussed:**

Item	Discussion Topic
1	<b>Future Use 31 Main Street Derrinallum</b>
2	<b>2020 Municipal Revaluations</b>
3	<b>Hot Topics</b> <i>Light Vehicle Fleet Policy Review (paper), Agenda Items, Peterborough Airfield, MAV, Childcare, Working for Victoria, David Newman Centre Lease.</i>
4	<b>Councillor Items</b> <i>Cobden Footpath Inspections, Derrinallum Streetscape, Council Nominations for Election, Kawana Court Building Permit, Places of Last Resort, Cobden Streetscape.</i>

**Conflicts of Interest declared:** Cr Brown declared an indirect interest regarding Item 1 and arrived at the meeting at 1pm for Item 2.

**Councillor left the meeting at:**

**Councillor returned to the meeting at:**

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

**Meeting close:** 2.30 pm

**Note taker:** Andrew Mason

## 10. OTHER BUSINESS

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

The following item was submitted:

- The Mayor, Cr N. Trotter, thanked the community for their understanding, patience and compliance with Government restrictions during the COVID-19 Pandemic. As restrictions ease, they Mayor urged the community to take a common sense approach to social behaviour and contact. The Mayor stated that we are still faced with an extremely contagious virus and we need to remain vigilant in case of potential outbreaks and cells of contagion within our community. He urged anyone feeling unwell to contact their healthcare provider, consider getting a flu shot, and continue to practice social distancing and good hygiene, making sensible choices to build on the achievements we have made so far in regard to slowing the spread of this virus.
- Cr S. Illingworth spoke in regard to the many people within our community who are struggling financially and our need to show empathy, patience and understanding.



## 11. OPEN FORUM

Nil.

### COUNCIL RESOLUTION

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

**That standing orders be suspended.**

**CARRIED**

Standing orders were suspended at 7.46 pm

### COUNCIL RESOLUTION

*MOVED: Cr Gstrein*  
*SECONDED: Cr Brown*

**That standing orders be resumed.**

**CARRIED**

Standing orders resumed at 7.49 pm.

## 12. CONFIDENTIAL ITEMS

### RECOMMENDATION

That pursuant to section 66 of the *Local Government Act 2020* (the Act) the meeting will be closed to the public to enable consideration of confidential information that is personal information under section 3(1) of the Act as the information relates to annual salary contributions for vehicles.

### COUNCIL RESOLUTION

*MOVED: Cr Beard*

*SECONDED: Cr Brown*

That the recommendation be adopted.

**CARRIED**

The meeting moved into confidential items at 7.49 pm.

### 12.1 Light Vehicle Fleet Policy and Procedures

### COUNCIL RESOLUTION

*MOVED: Cr Gstrein*

*SECONDED: Cr Brown*

That the meeting move out of confidential items.

**CARRIED**

The meeting moved out of confidential items at 7.53 pm.

**Meeting Closed: 7.53 pm**

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

**CONFIRMED:**

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

**DATE:**

\_\_\_\_\_