



Colac Otway
SHIRE

AGENDA

ORDINARY COUNCIL MEETING
OF THE
COLAC-OTWAY SHIRE
COUNCIL

30 MARCH 2011

at 3:00 PM

COPACC Meeting Rooms

An audio recording of this meeting is being made for the purpose of verifying the accuracy of the minutes of the meeting. In some circumstances the recording may be disclosed, such as where Council is compelled to do so by court order, warrant, subpoena or by any other law, such as the Freedom of Information Act 1982.

COLAC-OTWAY SHIRE COUNCIL MEETING

30 MARCH 2011

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NOTICE is hereby given that the next *ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL* will be held in COPACC Meeting Rooms on 30 March 2011 at 3.00 pm.

AGENDA

1. **OPENING PRAYER**

Almighty God, we seek your blessing and guidance in our deliberations on behalf of the people of the Colac Otway Shire. Enable this Council's decisions to be those that contribute to the true welfare and betterment of our community.
AMEN

2. **PRESENT**

3. **APOLOGIES**

4. **MAYORAL STATEMENT**

Colac Otway Shire acknowledges the original custodians and law makers of this land, their elders past and present and welcomes any descendents here today.

Colac Otway Shire encourages active community input and participation in Council decisions. Council meetings provide one of these opportunities as members of the community may ask questions to Council either verbally at the meeting or in writing.

Please note that some questions may not be able to be answered at the meeting, these questions will be taken on notice. Council meetings also enable Councillors to debate matters prior to decisions being taken.

I ask that we all show respect to each other and respect for the office of an elected representative.

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Thank you, now question time. 30 minutes is allowed for question time. I remind you that you must ask a question, if you do not have a question you will be asked to sit down and the next person will be invited to ask a question. This is not a forum for public debate or statements.

1. Questions received in writing prior to the meeting (subject to attendance and time)
2. Questions from the floor

5. QUESTION TIME

6. DECLARATION OF INTEREST

7. CONFIRMATION OF MINUTES

- Ordinary Council Meeting held on the 23/02/11.
- Special Council Meeting held on the 10/3/11

Recommendation

That Council confirm the above minutes.

OFFICERS' REPORTS

Chief Executive Officer

- OM113003-1 CEO'S PROGRESS REPORT TO COUNCIL
- OM113003-2 CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT

Corporate and Community Services

- OM113003-3 S86 COMMITTEE OF MANAGEMENT - ELECTION OF COMMITTEE
- OM113003-4 CORANGAMITE REGIONAL LIBRARY CORPORATION (CRLC) DEED OF AMENDMENT
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- OM113003-6 REVIEW OF INSTRUMENT OF DELEGATION- OLD BEECHY RAIL TRAIL
- OM113003-7 REVIEW OF COUNCIL POLICIES

Infrastructure and Services

- OM113003-8 COMMUNITY REFERENCE GROUP - COLAC ROAD HIERARCHY AND HEAVY VEHICLE TRUCK ROUTE FOR COLAC TOWNSHIP

Sustainable Planning and Development

- OM113003-9 PLANNING SCHEME AMENDMENTS TO UPDATE THE EROSION MANAGEMENT OVERLAY MAPPING AND SCHEDULE
- OM113003-10 STATE GOVERNMENT CHANGES TO LEGISLATION CONCERNING WIND ENERGY FACILITIES

General Business

- OM113003-11 ASSEMBLY OF COUNCILLORS

Notices of Motion

- OM113003-12 NOTICE OF MOTION 165-1011 GEELONG OTWAY TOURISM
- OM113003-13 NOTICE OF MOTION 166-1011 CORANGAMITE REGIONAL LIBRARY CORPORATION (CRLC)

Rob Small
Chief Executive Officer

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>CHIEF EXECUTIVE OFFICER</u></p> <p><u>OM113003-1 CEO'S PROGRESS REPORT TO COUNCIL</u></p> <p>Department: Executive</p> <p><u>Recommendation(s)</u></p> <p><i>That Council notes the CEO's Progress Report to Council</i></p>		
<p><u>OM113003-2 CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT</u></p> <p>Department: Executive</p> <p><u>Recommendation(s)</u></p> <p><i>That Council writes:</i></p> <ol style="list-style-type: none"> <i>1. To the Prime Minister of Australia, the Leader of the Federal Opposition and local Members of Parliaments declaring its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new Preamble to the Constitution if one is proposed.</i> <i>2. Calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.</i> <i>3. Urges the Australian Local Government Association to continue its campaign to have local government recognised in the Australian Constitution.</i> 		

Recommendation

That recommendations to items listed in the Consent Calendar, with the exception of items, be adopted.

MOVED

SECONDED

OM113003-1**CEO'S PROGRESS REPORT TO COUNCIL**

AUTHOR:	Rhonda Deigan	ENDORSED:	Rob Small
DEPARTMENT:	Executive	FILE REF:	GEN00460

EXECUTIVE**G21 Geelong Regional Alliance**

The Mayor and General Manager Sustainable Planning & Development (deputising for the CEO) attended the G21 Board meeting on the 26 February 2011. Items discussed included:

- Presentation by the City of Greater Geelong (CoGG), "Future Proofing Geelong"
- CoGG presentation on the Yarra Street Pier project
- G21 Marketing and Communications presentation
- Review of current list of G21 priority projects
- G21 submission for Sustainable Population Strategy for Australia
- Armstrong Creek Integrated Education and Health and Community Services Plan
- G21 Regional Land Use Plan Update
- G21 Economic Development Strategy update
- Barwon South West Regional Development Australia update
- Barwon South West Regional Management Forum update
- G21 Pillar updates

Meeting with CEO of Tourism Victoria

The CEO, together with other Barwon South West Council CEOs, met with Mark Stone, CEO of Parks Victoria on the 28 February 2011 to discuss the Regional Tourism Action Plan and the future of Regional Tourism Bodies. It was agreed that Tourism Victoria staff would "cost up" proposals for future structures.

Towards Liveable Communities Coordination Committee (TLC3)

The committee, chaired by the CEO, met on the 1 March 2011 to finalise the terms of reference and membership of TLC3. The Committee is now preparing for a one day workshop in which they will develop an action plan.

DSE/MAV Local Government Native Vegetation Working Group

The CEO attended a meeting of this working group in Melbourne on the 1 March 2011. Items discussed included:

- Amended Terms of Reference for approval
- DPCD Bushfire Responses Team – Overview of VBRC Implementation Activities
- VicRoads Road Fire Risk Assessment Tool and Guidelines - Overview and consideration of the suitability and possible use of the tool & guidelines by councils
- Approaches to Roadside Clearing Exemption for Bushfire Risk.

The CEO has been placed on a smaller working group to look at specific aspects of the roadside vegetation removal to make safer roads during fires.

Barwon South West Regional Management Forum (BSW RMF)

The CEO attended a meeting of the BSW RMF in Camperdown on the 3 March 2011. Included in discussions were:

- Discussion on Working Groups structure
- G21 Priority Projects
- Great South Coast Regional Strategic Plan Implementation
- BSW Community Road Safety Working Group
- Regional Research and Information Centre (RRIC) Presentation
- Climate Change Working Group Update
- Locusts Update
- Assess outcomes and responses of Royal Commission
- Sustainability Accord Update
- Towards Liveable Communities Coordinating Committee (TLC3) Update
- Regional Procurement

Great South Coast Municipalities Group (GSCMG) Meeting

The CEO met with other GSCMG CEOs on the 18 March 2011 in Warrnambool. The meeting discussed:

- Improving Emergency Management in Local Government Program
- GSC Terms of Reference
- Federal and State Government funding guidelines
- Western Region Sustainable Water Strategy update
- Regional Sustainability Indicators workshop outcomes
- GSCMG delegation to Canberra in June

Meetings with Politicians

The Mayor and CEO are continuing to seek opportunities to meet with politicians to raise awareness of the issues facing our Shire and to advocate for improved services for our community. This month meetings were held with:

- The Honourable Tony Burke MP, Federal Minister for Sustainability, Environment, Water, Population and Communities
- The Honourable Simon Crean MP, Federal Minister for Regional Australia, Regional Development and Local Government, and the Arts
- Mr Rob Oakeshott MP, Federal Independent Member for Lyne
- The Honourable Terry Mulder MP, State Minister for Public Transport and Roads

2011/2012 Colac Otway Shire Budget

Councillors, management and staff are working extremely hard on the budget for the next financial year. Finance staff in particular are to be commended for their efforts in ensuring that Council is in a strong financial position in order to provide our community with ongoing services and to meet our ever increasing legislative requirements.

Apollo Bay Meetings

The Mayor and CEO have continued to meet with Apollo Bay residents in Council's Apollo Bay office on a monthly basis. Arrangements for appointments to meet with the CEO and Mayor in Apollo Bay are made by contacting the Executive Officer to the CEO, Mayor & Councillors on 52329458. The next Apollo Bay meeting for the CEO and Mayor will be in the Apollo Bay office on the 19 April 2011 from 4.00pm to 6.00pm.

CORPORATE & COMMUNITY SERVICES

Events

Calendar of Events Project

Entries into the 2011 Autumn/Winter Calendar of Events closed in the last week of February and the selection process for events that qualified to go in the calendar was completed in the first week of March. Advertising will feature in local papers and on posters throughout the Shire in the first week of April and 2,500 complimentary Autumn/Winter Calendar of Events Flyers will be distributed across the Shire.

Australia Day 2012

The Expression of Interest (EOI) process calling for small towns to host 2012 Australia Day Celebrations will open in the next month.

Colac Kana Festival 2011

The 54th annual Kana Festival was a colourful success. Thousands of people attended the festival at Memorial Square enjoying the festivities which included live music, dancing, stalls and food vendors. This year's Kana Parade was themed "A Bugs Life" which proved to be a highlight for those who attended.

Upcoming FReeZA Events

FReeZA Colac Otway Outstanding Leadership "COOL" Awards at COPACC, 1 April as part of National Youth Week. The 2011 Apollo Bay Music Festival 8-10 April. The Next Wave Competition and Youth Stage at the Apollo Bay Music Festival 8-10 April.

Recreation

Public Open Space Strategy

The development of the Public Open Space Strategy is progressing well with the preparation of an Issues and Opportunities Paper and commencement of the community consultation phase. The community workshops and drop-in sessions held in Apollo Bay, Cororooke and Colac were well attended. Furthermore, there has been a good response to the organisational survey and the online community survey. It is anticipated that a Draft Public Open Space Strategy will be received in early May 2011.

Tennis Strategy

Approximately 40 people attended a tennis club forum to discuss issues associated with the sport in the Colac Otway Shire. A range of topics were workshopped including facilities, grants, insurance and Tennis Victoria membership. The forum was facilitated by Council in partnership with Tennis Victoria and the Victorian County Tennis Association. The results from the forum, along with the previously circulated club survey and the upcoming court audit, will be used to prepare the 2011 Tennis Strategy.

Apollo Bay Trails Feasibility Study

An appointment has been made for the position of Project Manager Apollo Bay Trails Feasibility Study. The Study, a partnership between Council, Parks Victoria and the Otway Ranges Walking Track Association, will investigate the feasibility of a series of loop walks in and around Apollo Bay. It is expected that the project will take 12 months to complete. This project is jointly funded by Parks Victoria and the Council.

Old Beechy Rail Trail

The majority of work has been completed in compiling and researching information for the interpretive signage project. Input has been received from DSE, Parks Victoria, local historians, the Colac Historical Society plus the local knowledge provided by members of the Old Beechy Rail Trail Committee. The project comprises a total of 31 interpretive signs (social history, station signs and environmental signs). It is anticipated that the signs will be ready for installation in late April 2011.

Colac Skate Park Redevelopment Project

Work on the redevelopment of the Colac Skate Park commenced in March. It is estimated that the project will take approximately six weeks to complete. A launch is currently in the planning stages to mark the opening of the redeveloped facility which will include skate/bmx demonstrations, competitions and giveaways.

2011-2012 Community Funding Program Review

The 2011-2012 Festival and Events Support Scheme and the 2011-2012 Council Community Funding Program (which includes Recreation Facilities, Community Projects and COPACC Hire Assistance) opened Friday 25 March 2011. Two information sessions will be held in Colac (4 April) and Apollo Bay (5 April) to provide potential applicants with further details about the program. Colac Otway Shire will partner with Leisure Networks who will also provide presentations at these information evenings. The Leisure Networks presentation will focus on how to write a successful grant application.

G21 Physical Action Group

The G21 Physical Action Group is one of four Action Groups within the G21 Health and Wellbeing Pillar. Organisations from the G21 Region form the membership of the Action Group which includes Colac Otway Shire. The G21 Physical Activity action plan is aligned to the G21 Health Promotion and Community Strengthening Strategic Plan for 2009/2012. The Action Plan has been informed through consultation with community organisations and current State and National policy directions. Objectives of the G21 Physical Action group are:

- To engage key organisations and services in providing a collaborative response to addressing Physical Activity levels in the community in the G21 Region.
- To identify priority population groups, informed by relevant evidence and the mapping of existing activity by March 2011.
- To build the capacity of identified priority settings to work more effectively with target populations in the G21 Region by 2012.
- To build relationships and promote physical activity in the media throughout the G21 Region by 2012.

A half day workshop will be held for key stakeholders on 30 March in Geelong to gather and provide further information on "Active for Life – getting people moving from infancy to adulthood."

COPACC**Subscription Season**

COPACC has received great feedback on its first shows in the 2011 season. Furiously Fertile and Breast Wishes both attracted a predominantly female audience who rated both shows highly.

Barista Service

In response to customer feedback COPACC has introduced a barista service, with a mobile coffee cart, which is proving popular with audiences. The service is also available to business event clients.

Dancing Takes Off

More than 480 children and adults now learn to dance each school term week in COPACC's Civic Hall. Three dance schools now operate from the Civic Hall offering tuition in a wide variety of dance forms from Monday to Thursday each week.

Civic Hall Refurbishment

The \$650,000 refurbishment of the Civic Hall, funded by Regional Development Victoria and Council, is on track to be completed in early April.

Blue Water Fitness Centre

Bluewater Fitness Centre has seen its best participant numbers for some years in the new Aerobic timetable. Crank classes have been at full capacity with the introduction of two extra bikes helping to accommodate the demand on these classes.

The gym has obtained two LCD TV's that will be located above the treadmill area. The TVs have been provided as a sponsorship arrangement with local businesses WHK (purchase) and Moran and Bamford (installation).

Bluewater Fitness Centre gym staff had the opportunity to learn about a pilot program run by the Gordon Tafe which gives those working in the fitness industry the chance to further progress their qualifications. Chris Melville from the Gordon in Geelong presented to Bluewater staff the opportunity to undertake a higher qualification, either the Certificate IV in Fitness for those who held a Certificate III in Fitness or the Diploma of Fitness for those who held a current Certificate IV in Fitness. The program is fully funded by the State Government and will provide a fantastic opportunity for staff to up skill in their areas.

Occasional Care in the crèche commenced its service in February. Parents can bring children to the Centre and leave them in the care of qualified staff and attend to appointments or shopping.

The aquatic area has seen the return of five district schools utilising the aquatic hall for their swimming sports. The Centre has been alive with kids getting in and having a go at all strokes and supporting their competitors with school chants.

Due to unseasonal weather, the Apollo Bay Pool attendance has been down on previous months. Furthermore, damage sustained to the solar heating at the Centre has resulted in lower water temperatures. This has also been a contributing factor to the poor attendance.

However, community feedback at the Apollo Bay Pool has been fantastic with many patrons commenting on the professional standards of the staff working at the Centre.

Youth Council

The 2011 Youth Council held its first official meeting on 21 February.

The 13 youth councillors and two Colac Otway Shire officials conducted an election which saw Brittnie Colbourne, a year 12 student at Colac Secondary College, re-elected as chair. Non-school based councillor Lucy Vesey accepted the position of vice chair with Colac Secondary College's Kye Doensen accepting the role of treasurer. Year Nine CSC student Taylah Walters was also voted in as secretary.

Youth Councillors and mentors attended an overnight trip and hike of the Beechy Trail on the 14 and 15 of March. During the trip Youth Councillors participated in bonding exercises, group activities and held formal meetings to determine 2011 Youth Council events and activities.

Environmental Health

Activities undertaken during February

- 10 Septic Tank inspections were carried out with 4 permits to install and 3 permits to use systems being issued.
- 5 food recalls were received and were advised to suppliers within the municipality.
- 5 complaints were investigated in relation to the condition of facilities, including;
 - Offensive smelling septic system
 - Anonymous report of metal object found in food – inspection failed to find source of complaint.
 - Odour from chicken farm
 - Rubbish & fire hazard on private block
 - Food poisoning – unconfirmed, inspection failed to confirm complaint.
- 1 Food recall received and information distributed to relevant stores.
- Staff attended a workshop with Department of Health, Barwon Water & Coastal Proprietors re: quality of drinking water and their responsibilities and also an Infection Control Committee meeting held at Colac Area Health.

Aged & Disability Services

2011 Veteran Home Care Tender

The Department of Veterans Affairs, Veteran's Home Care Services tender has been submitted for the next 3 years. The Shire currently has 43 veterans who use the Shire's General Home Care Services. In 2009 - 52 veterans received services as compared to 2007 when 73 veterans received services. As to be expected, there has been a steady decline in services to the home for veterans. The impact on the Aged & Disability Services has been minimal as hours of service delivery are a very small percentage of the total services provided.

HACC Service Delivery:

Home & Community Services (HACC) general home care services and personal care services for the first half of the financial year (6 months) have seen an increase in demand from the same time last year.

July – December 2009-2010	July- December 2010- 2011	Percentage Change
Home Care: 8,995 hrs	Home Care: 9,949 hrs	10.5%
Personal Care: 4,452 hrs	Personal Care: 5,774 hrs	29.7%

July – December 2009-2010	July- December 2010- 2011	Percentage Change
Delivered Meals : 8,629	Delivered Meals: 6,994	(18.9%)
Centre Based Meals: 1,617	Centre Based Meals: 2,223	37.5%

Due to these increases, an adjustment has been made to transfer some funding from meals to personal care with the Department of Health mid-year negotiations.

Property maintenance and Respite services are tracking within expected goals and Community Transport continues to be well utilised. Assessment, case management and service co-ordination for July- December 2010 is 1,102 hours. The increase in hours of assessment is expected to continue with the introduction of the Active Service Model (see below).

Active Service Model Development Project

The Active Service Model Development Project aims to map and develop both referral and client pathways for HACC clients within the Colac Otway Shire ensuring they reflect the Model. An important component of the program will be developing existing partnerships with HACC service providers and community organizations and establishing new partnerships with other community organisations.

The Active Service Model (ASM) will promote the participation of clients, where appropriate, in all of the services being provided. This may include walking, shopping, home duties, food preparation and personal care. The ASM aims to keep clients as physically and mentally active as possible. This will be especially important for people recovering and rehabilitating from hospitalisation or injury.

Anticipated Project Outcomes:

1. *Identification of referral sources to the HACC Program, Colac Otway Shire. Information provision and education with referral sources about the ASM.*
2. *Development of available resources for HACC clients which support the ASM approach, enabling assessment officers to further develop goal oriented care plans with clients.*
3. *Documentation of the referral and client pathways, including the policy and procedures required and the relevant partnerships.*
4. *Documentation of 8-10 case studies highlighting the connections of clients to community supports with goals related to maintaining and/or improving their health, well being and independence.*

The Department of Health will fully fund this project (circa \$40,000) which is expected to take 12 months.

Maternal & Child Health

There was a strong emphasis on clinical work in February with a high number of enrolments and subsequent home visits. The Apollo Bay office has moved to a larger and more appropriate room within Otway Health and Community Services building, and after a period of inactivity the centre in Beeac is now open every 3rd Friday by appointment, running in conjunction with the playgroup.

Activities undertaken during February

Number of infants enrolled from birth notifications	20
TOTAL number of new enrolments	33 (28 in January)
First Time mothers	15

Key Ages and Stages Consultations

Home visits	30 (21 in January)			
2wks	20	8mths	15	3.5yrs 8
4wks	21	12mths	15	
8wks	17	18mths	15	
4mths	18	2yrs	18	

- 103 Additional Consultations (71 in January)
- 14 Phone Consults
- 10 Opportunistic immunisations
- 20 Referrals (12 in January)
- 26 Counselling sessions provided (10 in January)
- New Parents Groups 6 sessions in Colac (1 in January)
- 47 Families currently enrolled under Enhanced Home Visiting service (Vulnerable and at risk families)

Rural Access

Community Mapping

Rural Access has developed its 2011 Department of Human Services (DHS) Community Building Directions Report which is a forward-looking document describing the current community and organisational priorities for Colac Otway Shire.

To properly determine Colac Otway Shire future priorities, Rural Access will construct a picture of the local community through community mapping. This will develop a comprehensive understanding of community life and the levels of inclusion experienced by local people with a disability and identify emerging trends, issues, opportunities and potential in communities.

Using the information collected in ongoing mapping processes as an evidence base, Rural Access can set local priorities, goals and strategies to meet DHS community building objectives:

1. *To mobilise and support people with a disability to optimise participation in the life of their local community*
2. *To build and strengthen the community's capacity to provide support to people with a disability and their families*
3. *To facilitate integrated local community planning and coordination which engages and involves people with a disability and their families, disability service providers and community organisations*
4. *To work with existing disability support providers to enhance their capacity to provide relevant and appropriate supports in the community*
5. *To improve access to information about relevant services and community activities available to people with a disability in their communities.*

To ensure community mapping is not just an annual task undertaken in isolation, Rural Access will seek to partner with prospective upcoming projects that require mapping, such as: 'TLC3', 'Integrated Living for Older People', 'Transport Connections - Phase 3' and 'Active Service Model and Client Pathways' projects.

Historically, there have been various models of thinking in relation to people with a disability – from the medical and welfare models with the person's status as having a disability, to the social model with the person's status as citizens in the community. The social model has the understanding that it is not necessarily the disability itself which makes life difficult (or is the 'problem') for people with a disability. Often it is the barriers imposed by the environment, such as buildings with steps, or in the form of negative attitudes or stereotypical thinking.

At its best, an inclusive community which celebrates diversity and promotes the rights of all people is likely to see benefits for the whole community. For example improved physical access would also benefit parents with prams, people from non-English speaking backgrounds may benefit from Easy English communication.

Colac Otway Shire Neighbourhood House Disability Action Plan

Rural Access supported Colac Otway Shire Neighbourhood Houses in creating individual Disability Action Plans and applying for the Department of Community Planning and Development 'Small Inclusion Grant' to support implementing access and inclusion projects directly identified from their plans.

The outcome of these projects will give increased opportunities for people with a disability to participate in Neighbourhood House activities and has a direct link to Colac Otway Shire's Access, Equity and Inclusion Plan which promotes social inclusion and participation in community activities for the whole community.

Family Day Care

Family Day Care (FDC) staff are presently being trained for the new Victorian Early Years Learning and Development Framework (VEYLDF). A FDC staff member has attended 3 of the 4 required modules, with the final module to be completed in May 2011. Information from these modules will be taught to the FDC Educators. The VEYLDF will assist in the advancement of the learning and development from birth to eight years by supporting all early childhood professionals to work together, and with families, to achieve the best outcomes for all children. The Framework's motto since its inception has been "*Every Child, Every Opportunity*".

Professionals from all sectors will work together for each child, for example FDC will liaise with families, Maternal and Child Health nurses, kindergarten staff, primary school teachers and other health professionals. By the time children enter school they will have already:

- developed key communication, learning and thinking skills;
- learned to build and maintain relationships; and
- formed a strong sense of their own identity.

These skills and knowledge are the foundation for learning at school, and for lifelong learning.

The Framework sets the highest expectations for every child. It identifies five early years learning and development outcomes for all children:

1. Children have a strong sense of identity
2. Children are connected with and contribute to their world
3. Children have a strong sense of wellbeing
4. Children are confident and involved learners
5. Children are effective communicators

FDC is also about to embrace the National Quality Framework (NQF), the draft of which has just been released. The NQF is very similar to the VEYLDF but targets a cohort from birth to 12 years of age. A staff member is attending the information session about this release and will then instruct other staff. The NQF will replace the National Childcare Accreditation System under Victorian regulations. The Department of Education and Early Childhood Development (DEECD) will monitor and support our service.

Community Services**Volunteering Central - Colac**

A number of Council staff have participated with other health and community service agencies within the Shire in the development phase of a local initiative to provide a one stop shop for registering and accessing volunteer support. The State Government Volunteering Portal will be used as the basis of this volunteering development project.

An advertisement has been released for a project worker, fully funded by a State Government grant, to support the Steering Committee for this project to develop a Volunteering Portal and its uptake by the local community and agencies who require volunteer support to function.

Council will be kept informed of this initiative as it progresses.

Food Security – FoodBank

Conversations have been held with VicRelief FoodBank and a number of local agencies within the Shire which support people in hardship circumstances by providing food vouchers and other food initiatives. Work is currently underway to quantify the number of people receiving support throughout the shire and the development of a local food bank which can be accessed by local agencies to provide food for day-to-day emergencies.

Council will be kept informed of this initiative as it progresses.

INFRASTRUCTURE & SERVICES

CAPITAL WORKS UNIT

Cressy Shelford Road Rehabilitation

Council recently received the next draft of the Cressy-Shelford Road Grassland Rehabilitation and Management Plan from the ecological consultancy, Biosis Research. As agreed by the Steering Committee, this draft will be sent to key stakeholders along with a question and answer sheet to explain where their feedback was either incorporated into the plan or not. Depending on the feedback, Council will either elect to hold further discussion with key stakeholders or forward the draft to the DSE for endorsement.

As part of Council's external awareness raising activities, staff from the Capital Work's unit provided a presentation and information session to the Southern Grampians Shire Council about Colac Otway's experience along the Cressy-Shelford Road. The presentation covered the value of roadsides in preserving threatened flora and fauna, legislative protections for these species and case studies of prosecutions. Following this background, the session then focused on the project management process that Council has introduced to ensure that environmental assets are protected during the delivery of Council's Capital Works and Maintenance programmes. The Southern Grampians Shire were appreciative of the sessions and have requested further information on these processes, as they review their own project management systems.

Council was recently invited to present at the Environment Institute of Australia and New Zealand (EIANZ) on our experience in managing the requirements of the Environmental Protection and Biodiversity Conservation (EPBC) Act (1999). The presentation was part of an information session to EIANZ members and involved presentations from the Department of Sustainability, Environment, Water, Population and Communities (SEWPaC) and environmental consultancies. Council's presentation was received with great interest, as members sought more information on the processes Council have developed to meet the requirements of the EPBC Act.

Emergency Works Agreements – Corangamite CMA (CCMA)

Council recently provided a response to the CCMA on the draft protocol which provides Council with clear obligations and limitations with respect to land slips and soil disposal issues adjacent to declared waterways. The response recommended a number of changes to the draft, including more reliance on Council's biodiversity mapping, a clearer process for

notify the CCMA following the works and determining remedial actions. A copy of the draft protocol has been forwarded to the Department of Sustainability and Environment (DSE) and the Department of Sustainability, Environment, Water, Population and Communities (SEWPaC), seeking their advice in relation to statutory responsibilities for the emergency works.

Heavy Vehicle Truck Route Study

Traffic count information is continuing to be collected in and around Colac to provide traffic data for the Heavy Vehicle Truck Route study. Traffic counts are being conducted at eight intersections to determine road usage by heavy vehicles coming from the south of Colac. Counts are expected to continue until mid April.

Old Beechy Rail Trail

Work is continuing on the Cultural Heritage Management Plan (CHMP) for the Dinmont to Ditchley section of the trail. It is anticipated that a draft CHMP will be available by the end of 2011. Council staff will review the CHMP before it is sent to Aboriginal Affairs Victoria for approval.

Plans for works on the Banool to Wimba section (to move some on road sections of the trail off road) are being reviewed with Cosworks with the expectation that works will be undertaken in April/May.

The design for the extension of the trail from Beech Forest to Ferguson is continuing. Comments on the initial draft have been made and provided to the consultant (Project Delivery).

SUSTAINABLE ASSETS UNIT

Building Maintenance and Renewal

<i>SP&D Accommodation</i>	Corangamite Regional Library Corporation has vacated the former library building. Council's architect is currently preparing concept plans for the new SP&D office which was presented to the project team in mid March 2011 for further discussion prior to the drafting of detailed designs.
<i>Stonyford Hall</i>	Upgrading of mains power and renewal of switchboard and wiring has been completed. Quotations are currently being sought for repairs to external cladding, refurbishment of the kitchen, and construction of a concrete path from the front gate to the north and west entrances.
<i>Beech Forest Hall</i>	Old damaged concrete and pavers on the north side of the hall have been removed and replaced with a new concrete path. The rotted timber windows and doorway on the south side have also been replaced with new aluminium framed windows and doors.
<i>Colac VIC</i>	Repairs to balustrade and decking complete. Painting of the exterior of the building has also been completed.
<i>Memorial Square Rotunda</i>	Works to replace pavers completed and painting has been finalised.

<i>Cororooke Hall</i>	Works to install disabled access ramp commenced in mid March 2011. Quotes are presently being sought to upgrade the existing toilets to the hall.
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Routine Road Inspections

The following is a summary of the routine road and footpath network inspections completed for the month of February 2010:

<i>Warrion Ward Area 2 Roads</i>	This area incorporates the localities of Ondit, Balintore, etc. A number of signs and guide posts were found to be either damaged or missing. Signs requiring replacement have been placed on order and will be erected on arrival by Cosworks. All missing and damaged guide posts have been replaced.
<i>Colac Urban Roads</i>	A number of signs and guide posts were found to be either damaged or missing. Signs requiring replacement have been ordered and will be erected on arrival by Cosworks.
<i>Footpath Inspection Level 1 Colac</i>	This inspection zone includes footpaths located in the CBD and other high pedestrian areas such as churches, schools, etc. Overhanging vegetation was identified as being a significant issue with private tree matters being referred to Council's Local Laws for follow up. Street trees encroaching over footpath have been referred to Cosworks to program trimming. Isolated areas of concrete footpath where differential movement has been noted has been programmed for maintenance grinding.
<i>Warrion Ward Area 4 Roads</i>	This area incorporates the rural areas surrounding the townships such as Beeac, Birregurra, and other localities including Eurack, Irrewarra, and Weering. All guide posts identified as being missing or damaged have been replaced. Other signs defects such as damaged, missing signs, or damaged poles were also noted with maintenance responses being programmed to meet the specified timeframes in Council's Road Management Plan.

Footpath Reconstruction Program

The footpath reconstruction program is continuing with sections of concrete path in Queen Street, Bromfield Street, Dennis Street, Lyons Street, and Polwarth Street all being replaced in the recent past. There is further reconstruction work scheduled in Murray Street East.

Areas of footpath in Apollo Bay have been included in this year's program, with works to commence following completion of activities in Colac.

Landslip Rehabilitation Program

Works continue on a programmed basis to remediate a large number of road slips which occurred as a result of the intense storms experienced in late 2010. Works completed thus far include slips on:

- Killala Road;
- Old Beech Forest Road;
- Old Illuka Road;

- Blue Johanna Road;
- Amiets Track; and
- Upper Gellibrand Road

The value of the slip reinstatement works completed to date is in the order of \$245,000 most of which is unbudgeted. Council officers have made progressive claims to the Department of Treasury and Finance for funding under the National Disaster Financial Assistance Program.

Queen Street Drainage Rehabilitation

Rain from the storm that occurred in Colac on the evening of November 24 last year caused the collapse of a drain pipe running parallel with Murray Street from Queen Street to the Barongarook Creek.

The collapse of the underground drainage pipe resulted in damage to a section of the concrete footpath in Queen Street, as well as some of the garden area on the Queen Street side of the Visitor Information Centre.

Council outdoor staff cordoned off the area along Queen Street following the damage. Repair work on the collapsed drain has commenced. Council's contractors started work at the base of the drain pipe near the litter trap in the public barbecue and recreation area at the bottom of the Visitor Information Centre. That work is now complete and contractors are ready to commence work on the top section of the drain. The area below the Visitor Information Centre has been cordoned off to the public for the duration of the works for safety reasons.

Once the drain pipe is repaired, the footpath and kerbing will be reinstated and the Visitor Information Centre garden will be backfilled and replanted. It is expected that all repair works will be completed prior to the middle of April 2011.

COSWORKS DEPARTMENT

Capital Works: Queen St reconstruction works 95% completed
Barham River Road reconstruction completed
Hordern Vale Road reconstruction works completed
Warrowie Road reconstruction 50% completed
Amiets Track slip works completed
Blue Johanna Road slip works completed
Old Iluka Road slip works 60% completed

Storm Damage: There has been no storm damage across the Shire during the last month.

Road Regrading: Maintenance grading has commenced in all areas of the Shire.

Road Pavement Minor Patching: Minor patching works continues on sealed roads in all areas of the Shire.

Gravel Road Re-sheeting: Resheeting works will continue when conditions are damper to assist with the compaction of roads.

Major Drainage Works: Major drainage works have been completed on Kent's Road, Forrest; McDonalds Road Kawarren; Skene Creek Streets; Tuxion Road; Morris Access; Old Hordern Vale Road; Warrowie Road; Griffins Road; Strachan and Slater Streets, Birregurra.

Routine Drainage Works: Routine drainage works have been undertaken in Kennett River, Wye River, Grey River, Separation Creek, Barham River, Leorkes Access, Wild Dog Road, Binns Road and Busty Road areas.

Vegetation Control: Vegetation control works have been undertaken on Mannagum Drive, Bracks Access, Blanket Bay, Apollo Bay Township, Hiders Access, Melanesia Track, Old Ocean Road and Watsons Access.

Roadside Slashing: Roadside slashing has been completed in Cressy, Beeac, Irrewarra, Birregurra and Barwon Downs areas.

Tree Maintenance: Trimming works have been ongoing in Colac, Gellibrand and surrounding areas.

Township Mowing: Township mowing continues due to rapid grass growth following the unseasonal rain patterns. Weed spraying has occurred throughout the Shire.

Gardens: General maintenance of all gardens has been undertaken.

Playground Maintenance: Playground maintenance has been completed as per recommendations and inspections required under the playground audits.

MAJOR CONTRACTS/WASTE UNIT

Barwon Regional Waste Management Group (BRWMG) Board Meeting 24 February 2011

The first 2011 quarterly Board Meeting of the BRWMG was held at Geelong on 24 February. The main topics discussed at the meeting are summarised below:

- Presentation by Peter Dyson of Moltoni Energy on “Waste to Energy” Plant –five potential sites are currently being looked at for establishing a Waste to Energy Plant. The plasma technology relies on converting the waste to ash under very high temperatures of up to 1350°C. Electricity, synthetic gases and steam are produced during the process. One of the useful bi-products is bricks and pavers from ash. A sample of brick produced through this process was presented at the meeting for sighting. It is anticipated that the project feasibility will be completed in May 2011. At this stage the proposed technology is proposed for treatment of hazardous waste only, even though it can process the municipal solid waste as well. The company is awaiting Minister’s response on a hazardous waste funding support request;
- Flex Ethanol Project Australia – A consortium comprising of Moltoni Group, Caltex and General Motors is pursuing waste to ethanol plant. Test results are expected by April 2011; and
- Presentation by Rob Milliard of Metropolitan Waste Management Group (MWMG) – It was indicated that in the Melbourne metropolitan area, approximately 86,000 tonne of organic waste is composted and 122,000 tonne used for rehabilitation works. In addition to transporting 10,000 - 15,000 tonnes of organic waste to Mount Gambier, other organic waste processing options being utilized are - on farm composting trial at Ballan and the Barry Quarry reinstatement project.

Other items that were discussed from a regional waste management perspective were:

- A Business Planning Workshop to be held on 29 April 2011;
- Review of Regional Waste Management Groups – currently put on hold by the Minister;
- BRWMG Future Waste Management Direction –

- On Farm composting of green waste for the 2-3 year interim period. Funding support has been sought from Sustainability Victoria (SV);
- Domestic Asbestos Reveal Facility Project – there is a lack of government funding for implementing a State-wide program, BRWMG to pursue with Government the request for increased funding;
- Recycling and fundraising through schools – a trial has been conducted amongst five Geelong schools. Endeavour will be made in future to extend this program to other schools in the region;
- Second-hand Saturday's Program – being considered to launch this program as a part replacement to a Hard Waste Collection option. Colac Otway Shire is likely to be invited to support this program. The program will offer two free recycling collection days at transfer stations within the Council area. The group will be developing a "hardship policy" that could be taken into account with this project for ensuring equal benefit to disadvantaged groups; and
- New Community Sustainability Education Centre – it has been proposed that a consultant be appointed to undertake a Feasibility Study.

Request for Sand – Otway Coast Committee

The Otway Coast Committee has written a letter to Council requesting supply of sand from the Apollo Bay Harbour Point Bunbury Groyne area. Biosis Research Pty Ltd, Ballarat, were appointed in 2008 for conducting an assessment of groyne vegetation.

The report prepared by Biosis indicates that there is presence of a protected species of vegetation named "Sea Blackweed" which has restricted Council from carrying out sand excavation works without obtaining necessary Coastal Management Act Consent through DSE. Contact has been made with DSE and Department of Transport (DOT) Port Management making them aware of the request for sand for carrying out sand dune rehabilitation works. An onsite meeting has been scheduled with DSE and DOT to investigate the Groyne area and discuss consent issues. The approval process may require fulfilling "Flora Net Gain" conditions meaning that any loss of preferred vegetation may have to be compensated for by replanting elsewhere.

Waste Update

Battery World

In order to reduce costs to Council, discussions have been held with Battery World in regard to collection and disposal of household and car batteries at transfer stations. Battery World will supply at our cost dedicated bins for collections. Small ones can also be placed in customer service centres for household batteries. These will then be recycled by battery world as part of their recycling campaign at no cost to council except transportation.

Apollo Bay Resource Recovery Centre

The Mayor officially opened the Apollo Bay Resource Recovery Centre at 11.00am on Thursday 10 March 2011. In addition to Council's elected members and officers, a number of distinguished guests attended who have assisted with or are associated with the waste management sector. Media releases were made regarding commencement of operations at the new facility. Representatives from Sustainability Victoria, Environment Protection Agency and Regional Waste Management Group attended the event together with the building contractor, Council's waste contractors, local users and stakeholders.

Organics Facility

The loader at the organics facility has been sent for repairs due to continual overheating and wear and tear to the bucket. Arrangements have been made to hire a loader at the Alvie

Transfer station for the interim period. It is intended to replace the loader as part of the Plant Replacement Program.

Birregurra Transfer Station

Recently discussions were held with Barwon Water in regard to placement of surplus clay from ongoing Birregurra sewer works at the Birregurra landfill site which is due for post closure landfill rehabilitation works in the future. It is foreseen that the stockpiled clay could be used when Council rehabilitates the old landfill site. A gravel track will need to be placed inside the landfill site to allow dumping of material. Council's past experience suggests that sourcing of clay for landfill rehabilitation works can be difficult at times therefore utilization of surplus clay from sewerage works will be beneficial and cost effective for Council.

Tenders

No tenders have been opened since the last reporting period.

No tenders have been awarded since the last reporting period.

No tenders have been advertised since the last reporting period.

Tenders currently being prepared include:-

- Birregurra Neighbourhood Character Study;
- Electricity Supply To Public Lighting (by Procurement Australia);
- Colac Youth Club Refurbishment;
- Supply & Delivery Of Grader;
- Supply & Delivery Of 3 Tonne Truck; and
- Drainage Design & Analysis - Apollo Bay.

Subdivision Works

The following table shows the current status of various subdivisional works which will be handed over to Council when completion is approved:-

Subdivision	Status
Apollo Bay Industrial Estate Stage 1 9 lots	A certificate of compliance has been issued and outstanding works guaranteed with a security bond. The developer is continuing to complete all works for stage 1.
Rankin Street Subdivision 19 lots	Contractors have completed construction works for this subdivision. Some minor kerb repair work is required.
Wyuna Estate Stage 11 24 lots	Completion of the civil works has been achieved with a compliance certificate expected to be issued shortly following finalisation of landscaping responsibilities.
38-46 Cawood Street Subdivision 20 lots & reserve	Construction plans have been approved by Council's Infrastructure & Services Department for this Apollo Bay residential subdivision with contractors expected to commence works in April 2011.

Bituminous Sealing Works

Sprayline Surfacing Services completed sealing work in Colac Otway Shire in March after weather related delays over several months had put their works program behind. Fine weather has seen Council's annual spray sealing program completed in less than two weeks after Sprayline returns.

Colac Botanic Gardens Footpath Construction

Approximately 350 lineal metres of exposed aggregate footpath has been constructed at Colac's Botanical Gardens. A delay to completion of the works has been caused by changes to the alignment of proposed access steps from the viewing platform. An amended design is currently being prepared by engineers providing a new alignment in accordance with the original concept plan for the botanical gardens (by Guilfoyle in about 1910) and also in consultation with Heritage Victoria and "Friends Of The Gardens".



Exposed Aggregate Footpath



Construction Of Viewing Platform

Gellibrand Landfill Rehabilitation Works

Approximately 1,000 cubic metres of clay has been transported to the site with testing being undertaken. The Contractor should continue with the works shortly when more material is supplied, topsoil stockpiling has occurred and a site survey is carried out.

COPACC Civic Hall Alterations

Previous problems associated with diversion of existing plumbing and electrical services have been resolved. The slab footing was poured in February and the project is progressing well with walls, roof and internal structural alterations nearly finished. Electrical installation including switchboards and the control room equipment for stage productions is on track for a completion date of early April. Currently over 60 percent of work is complete.



Colac Skate Park Extension

B.D.H. Constructions Pty Ltd. was awarded the contract to construct extensions to the Colac Skate Park after tenders closed in December 2010.

Currently the Contractor is preparing to commence site works in March when skate park access will be restricted for approximately six weeks.

The works will include construction of an additional "curved ramp", "spine ramp" and "moguls".

SUSTAINABLE PLANNING & DEVELOPMENT

Draft Rural Living Strategy

The draft Rural Living Strategy is currently on public exhibition and written feedback is being sought. The draft Strategy reviews potential areas for rural living development in the Shire as well as the boundary of each of the Shire's small towns. It also recommends refinements to the existing policy relating to houses and subdivision in rural areas. Four community information sessions were held in Lavers Hill, Colac, Cororooke and Gellibrand late in February to explain the project. Submissions close on 4 April 2011.

Apollo Bay Harbour Master Plan Planning Scheme Amendment

Council has received a \$95,000 grant from the State Government under its Creating Better Places program and a contribution of \$160,000 from Tourism Victoria to prepare and exhibit a planning scheme amendment that incorporates the Apollo Bay Harbour Master Plan into the Planning Scheme. Officers are currently engaging with the community to explain the project prior to appointing a project manager and commencing the process.

Draft Birregurra Structure Plan

The closing date for submissions on the draft Birregurra Structure Plan has been extended until 30 June 2011 to allow further information sessions and engagement with interested members of the public. A Community Reference Group was appointed by Council in February to assist in this process. This group has been established and held its first meeting on 28 March 2011. A public information session will be held in Birregurra in April 2011.

Birregurra Neighbourhood Character Study

Tenders have been called for the preparation of a Neighbourhood Character Study for Birregurra. The project will document the valued aspects of the character of the town, and develop a framework of planning controls for inclusion in the Planning Scheme to guide future decision making on planning permit applications. The Community Reference Group established for the draft Birregurra Structure Plan will be used as a means of providing community input into the Neighbourhood Character Study. It is expected a consultant will be appointed late in April 2011.

Draft Forrest Structure Plan

Officers and the consultant are reviewing the submissions prior to finalising the final draft of the Structure Plan and preparing a report for consideration by Council over the coming months. The Forrest Structure Plan will now be processed separately to the Birregurra Structure Plan following extension of the exhibition period for that Plan.

Colac and Apollo Bay Car Parking Study

The Issues and Opportunities Papers were exhibited to the public early in 2010 and a series of community workshops took place in Colac and Apollo Bay. Consultant AECOM has prepared a draft Car Parking Strategy and Precinct Plan which will be considered by the project steering committee on 28 March prior to its presentation for consideration by Council at the April Council meeting for public exhibition.

Apollo Bay Future Settlement Boundary and Urban Design Review

An Issues Analysis Paper produced by the project consultant Planisphere is currently on public exhibition for a period of six weeks. A community bulletin was posted to all owners and occupiers of land in Apollo Bay and Marengo, as well as adjoining land, inviting them to attend a "drop-in" information session on Saturday 26 March 2011 from 10am to 1pm. The session was held at the Krambruk Room in the Apollo Bay Hotel, where officers and the consultant team were available over a three hour period to answer questions about the project. People were encouraged to submit comments on the Issues Analysis by completing the feedback form attached to the community bulletin.

State Government Changes to Wind Farm Provisions

Amendment VC78 was gazetted by the Victorian Government on 15 March 2011, and amends the Victorian Planning Provisions and all planning schemes in Victoria to remove the Minister's decision making powers regarding wind energy facilities of 30 megawatts or greater. This makes councils the responsible authority for all planning permit applications for the use and development of land for the purpose of a wind energy facility.

Amendment VC78 also introduced other changes to strengthen wind farm policy by promoting greater consideration of local amenity impacts, introducing additional application requirements, updating the New Zealand wind farm noise standard, and introducing new guidelines – *'Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria' (March 2011)*.

It is understood that expert advice will be available to councils, and in cases where a proposal straddles local government boundaries or presents particularly complex issues beyond the technical expertise or resource capacity of a council, the option to refer a project to the Minister for Planning is available.

Fire Prevention and Planning

The Fire Danger Period ended on 14 March 2011. The period ended earlier than normal this year due to the wet conditions we have been experiencing. This means that people can burn without a permit in many cases but if they are unsure about what they can and cannot do they need to check with Council first. Accordingly, Council's fire prevention inspection programme has ended and although some people failed to maintain their property to a satisfactory level, the vast majority of people complied. This is a good result given that the grass growth has been prolific this year. Council is continuing to work with the Municipal Fire Management Planning Committee on the development of a new Municipal Fire Management Plan. Council is required to have a draft plan completed by 30 October 2011.

Neighbourhood Safer Places

There are currently no designated Neighbourhood Safer Places in the Colac Otway Shire. Work continues in relation to trying to establish Neighbourhood Safer Places in four very high risk towns while new sites have been assessed in three lower risk towns. Although an extensive amount of work needs to be undertaken to establish sites in the very high risk townships and may not be achievable, it is envisioned that it will be less substantial in the lower risk towns. It is important to highlight that even if a Neighbourhood Safer Place is established it is a place of last resort. People need to have an established fire plan that is focused on the preservation of life. The presence of a Neighbourhood Safer Place in towns should not influence individual fire plans. These sites should only be used as a place of last resort to go to when individual fire plans have failed.

Relief and Recovery Planning

Council recently engaged a very experienced consultant to help develop and finalise a Municipal Recovery Plan and a number of associated Relief Centre Plans. These plans will guide how we help the community cope with emergency events in both the short term relief phase and the longer term recovery phase. It is hoped that the final plans will be submitted to Council in July 2011.

Animal Registrations

Animal registration renewal forms were sent out in the middle of March. People need to pay their registrations by 10 April 2011. It is important that people re-register their animals to ensure that they can be returned to them if they escape and to comply with the State Government Domestic Animals Act. As a special incentive for this year, people who have never registered their animals in the past will not be penalised if they pay by 10 April 2011.

Clean Up Australia Day

Council helped organise a number of events across the region on 6 March 2011 as part of Clean Up Australia Day. 22 people helped collect approximately 2 tonnes of garbage and spread 50 cubic metres of mulch around Lake Colac and Barongarook Creek. Council is investigating doing a separate Clean Up Colac or Clean Up Apollo Bay Day in the future.

Earth Hour

Earth Hour was held on 26 March 2011 at 8:30pm. Colac Otway Shire residents can join hundreds of millions of people showing their commitment to the environment by participating in Earth Hour. To help promote this event in the community, Council provided free tickets to see the soon-to-be-released Touchstone animation Gnomeo and Juliet at the Colac Cinema. The movie started at 6.30pm and participants were encouraged to go home after the movie and to keep their lights off from 8.30pm to 9.30pm. The cinema power was supplied through green energy sources and an earth hour display ran in the foyer before the movie so people could see iconic places all around the world participating.

Business Development

The 'On the Front Foot for Business' mentoring program proved a success with the lunch address well attended and the individual sessions were fully booked. All participants reported that the sessions were very worthwhile.

The Economic Development Unit Business Survey was completed by the end of March 2011 to gauge business interest in sustainability initiatives, training programs, networking opportunities, government assistance. We will also be surveying investment forecasts, employment prospects and general business confidence.

GOR RTB Implementation Committee

Tourism Victoria Acting CEO Mark Stone has held his first meeting with Barwon South West CEOs to break the impasse created by the inability of the region to develop a structure for the region agreeable to all parties. The final result will not be achieved until early in the new financial year.

Trade Training Centre

COVEC members including Council representative, Manager Economic Development, attended the State Government briefing session on the implementation program for TTCs on 15 February 2011. It is likely that COVEC will spend the next six months planning the governance, management and building of the centre. The anticipated opening date is first term 2013.

STIP

Project Proposals for the coming year have been received from Cressy, Beeac, Gellibrand, Carlisle River, Barwon Downs, Forrest, Wye River and Birregurra. These proposals will be circulated to officers to ensure the proposed projects will meet statutory requirements and will then be presented to the STIP Committee of Council for selection. It is anticipated that several of these projects will be able to attract external funding.

Projects in Forrest, Beech Forest and Gellibrand have been completed as a part of the 2010/11 program.

Attachments

Nil

Recommendation(s)

That Council notes the CEO's Progress Report to Council

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OM113003-2

**CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT**

|             |               |           |           |
|-------------|---------------|-----------|-----------|
| AUTHOR:     | Rhonda Deigan | ENDORSED: | Rob Small |
| DEPARTMENT: | Executive     | FILE REF: | GEN004460 |

**Purpose**

To seek Council's approval of a letter to the Prime Minister of Australia, the Leader of the Federal Opposition and local Members of Parliament declaring this Council's support for formal financial recognition of local government in the Australian Constitution.

**Declaration of Interests**

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

**Background**

The role of local government has no official recognition within the Australian Constitution. As a result the Federal Government does not have the legal capacity to fund councils directly to achieve national outcomes.

Following the 2010 Federal Election, the Prime Minister committed to holding a dual referendum on the constitutional recognition of local government and the recognition of Indigenous Australians. The Federal Government has gone as far as funding the Australian Local Government Association (ALGA) to conduct research and a campaign towards having local government formally recognised in the Constitution.

ALGA has proposed a form of financial recognition of local government for the Australian Constitution which will not impact on the relationship between councils and state governments. This proposal has been endorsed by local government associations and ALGA at its annual forum last year and is now seeking endorsement by all councils.

**Council Plan / Other Strategies / Policy Leadership and Governance**

Council will fulfil its leadership, statutory and legal obligations to its community and staff in a way that is: fair, ethical, inclusive, sustainable, financially responsible and meets the needs and practical aspirations of current and future generations.

**Issues / Options**

In 2009 a decision by the High Court clearly indicated that the Australian Government does not have the power to fund local government directly. It is therefore important that the Constitution be changed to allow direct funding of local government by the Federal Government to continue. The Colac Otway Shire relies on funding from the Federal Government to complete some of its infrastructure and community based projects. A loss of this funding stream will have a major impact on the delivery of services by this Council. The proposal put forward by ALGA will guarantee the continuation of funding from the Federal Government.

**Proposal**

That Council declares its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local

government directly and also for inclusion of local government in any new Preamble to the Constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.

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

Nil

#### **Risk Management & Compliance Issues**

If the Colac Otway Shire can no longer be funded directly by the Federal Government, the capacity of the Council to meet the needs of its community will be severely impacted upon.

#### **Environmental and Climate Change Considerations**

Not applicable.

#### **Community Engagement**

The community engagement strategy will follow the recommendations of the Colac Otway Shire Council Community Engagement Policy of January 2010, which details five levels of engagement – inform, consult, involve, collaborate and empower.

Community engagement is not applicable with respect to this issue.

#### **Implementation**

If Council adopts this recommendation, letters will be sent to the Prime Minister of Australia, the Leader of the Opposition and local Members of Parliament declaring Council's support for Constitutional recognition of Local Government.

#### **Conclusion**

Given the 2009 High Court decision which found that under the current Constitution the Federal Government does not have the power to fund local government directly, a referendum change is required to maintain existing funding streams.

#### **Attachments**

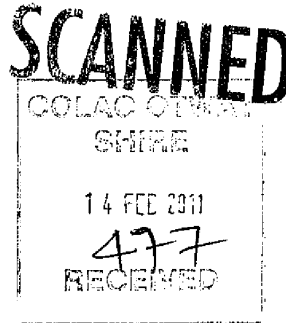
1. Letter from ALGA

#### **Recommendation(s)**

***That Council writes:***

- 1. To the Prime Minister of Australia, the Leader of the Federal Opposition and local Members of Parliaments declaring its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new Preamble to the Constitution if one is proposed.***
- 2. Calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.***
- 3. Urges the Australian Local Government Association to continue its campaign to have local government recognised in the Australian Constitution.***

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Cr Lyn Russell
Mayor
Colac-Otway Shire Council
PO Box 283
COLAC VIC 3250

Dear Mayor Russell,

Constitutional Recognition of Local Government – A role for Councils

In June last year, following the 2010 National General Assembly of Local Government, Geoff Lake wrote to you providing an update of progress on the Australian Local Government Association's (ALGA's) campaign for a referendum on the constitutional recognition of local government and providing copies of fact sheets and a brochure designed to highlight the importance of local government to local communities. I am now writing to advise you of further progress and to invite your council to become directly engaged in the campaign for constitutional recognition.

Following the 2010 Federal Election, Prime Minister Gillard committed to holding a dual referendum on the constitutional recognition of local government and the recognition of Indigenous Australians. The referendum will most likely be held in conjunction with the 2013 Federal Election. The challenge for local government is now threefold: to ensure the referendum is held; to ensure that the type of recognition sought meets our requirements; and to make sure we have a positive result in the referendum itself.

ALGA has devoted considerable resources over the past three years to developing the case for constitutional reform and the need for reform. That need was highlighted in stark terms in 2009 by the decision of the High Court in *Pape v Federal Commissioner of Taxation*. In that case the High Court set out the limitations of the Australian Government's powers and, in doing so, clearly indicated that the Australian Government does not have the power to fund local government directly.

It is obviously in the best interests of local communities that Federal Governments, whatever their political persuasion, have the capacity to fund councils directly to achieve national objectives. This is why our preference is for a pragmatic and simple change to the Constitution (most likely to Section 96) which would allow direct funding to continue. ALGA's research shows that this simple and pragmatic change is most likely to garner the necessary public support. ALGA has not ruled out recognition of local government in a Preamble to the Constitution if one is proposed but such limited recognition alone would not meet local government's requirements and address the uncertainty highlighted by the *Pape* case.

The form of financial recognition of local government proposed by ALGA, which will not impact on the relationship between councils and state governments, has been endorsed by your local government association and all other state and territory local government associations. ALGA believes it is now important that this position also be endorsed by all councils to demonstrate to Federal and state governments, oppositions and political parties that the position has widespread support within local government.

I am therefore writing to all councils to ask them to pass a resolution in council chambers in the first few months of 2011 endorsing the position that a referendum be held by 2013 to change the Constitution to allow direct funding of local government bodies by the Commonwealth Government and also to include local government in any new Preamble to the Constitution if one is proposed. I have attached the draft text of a possible resolution for your assistance.

It is ALGA's intention that a Constitutional Declaration for Councils will be submitted for signature by council representatives at the conclusion of the 2011 National General Assembly of Local Government on 22 June 2011. ALGA's objective is that all councils will be in a position to sign the Declaration supporting financial recognition at that time.

As part of local government's campaign, it is also important to ensure that national political leaders are left in no doubt about our commitment to constitutional recognition. I am therefore also asking that councils write to the Prime Minister, the Leader of the Opposition and their local Federal Member of Parliament to advise them of councils' support for recognition after councils have passed a resolution in council chambers. I have enclosed some suggested text for such letters which you might find useful.

I will be writing to you again in the coming months with further materials which will help council in a campaign to win broad public support for constitutional recognition. While the challenge of reform is substantial, I have no doubt that by working together we can overcome any obstacles and bring about a much more sustainable and secure future for councils and local communities throughout Australia.

Yours sincerely



Cr Genia McCaffery
President

DRAFT LETTER TO PRIME MINISTER
The Hon Julia Gillard MP
Prime Minister
Parliament House
CANBERRA ACT 2600

[Insert date]

Dear Prime Minister

Constitutional Recognition of Local Government

The Government's announcement to hold a referendum into the constitutional recognition of local government by 2013 is welcomed by [insert name of council].

Councils throughout Australia play a vital role in the provision of essential services and infrastructure at the local and regional level including at times of natural disasters.

I am writing to advise you of a resolution passed recently by Council supporting the constitutional recognition of local government and to seek your support for Council's position.

The importance of the constitutional recognition of local government has been highlighted in stark terms by the 2009 decision of the High Court in the case of *Pape v Federal Commissioner of Taxation* which raises legal doubt over the Commonwealth's powers to fund local government directly.

Council strongly supports constitutional recognition as an essential step in ensuring that local communities receive the services and infrastructure they deserve. Council considered and passed the following resolution on [insert date].

[insert name of council] declares its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new Preamble to the Constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.

Council urges you to support the constitutional recognition of local government and I look forward to your response.

Yours sincerely

Mayor

DRAFT LETTER TO LEADER OF THE OPPOSITION

The Hon Tony Abbott MP
Leader of the Opposition
Parliament House
CANBERRA ACT 2600

[Insert date]

Dear Mr Abbott

Constitutional Recognition of Local Government

Bipartisan support for a referendum proposal is essential for its success. The leaders of the Liberal Party and National Party both publicly supported the constitutional recognition of local government at the 2010 National General Assembly of Local Government. The recent announcement by the Federal Government to hold a referendum into the constitutional recognition of local government by 2013 is an important step in the process of reform.

Councils throughout Australia play a vital role in the provision of essential services and infrastructure at the local and regional level including at times of natural disasters.

I am writing to advise you of a resolution passed recently by Council supporting the constitutional recognition of local government and to seek your support for Council's position.

The importance of the constitutional recognition of local government has been highlighted in stark terms by the 2009 decision of the High Court in the case of *Pape v Federal Commissioner of Taxation* which raises legal doubt over the Commonwealth's powers to fund local government directly. This needs to be resolved once and for all.

Council strongly supports constitutional recognition as an essential step in ensuring that local communities receive the services and infrastructure they deserve. Council considered and passed the following resolution on [insert date].

[insert name of council] declares its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new Preamble to the Constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.

Council urges you to support the constitutional recognition of local government and I look forward to your response.

Yours sincerely

Mayor

DRAFT LETTER TO YOUR LOCAL MP
Mr/Ms X, MP
Member for [insert name of electorate]
Parliament House
CANBERRA ACT 2600

[Insert date]

Dear Mr/Ms X

Constitutional Recognition of Local Government

At the 2010 National General Assembly of Local Government, leaders of the major political parties – Labor, Liberal, National and Greens - publicly supported the constitutional recognition of local government. History has shown that bipartisan support is essential for any referendum proposal to succeed. Each parliamentarian will cast a vote on the referendum proposal and as the local Member for [insert name of electorate] I am writing to seek your support and the support of your party.

Councils throughout Australia play a vital role in the provision of essential services and infrastructure at the local and regional level including at times of natural disasters.

I am writing to advise you of a resolution passed recently by Council supporting the constitutional recognition of local government and to seek your support for Council's position.

The importance of the constitutional recognition of local government has been highlighted in stark terms by the 2009 decision of the High Court in the case of *Pape v Federal Commissioner of Taxation* which raises legal doubt over the Commonwealth's powers to fund local government directly. This needs to be resolved once and for all. Financial recognition of local government will enable the Federal Government to directly fund local government.

Council strongly supports constitutional recognition as an essential step in ensuring that local communities receive the services and infrastructure they deserve. Council considered and passed the following resolution on [insert date].

[insert name of council] declares its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new Preamble to the Constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.

Council urges you to support the constitutional recognition of local government. I am keen to discuss the issue with you further and I look forward to your response.

Yours sincerely

Mayor

CONSENT CALENDAR

OFFICERS' REPORT

D = Discussion

W = Withdrawal

| ITEM | D | W |
|--|---|---|
| <p><u>CORPORATE AND COMMUNITY SERVICES</u></p> <p><u>OM113003-3 S86 COMMITTEE OF MANAGEMENT - ELECTION OF COMMITTEE</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>Pursuant to Section 86 of the Local Government Act 1989, resolve to appoint the following nominated members to the Chapple Vale Hall Committee of Management:</i> <p><i>Alistair MacDonald, Lindsay Flewin, Joanne MacDonald, Emma Ferrari, Russell Mahoney, June Jennings, Jeff Jennings, Donna Wigney, Kate Kondys, Keith Jackson, Sheryl Mahoney, Jenny Ferrari, Ray Jennings, Kevin Ferrari, Craig Wigney, Ed Kondys, Hayley Ferrari, Noreen Jennings</i></p> <i>In accordance with Section 81 sub-section(2) sub-section(a) of the Local Government Act 1989, resolve to exempt members of the Committee from being required to submit a primary or ordinary conflict of interest return in accordance with this section.</i> <i>Advise the Committee that a copy of minutes of meetings held be forwarded to Council for its record after each meeting and that a Treasurer's Report be provided annually.</i> | | |
| <p><u>OM113003-4 CORANGAMITE REGIONAL LIBRARY CORPORATION (CRLC) DEED OF AMENDMENT</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>Endorse the Deed of Amendment relating to the Corangamite Regional Corporation Agreement for adoption by the Corangamite Regional Library Board.</i> | | |

| | | |
|--|--|--|
| <p>2. <i>Agree to sign and seal and seal the Deed of Amendment relating to the Corangamite Regional Library Corporation Agreement.</i></p> <p>3. <i>Notes the process to make future changes to the Regional Library Agreement.</i></p> | | |
| <p><u>OM113003-5 CORANGAMITE REGIONAL LIBRARY CORPORATION BUDGET 2011-2012</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council endorse the Corangamite Regional Library Corporation Budget and Council's contribution for the 2011/2012 financial year and write to the Corporation advising of Council's approval.</i></p> | | |
| <p><u>OM113003-6 REVIEW OF INSTRUMENT OF DELEGATION- OLD BEECHY RAIL TRAIL</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> 1. <i>Adopts the "Use of the Old Beechy Rail Trail by Recreational Vehicles" Policy.</i> 2. <i>Signs and seals the revised Instrument of Delegation for the Old Beechy Rail Trail Committee.</i> 3. <i>In accordance with Section 81(2A) of the Local Government Act 1989, resolves to exempt members of the committee from being required to submit a Primary or Ordinary "Register of Interest" return.</i> | | |
| <p><u>OM113003-7 REVIEW OF COUNCIL POLICIES</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council adopts the following revised policies:</i></p> <ul style="list-style-type: none"> - <i>Policy No. 7.3</i> - <i>Risk Management Policy</i> - <i>Policy No. 16.1</i> - <i>Internal Audit Policy</i> - <i>Policy No. 16.2</i> - <i>Fraud Prevention Policy.</i> | | |

Recommendation

That recommendations to items listed in the Consent Calendar, with the exception of items, be adopted.

MOVED

SECONDED

OM113003-3

S86 COMMITTEE OF MANAGEMENT - ELECTION OF COMMITTEE

| | | | |
|-------------|--------------------------------|-----------|---------------|
| AUTHOR: | Colin Hayman | ENDORSED: | Rob Small |
| DEPARTMENT: | Corporate & Community Services | FILE REF: | S86 Committee |

Purpose

To consider appointment of newly elected committee members to the Chapple Vale Hall Committee of Management.

Declaration of Interests

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

Background

Council appoints Committees of Management under Section 86 of the *Local Government Act 1989* as Special Committees to Council to act in accordance with rules and conditions of appointment adopted by Council. The purpose of the Committees is to manage the operations of the facility. Council policy is that Committee of Management members are appointed for a three year term.

A meeting to appoint new Committee members was conducted on the following date:

Chapple Vale Hall

18 November 2010

Council Plan / Other Strategies / Policy**Leadership and Governance**

Council will fulfil its leadership, statutory and legal obligations to its community and staff in a way that is: fair, ethical, inclusive, sustainable, financially responsible and meets the needs and practical aspirations of current and future generations.

The Council Plan 2009-2013 has the following vision and mission:

Our Vision – Council will work together with our community to create a sustainable, vibrant future.

Our Mission – Council will work in partnership with our community and other organisations to provide:

- Effective leadership, governance and financial accountability;
- Affordable and effective services;
- An advocacy and engagement approach to sustainably grow our community.

Committees of Management play an important role in the community, in partnership with Council.

Issues / Options**Option 1**

Council's policy is that Committee of Management members are appointed for a 3 year term or less where applicable.

The current three year term for the Chapple Vale Hall Committee of Management has been completed and the nominations of community persons have been put forward to be on the committee for a period of three years for Council endorsement.

Option 2

Not to appoint the community persons put forward. It is an important process that each 3 years the members of the particular community/facility consider the membership of the S86 committee.

Proposal

It is proposed to appoint the following community persons to the committee named for a term of 3 years.

| | |
|-------------------|---|
| Chapple Vale Hall | Alistair MacDonald, Lindsay Flewin, Joanne MacDonald, Emma Ferrari, Russell Mahoney, June Jennings, Jeff Jennings, Donna Wigney, Kate Kondys, Keith Jackson, Sheryl Mahoney, Jenny Ferrari, Ray Jennings, Kevin Ferrari, Craig Wigney, Ed Kondys, Hayley Ferrari, Noreen Jennings |
|-------------------|---|

Financial and Other Resource Implications

The Committee holds their own bank account and administers budgets set by the Committee in accordance with funds within these accounts.

The Committee is required to provide copies of annual financial statements/treasurer's report to Council.

Risk Management & Compliance Issues

The committee has been provided with a Risk Management and Insurance Manual which has been developed for Council Committees of Management. The Committee operates under an Instrument of Delegation which sets out the powers, functions and duties of the committee.

Environmental and Climate Change Considerations

Not applicable.

Community Engagement

The community engagement strategy will follow the recommendations of the Colac Otway Shire Council Community Engagement Policy of January 2010, which details five levels of engagement – inform, consult, involve, collaborate and empower.

The method selected would be inform and consult. Advertisements were placed in the local media seeking nominations to the committee. Consultation also took place with Committee members as to the preferred time for the meetings to be held.

Implementation

A letter will be forwarded to the Management Committees advising them of the appointments to the committee.

Conclusion

The decision to appoint the Committee as a Special Committee of Council is in keeping with Council's policy of working with its community in the management of halls, reserves and other facilities throughout the Shire.

Attachments

Nil

Recommendation(s)***That Council:***

1. ***Pursuant to Section 86 of the Local Government Act 1989, resolve to appoint the following nominated members to the Chapple Vale Hall Committee of Management:***

Alistair MacDonald, Lindsay Flewin, Joanne MacDonald, Emma Ferrari, Russell Mahoney, June Jennings, Jeff Jennings, Donna Wigney, Kate Kondys, Keith Jackson, Sheryl Mahoney, Jenny Ferrari, Ray Jennings, Kevin Ferrari, Craig Wigney, Ed Kondys, Hayley Ferrari, Noreen Jennings
2. ***In accordance with Section 81 sub-section(2) sub-section(a) of the Local Government Act 1989, resolve to exempt members of the Committee from being required to submit a primary or ordinary conflict of interest return in accordance with this section.***
3. ***Advise the Committee that a copy of minutes of meetings held be forwarded to Council for its record after each meeting and that a Treasurer's Report be provided annually.***

~~~~~\~~~~~



**OM113003-4                    CORANGAMITE REGIONAL LIBRARY CORPORATION  
(CRLC) DEED OF AMENDMENT**

|             |                                   |           |           |
|-------------|-----------------------------------|-----------|-----------|
| AUTHOR:     | Colin Hayman                      | ENDORSED: | Rob Small |
| DEPARTMENT: | Corporate &<br>Community Services | FILE REF: | GEN0592   |

**Purpose**

To consider a Deed of Amendment for the Corangamite Regional Library Corporation agreement.

**Declaration of Interests**

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

**Background**

At the 27 October 2010 Council Meeting, Council considered a report on the Corangamite Regional Library Corporation (CRLC) Deed of Amendment.

It was resolved:

*“That Council resolve to write to the CRLC advising that Colac Otway Shire will be considering the Deed of Amendment and possible changes to it prior to formally agreeing to sign and seal the document.”*

Following the Council meeting a letter was written to the Chief Executive Officer of CRLC advising of the above resolution.

The letter also included a number of issues that had been raised at a Councillor Briefing Session.

The issues concerned:

- wording in clause 3.1
- wording in clause 4.7
- wording in clause 6.1
- wording in clause 12.1
- wording in clause 12.4
- term of Deed of Amendment

The Colac Otway Shire is currently a signatory to the Corangamite Regional Library Corporation agreement along with 3 other Local Governments: Shires of Corangamite and Moyne and City of Warrnambool.

The original agreement to form the CRLC was in November 1995. Since 1995 each of the 4 Councils who comprise the CRLC have executed further agreements in 1999, 2003 and 2007.

In March 2010, the Department of Planning and Community Development (DPCD) advised that the CRLC member Councils had agreed to extend the term of their agreement to June

2013, but that the legal processes were yet to be completed which included the signing of the agreement and the ministerial notice in the gazette.

Given the uncertainty around the current legal status of the CRLC under the Act, DPCD sought legal advice from the Victorian Government Solicitor's Office (VGSO).

*"The advice received from VGSO stipulates that, in accordance with ss196(3) and 196(4) of the Act, CRLC as at 23 November 1995, became a body corporate with perpetual succession. That is, the 1995 Agreement which in effect created CRLC continues in existence as a legal entity until such time as it is wound up or dissolved under section 197G of the Act. Thus the terms of the 1995 Agreement continue to apply, notwithstanding the fact that clause 17 of that agreement states it has a term of three years.*

*Subsequent agreements executed by the member Councils (and approved by the Minister in accordance with s196(2) of the Act) in 1999, 2003 and 2007 which purport to establish the regional library are therefore technically invalid in that they seek to establish what already exists. The correct approach would have been to simply amend the 1995 Agreement pursuant to section 196(8) of the Act. However, in practical terms the invalidity of the subsequent agreements is of little effect and no legal consequence as the constitutional type provisions of the 1995 Agreement have not been materially altered.*

*The advice provided by the VGSO recommends that all member Councils execute a Deed of Amendment under section 196(8) of the Act which would essentially update the founding Agreement in line with provisions in the subsequent invalid agreements in this instance, the VGSO has drawn up the Deed of Amendment for Corangamite Regional Library Corporation (enclosed) at the request of LGV.*

*The Deed updates the constitutional type provisions of the 1995 Agreement, updates terminology and references to the Act to reflect current practice and other amendments as necessary to bring the Agreement into line with the 2008 provisions. Importantly, the Deed of Amendment also deletes the duration of agreement provision and replaces it with a 'review of agreement' provision.*

*To take effect the Deed needs to be circulated to all member Councils for review, signing and sealing. This process will be required for all future amendments to the Agreement, wherein a Deed of Amendment must be drawn up and officially approved by all member Councils."*

Following receipt of the advice from DPCD, the CRLC also sought legal advice.

The advice received noted:

*"it appears to us that the Corporation has no practical option but to accept what is said and finalise the draft Deed. This is because no 'new' Corporation Agreement can be effective without Ministerial approval (see section 196(2) of the Local Government Act 1989 – the LGA). It is extremely unlikely that any Ministerial approval will be forthcoming. All that is possible is approval of an amendment to the original Corporation Agreement."*

At the CRLC Board meeting on 8 July 2010 it was resolved:

*"That the Board approve the proposed Deed of Agreement to the Regional Agreement, dated 23 November 1995 and circulate the Deed to the member Councils for consent pursuant to clause 15 of the Agreement."*

The Deed of Amendment to the Agreement was further discussed at the CRLC Board meeting held on 4 November 2010.

It was noted that Corangamite and Moyne Councils had agreed to the Deed of Amendment.

The Board discussed the following amendments:

- Replace the word "*Commissioner*" with the phrase "*Appointed Administrator*" in clause 3.1;
- Replace the phrase "*Public Body*" with the word "*Entity*" in clause 12.1; and
- Add the phrase "*as at the date of amendment or agreement*".

It was also agreed that further advice was sought on the definition of the words "Full Cost" and the contents of clauses 12.4-12.8 of the Deed of Amendment.

At the Board meeting on 10 March the CRLC Board accepted a redrafted Deed of Amendment to the Regional Library Agreement which incorporated changes requested by Colac Otway Shire and Warrnambool City Council.

### **Council Plan / Other Strategies / Policy Leadership and Governance**

Council will fulfil its leadership, statutory and legal obligations to its community and staff in a way that is: fair, ethical, inclusive, sustainable, financially responsible and meets the needs and practical aspirations of current and future generations.

### **Issues / Options**

#### Agreements

As noted in the advice from the VGSO, the CRLC became a body corporate as at 23 November 1995 with perpetual succession. The terms of the original agreement continue to apply notwithstanding that the original agreement stated it had a term of 3 years.

The further agreements executed in 1999, 2003 and 2007 are now considered to be technically invalid, in that they seek to establish what already exists.

#### Deed of Amendment

A Deed of Amendment has been prepared reflecting the original agreement and the changes proposed in the agreements executed in 1999, 2003 and 2007.

To take effect the Deed needs to be circulated to all member Councils for review, signing and sealing. The Deed of Amendment needs to be officially approved by all member Councils.

#### Letter from Department of Planning and Community Development (DPCD)

A letter was received in February 2011 from DPCD confirming their previous advice and the need to have in place a Deed of Amendment to consolidate changes to the Primary Agreement and to bring it under the legal operation of the *Local Government Act 1989*.

The Department is seeking a prompt resolution to the issue.

#### Options

At the CRLC meeting on 10 March it was resolved to circulate the Deed to the member Councils for consent.

To finalise this process member Councils are now asked to accept the attached redrafted Deed of Amendment. When all member Councils have agreed to the redrafted amendment, copies will be circulated to be signed and sealed.

The Department of Planning and Community Development have informed the Corporation that it is necessary to have the amendment in place by 30 June this year to ensure eligibility for funding next financial year.

#### Changes

At the Board meeting on 10 March there were further discussions about possible changes to the makeup of the Board.

The Board agreed that Colac Otway Shire be advised that once the Amendment is in place member Councils can propose changes to the resulting Regional Library Agreement at any time by utilising section 4.7 in the Agreement:

*“4.7 Notice of motion to recommend amendment to this Agreement and notice of motion for the adoption or amendment of Local Laws by the Board shall be given in writing to Councils at least one month before the meeting of the Board at which the motion is to be discussed unless otherwise agreed.”*

#### **Proposal**

It is proposed that Council endorses the Deed of Amendment for adoption by the Corangamite Regional Library Corporation and notes the process to make changes to the Regional Library Agreement.

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

The approval of the Deed of Amendment has no financial implications. Council already makes a financial contribution towards the operation of the CRLC.

If a Council withdrew from the CRLC then further analysis would be required as to possible options and resource implications.

#### **Risk Management & Compliance Issues**

As noted a Deed of Amendment needs to be approved to address the issues previously proposed in the agreements 1999, 2003 and 2007 as they are technically invalid.

#### **Environmental and Climate Change Considerations**

Not applicable

#### **Community Engagement**

The community engagement strategy will follow the recommendations of the Colac Otway Shire Council Community Engagement policy of January 2010, which details five levels of engagement – inform, consult, involve, collaborate and empower.

The engagement strategy has been to consult and involve the CRLC Board in discussions on the Deed of Agreement. Community engagement is not applicable as this is a procedural matter.

Council have also previously received a briefing on the background to the Deed of Amendment.

#### **Implementation**

The CRLC would be advised of Council's decision following the Council meeting.



**Conclusion**

Advice has been received from the Department of Planning and Community Development and solicitors that the CRLC should finalise a Deed of Amendment.

The Deed of Amendment has been developed based on clauses that have been previously agreed to by each of the Councils that make up the Corporation. Additional changes have been made following feedback from the member Councils.

A process is available to make future changes to the Regional Library Agreement.

**Attachments**

1. Deed of Amendment

**Recommendation(s)*****That Council:***

- 1. Endorse the Deed of Amendment relating to the Corangamite Regional Corporation Agreement for adoption by the Corangamite Regional Library Board.***
- 2. Agree to sign and seal and seal the Deed of Amendment relating to the Corangamite Regional Library Corporation Agreement.***
- 3. Notes the process to make future changes to the Regional Library Agreement.***

~~~~~\D ~~~~~




Victorian Government
Solicitor's Office

Deed of Amendment

Colac Otway Shire Council

and

Corangamite Shire Council

and

Moyne Shire Council

and

Warrnambool City Council

Level 25, 121 Exhibition Street, Melbourne Vic 3000
Level 33, 80 Collins Street, Melbourne Vic 3000
DX 308877 Melbourne

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Tel +61 3 9947 1244 Fax +61 3 9947 1499
www.vgsa.vic.gov.au
Ref: 1076046

\\702032:7649602_1\Deed of Amendment March 2011

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Deed of Amendment March 2011

{5792832; 7849602; ;}

Deed of Amendment

Page 1

Date

2011

Colac Otway Shire Council being a body corporate under an Order-In Council made pursuant to the *Local Government Act 1989 (Vic)*

of 2 – 6 Rae Street Colac Victoria 3250

and

Corangamite Shire Council being a body corporate under an Order-In Council made pursuant to the *Local Government Act 1989 (Vic)*

of 181 Manifold Street Camperdown Victoria 3260

and

Moyne Shire Council being a body corporate under an Order-In Council made pursuant to the *Local Government Act 1989 (Vic)*

of 10 Cox Street Port Fairy Victoria 3284

and

Warrnambool City Council being a body corporate under an Order-In Council made pursuant to the *Local Government Act 1989 (Vic)*

of 25 Liebig Street Warrnambool Victoria 3280

(each, a Council)

Background

- A. The Councils are parties to the Corangamite Regional Library Agreement, dated on or around 23 November 1996.
- B. The parties wish to otherwise amend the Agreement pursuant to the terms of this Deed.

Agreed terms

1. Definitions and Interpretation

1.1 Definitions

In this deed, unless the context otherwise requires:

Deed of Amendment March 2011

{5702082; 78A9602_1}

Agreement means the Corangamite Regional Library Agreement between each Member Council dated on or around 23 November 1995.

Deed means this document and any schedules, annexures or attachments to this document.

Effective Date means the date on which notice is given in the *Victoria Government Gazette* of approval by the Minister administering the *Local Government Act 1989* in accordance with section 196(8) of that Act.

1.2 Interpretation

In this deed, unless the context otherwise requires:

- (a) a defined word or expression in the Agreement has the same meaning in this Deed; and
- (b) the interpretation provisions in clause 1(b) to (d) of the Agreement apply to this Deed.

2. Effective Date

This Deed takes effect, and the parties are bound by the Agreement as varied by this Deed, on and from the Effective Date.

3. Amendment of Agreement

3.1 Amendment

On and from the Effective Date, the Agreement is amended as follows:

- (a) Recital A is deleted and replaced with the following:
 - A. *The Councils desire to enter into an agreement to form and operate a regional library to service the area comprising their respective municipal districts pursuant to section 196 of the Local Government Act 1989.*
- (b) a new definition of 'Annual Budget' is inserted in clause 1 as follows:

"Annual Budget" means the annual budget prepared in accordance with section 127 of the Act.
- (c) a new definition of 'Library Plan' is inserted in clause 1 as follows:

"Library Plan" has the meaning given to that term under section 197D of the Act.
- (d) a new definition of 'Strategic Resource Plan' is inserted in clause 1 as follows:

"Strategic Resource Plan" has the meaning given to that term under Part 6 of the Act.
- (e) the first paragraph of clause 2 is deleted and replaced with the following:

'The Regional Library is established for the purposes of section 196 of the Act by the name of Corangamite Regional Library Corporation to:'

- (f) clause 2(a) is deleted and replaced with:
 - '(a) provide, subject to any conditions attached to any State government library subsidies and grants to the Regional Library or the Councils, a quality, customer-focused regional library service for the Councils' municipal districts:'*
- (g) clause 2(c) is deleted and replaced with:
 - '(c) perform any other functions which are conferred on the Regional Library under this Agreement or the Act, including defining overall policy objectives and a financial strategy, approving a Library Plan and Strategic Resource Plan, preparing an Annual Budget and preparing an annual report; and'*
- (h) the word 'to' is deleted from clause 2(d);
- (i) the word 'Commissioner' is deleted from clause 3.1(a) and replaced with "Administrator";
- (j) the words 'Senior Officer' are deleted wherever they appear in clause 3 and replaced with the words 'member of Council Staff';
- (k) clause 3.2 is deleted and replaced with:
 - '3.2 A Council may appoint an Administrator/a Councillor to act as deputy in place of its appointed Administrator/Councillor member and a member of Council staff to act as deputy in place of its appointed staff member.'*
- (l) the word 'Commissioner,' is deleted from clause 3.3 and replaced with "an Administrator";
- (m) clause 3.7 is deleted;
- (n) a new clause 3A is inserted immediately after clause 3.6, as follows:

3A Roles and Objectives of the Board

3A.1 *The role of the Board is to:*

- a. plan and provide library resources on behalf of the Councils;*
- b. advise Councils to provide appropriate facilities throughout the four Council municipalities;*
- c. ensure library resources and services provided are appropriate for the community and that the resources and services are managed efficiently and effectively; and*
- d. ensure compliance with statutory requirements.*

3A.2 *In seeking to undertake its role, the Board's objectives will include:*

- a. *strategic direction and planning;*
 - b. *appointing and monitoring the performance of the Chief Executive Officer;*
 - c. *budget approval;*
 - d. *organisation performance;*
 - e. *promoting the Regional Library;*
 - f. *understanding community expectations in relation to the Regional Library; and*
 - g. *setting operating standards and facility standards in relation to the Regional Library.;*
- (o) in clause 4.1, the words 'once in every three months' are deleted and replaced with 'four times every year.');
- (p) clause 4.3 is deleted and replaced with the following:
'4.3 The Board shall elect a member to be the Chairperson of the Board and he or she shall hold office for twelve months, unless he or she goes out of office earlier in accordance in with clause 3.3 of this Agreement.;
- (q) clause 4.4 is deleted and replaced with the following:
'4.4 The election for the Chairperson of the Board shall be held by the Board at its first meeting following the establishment of the Regional Library and, thereafter, the process for the election of the Chairperson shall be in accordance with the provisions of any applicable Local Law.;
- (r) clause 4.5 is deleted and replaced with the following:
'4.5 The Chairperson shall preside at a meeting of the Board.;
- (s) in clause 4.6, the words 'and Deputy Chairperson' are deleted;
- (t) in clause 4.7, the words 'unless otherwise agreed.' are added after the words 'at which the motion is to be discussed';
- (u) clause 5.2 is deleted and replaced with the following:
'5.2 In addition to any responsibilities imposed on a Chief Executive Officer under the Act, the Chief Executive Officer shall be responsible to the Board for the finances and administration of the Regional Library including:
- a. *the implementation of the Library Plan;*
 - b. *the implementation of the financial strategy;*
 - c. *preparation of the Annual Budget.*

- d. *preparation of the annual report;*
 - e. *drafting of library policies;*
 - f. *delivery of service;*
 - g. *administrative support for the Board; and*
 - h. *any other duties specified by the Board from time to time.;*
- (v) in clause 6.1, the word "Each" is deleted and replaced with "As at the date of this Agreement, each", and the words 'the Statement of Council Assets in' are deleted;
- (w) clause 6.2 is deleted and replaced with the following:
- '6.2 Each Council agrees to the use of the Regional Library assets set out in Schedule 2, as determined by the Board from time to time.;*
- (x) clause 6.5 is deleted and replaced with the following:
- '6.5 It is agreed that each party will be a party to this agreement until such time as it withdraws in accordance with clause 12.;*
- (y) in clause 7.1, the words 'Corporate Plan prepared in accordance with section 153 of the Act.' are deleted and replaced with 'Library Plan prepared in accordance with section 197D of the Act.;
- (z) in clauses 7.2 and 7.3, the words 'Annual Operating Plan' are deleted and replaced with the words 'Strategic Resources Plan';
- (aa) in clause 7.4, the words 'Corporate Plan and an Annual Operating Plan' are deleted and replaced with the words 'Library Plan and a Strategic Resources Plan' and the words 'for the adoption of its annual Budget' are deleted.
- (bb) a new clause 7A is inserted immediately after clause 7, as follows:
- 7A Service Level Agreement**
- 7A.1 *Each Council will enter into a Service Level Agreement with the Regional Library.*
- 7A.2 *The Service Level Agreement will specify the base level services and standards to apply across the region, as well as the Council specific arrangements for added and/or modified services.*
- 7A.3 *The Service Level Agreement operates in conjunction with and supports the underlying principles and objectives of this Agreement.;*
- (cc) clause 8.1 is deleted and replaced with the following:
- '8.1 The Chief Executive Officer shall by no later than 1 March each year provide each Council with a copy of the Regional Library's*

draft proposed Annual Budget prepared in accordance with section 127 of the Act.

- (dd) clause 8.3 is deleted and replaced with the following:
- 8.3 The Chief Executive Officer shall no later than 1 June each year provide each Council with a copy of the Annual Budget as adopted by the Board.*
- (ee) clause 9.1(a) is amended by adding the words 'or as otherwise agreed by the Board,' after the words 'Annual Budget';
- (ff) clause 9.2 is deleted and replaced with the following:
- 9.2 The amount each Council will contribute to the Annual Budget of the Regional Library will be determined in accordance with a contributions formula agreed by the Board. Each Council's contribution shall be paid in quarterly instalments on the first day of July, October, January and April of each year.*
- (gg) clause 9.6 is amended by deleting the words 'at the rate fixed by the Governor in Council for the purposes of section 172 of the Act' and replaced with the words 'at the rate referred to in section 172 of the Act';
- (hh) a new clause 9.7 is inserted immediately after clause 9.6, as follows:
- 9.7 The Councils' financial contributions will be subject to an annual acquittal process. The acquittal will involve two stages:*
- a. a preliminary acquittal will be undertaken at the end of March each year based on the projected end of year results (estimated after 9 months actual). Councils' financial contributions will be adjusted to reflect the update and either additional accounts will be raised or refunds made. The variances will be taken up in the current financial year; and*
- b. a final acquittal will be undertaken at year end and be based on actual financial results. Any variances will be brought to account through end of year journals. The additional accounts or refunds, as the case may be, will be processed in the new financial year.*
- (ii) clause 11.1 is deleted and replaced with the following:
- 11.1 The Chief Executive Officer shall, within four months of the end of each financial year, provide each Council with a copy of the Regional Library's Annual Report prepared in accordance with section 131 of the Act.*
- (jj) clause 11.2 is amended by deleting all words following the words 'a Council';
- (kk) a new clause 11.3 is inserted immediately after clause 11.2, as follows:

11.3 *The Chief Executive Officer shall provide the Board and Councils with quarterly financial reports which include an operating statement reporting the Regional Library service performance to budget and any performance indicators included in the Library Plan and the Strategic Resource Plan.*

(ii) in clause 12.1, the words 'A Council' where they first appear are deleted and replaced with the words 'An entity';

(mm) new clauses 12.2 to 12.8 are inserted immediately after clause 12.1, as follows:

12.2 *A Council may withdraw from this Agreement having given not less than twelve (12) months notice in writing to the Chief Executive Officer.*

12.3 *A Council that has given notice under clause 12.2 shall withdraw from the Agreement effective from 30 June following the expiry of the period of notice given under clause 12.2.*

12.4 *A Council that withdraws from this Agreement must meet the full costs directly incurred by the Regional Library by reason of the withdrawal, including (but not limited to) any redundancy costs, fees paid to a professional advisor and administrative costs directly incurred by the Regional Library by reason of the withdrawal.*

12.5 *A Council that withdraws from this Agreement shall be entitled to a portion of the net assets of the Regional Library as at the date of its withdrawal from the Agreement.*

12.6 *The portion of net assets to which a Council is entitled under clause 12.5:*

(a) *shall be calculated according to the value of the assets as disclosed by the relevant audited financial statements;*

(b) *shall be in the same proportion as its financial contribution to the Regional Library bears to all Councils' financial contributions to the Regional Library over the duration of this Agreement; and*

(c) *may be taken in such combination of property and cash as agreed between the Council and the Board, and if it is agreed that a Council is entitled to library materials, the cost of removing them shall be paid for by the Council.*

12.7 *A Council that withdraws from this Agreement shall be liable for a portion of the liabilities, including contingent liabilities of the Regional Library as at the date of its withdrawal from the Agreement.*

12.8 *The portion of liabilities and contingent liabilities for which a Council is liable under clause 12.7:*

(a) *shall be calculated according to the liabilities and contingent liabilities as disclosed by the relevant audited*

financial statements and reports, and any other notes attached to them;

(b) *shall be in the same proportion as its financial contribution to the Regional Library bears to all Councils' financial contributions to the Regional Library over the duration of this Agreement; and*

(c) *where contracts for goods and services are affected, shall be the full cost of any additional payments for variations to contractual arrangements resulting from the withdrawal.*

(nn) clause 14 is deleted and replaced with the following

14 Dispute Resolution

14.1 *If there is any dispute or difference between any of the Councils which arise out of this Agreement or concerns the Regional Library, the matter shall be determined by an independent mediator, agreed by the parties in dispute (and if the parties cannot agree, a mediator appointed by the president or other senior office bearer of the Institute of Arbitrators and Mediators Australia), and the mediator's decision shall be final and binding on the parties to the dispute.*

14.2 *The parties to the mediation shall be responsible for their own mediation costs and, unless otherwise determined by the mediator, shall share the mediator's costs equally; and*

(oo) clause 17 is deleted and replaced with the following:

17 Review of Agreement

The parties agree that they will meet at least once every three years for the purposes of reviewing the terms of the Agreement and determining whether any amendments are required. ;

(pp) Schedule 1 is deleted and replaced with the contents set out at Schedule 1 to this Deed; and

(qq) Schedule 2 is deleted and replaced with the contents set out at Schedule 2 to this Deed.

3.2 Continued force and effect of Agreement

Except as varied under clause 3.1 of this Deed, the Agreement continues in full force and effect.

3.3 Prior rights not affected

This Deed does not affect the rights and obligations of the parties to the extent that they relate to the period prior to the Effective Date.

3.4 Inconsistency

If there is any conflict between the provisions of the Agreement and the provisions of this Deed, then the provisions of this Deed shall prevail.

4. General

4.1 Costs

Each party shall pay its own legal and other costs and expenses of negotiating, preparing, executing and performing its obligations under this Deed.

4.2 Variation

This Deed may only be varied or replaced by a document executed by the parties.

4.3 Further assurance

Each party must, at its own expense, promptly execute and deliver all documents and take all other action necessary or desirable to effect, perfect or complete the transactions contemplated by this Deed.

4.4 No merger

The rights and obligations of the parties under this Deed do not merge on completion of any action or transaction contemplated by this Deed.

4.5 Counterparts

This Deed may consist of a number of counterparts and, if so, the counterparts taken together constitute one document.

4.6 Severability

Any provision of this Deed which is invalid or unenforceable shall be read down, if possible, to be valid and enforceable. Where that provision cannot be read down it shall, to the extent that it is capable, be severed without affecting the remaining parts of this Deed.

4.7 Governing Law

- (a) This Deed is governed by the laws of the State of Victoria.
- (b) The parties irrevocably and unconditionally submit to the non-exclusive jurisdiction of the courts of the State of Victoria and any courts that may hear appeals from those courts and waive any right to object to proceedings being brought in those courts.

Deed of Amendment

Page 10

Signing page

Signed as a deed.

The Common Seal of the Colac-Otway Shire Council was affixed in accordance with a resolution of the Council made on *[insert date]*

Affix seal

Signature of Councillor

Name of Councillor (print)

Signature of Chief Executive Officer

Name of Chief Executive Officer (print)

The Common Seal of the Corangamite Shire Council was affixed in accordance with a resolution of the Council made on *[insert date]*

Affix seal

Signature of Councillor

Name of Councillor (print)

Signature of Chief Executive Officer

Name of Chief Executive Officer (print)

The Common Seal of the Warrnambool Shire Council was affixed in accordance with a resolution of the Council made on *[insert date]*

Affix seal

Signature of Councillor

Name of Councillor (print)

Signature of Chief Executive Officer

Name of Chief Executive Officer (print)

Deed of Amendment March 2011

[5702032: 7849602_1]

Deed of Amendment

Page 11

The Common Seal of the Moyne Shire Council was affixed in accordance with a resolution of the Council made on *[insert date]*

Affix seal

Signature of Councillor

Name of Councillor (print)

Signature of Chief Executive Officer

Name of Chief Executive Officer (print)

Deed of Amendment March 2011

[5710032 7849602_1]

**Schedule 1 Council Assets provided for use by the Regional
Library**

1 Buildings

Includes all fixtures and fittings and structural elements, including plumbing, heating and air conditioning systems and hot water supply.

Colac Otway Shire Council

- Colac Library 173 Queen Street Colac
- Apollo Bay Library 6 Pengille Ave Apollo Bay

Corangamite Shire Council

- Camperdown Library 212 Manifold Street Camperdown
- Cobden Library 55 Victoria Street Cobden
- Derrinallum Library 55 Main Street Derrinallum
- Terang Library 135 High Street Terang
- Timboon Library Wark Street Timboon

Moyne Shire Council

- Koroit Library 102 High Street Koroit
- Mortlake Library 101 Dunlop Street Mortlake
- Port Fairy 65 Sackville Street Port Fairy

Warrnambool City Council

- Warrnambool Library 25 Liebig Street Warrnambool

2 Plant

Warrnambool City Council

- Holden Shuttle Van - White.

Schedule 2 Regional Library Assets

1. Materials

All books and other library materials in the Regional Library collection.

2. Equipment

Loose furniture, including shelving and computer hardware.

3. Plant

- Motor vehicle: Colac based

- Library Outreach Van: Colac based

4. Other

Any other assets as listed in the Regional Library Asset register.

OM113003-5

**CORANGAMITE REGIONAL LIBRARY CORPORATION
BUDGET 2011-2012**

| | | | |
|-------------|--------------------------------|-----------|-----------------|
| AUTHOR: | Colin Hayman | ENDORSED: | Rob Small |
| DEPARTMENT: | Corporate & Community Services | FILE REF: | GEN0592 Library |

Purpose

To gain Council endorsement of the Corangamite Regional Library Corporation's 2011/2012 Budget.

Declaration of Interests

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

Background

The Board of the Corangamite Regional Library Corporation (CRLC) met on 10 March 2011 and approved a draft budget for the 2011/2012 financial year. A draft Budget report for 2011/2012 overview is attached.

As part of the Budget process each Council is to advise the CRLC of its approval of the proposed budget.

Council Plan / Other Strategies / Policy**Leadership and Governance**

Council will fulfil its leadership, statutory and legal obligations to its community and staff in a way that is: fair, ethical, inclusive, sustainable, financially responsible and meets the needs and practical aspirations of current and future generations.

Issues / Options

The attached overview provides a summary of the CRLC's Budget for 2011/2012. It provides information on:

- Service objectives; and
- Budget preparation.

Council Contribution

The Budget format is based on a direct services costing approach that acknowledges the expenditure of each member Council.

The following table provides details of each Council's contribution and the change from 2010/2011.

| Member Council | 2010/2011 | 2011/2012 Budget | Change |
|----------------|-----------|------------------|--------|
| Colac Otway | \$528,879 | \$584,848 | 10.6% |
| Corangamite | \$362,990 | \$359,956 | -0.8% |
| Moyne | \$249,326 | \$251,342 | 0.8% |
| Warrnambool | \$603,716 | \$633,321 | 4.9% |

Colac Otway's contribution reflects a full year's costs of previous changes to library services:

- New joint-use library at Colac and an annexe/sub-branch at the Gellibrand Street site; and
- Increased hours at Apollo Bay.

Collection Replacement

The CRLC Budget includes an additional \$20,000 towards a shortfall in the annual replacement cost of the collection.

The Board has noted that the replacement is a significant issue that will need to be addressed by the Board. A replacement strategy is to be developed later in 2011 which will be subject to further discussions over the next 12 months between the CRLC and member Councils.

Service Level Agreement

The Service Level Agreement provides flexibility for member Councils to alter their service levels to match financial contribution (eg. a reduction in opening hours would lead to a reduced financial contribution).

The CRLC Budget allows for:

- a full year's cost for the Colac Community Library and Learning Centre;
- a full year's cost for the opening of the Library Annex in Colac;
- a full year's cost for the increase in service to Apollo Bay; and
- an additional resource for Saturday morning opening in Apollo Bay. Apollo Bay is currently the only library in the CRLC that does not open on a Saturday.

Unfunded Superannuation

The 2011-12 Budget includes Colac Otway's contribution to the Defined Benefits Superannuation liability. Colac Otway's proportion is \$26,638.

Option 1

Council can endorse the CRLC Budget for the 2011/12 financial year as advised or;

Option 2

Council request the CRLC to further review the 2011/12 Budget. It should be noted that a detailed review has already been undertaken to reduce the amounts required from the member Councils.

Proposal

That Council endorse the Draft Budget 2011/12 of the Corangamite Regional Library Corporation.

Financial and Other Resource Implications

As noted above Colac Otway's contribution for 2011/12 increases by \$55,969 from \$528,879 to \$584,848.

As noted above the amount not only includes a full year's costs of additional service levels that occurred in 2010-11, an additional resource for Apollo Bay Saturday openings, a small increase in collection replacement, but also Colac Otway's proportion of the funding to cover the Defined Benefits Superannuation call.

The total amount payable on 1 July 2011 is \$87,885 of which Colac Otway's proportion is \$26,638.

| | |
|--|---------------|
| Contribution 2011/12 | \$584,848 |
| Less Defined Benefits Superannuation | (\$26,638) |
| Net Contribution 2011/12 (excl. super) | \$558,210 |
|
Contribution 2010/11 |
\$528,879 |

A \$29,331 increase or 5.55% increase over 2010/11.

The Budget also indicates a minimal increase in the State Government Grant. The grant received does not keep pace with the ever increasing costs of running a library service, which adds further pressure on Councils to increase their contributions to maintain the service.

Colac Otway's contribution to the CRLC has increased significantly since 2005/2006.

| | |
|---------|-----------------------------------|
| 2005/06 | \$307,900 |
| 2006/07 | \$327,000 |
| 2007/08 | \$365,644 |
| 2008/09 | \$406,271 |
| 2009/10 | \$424,553 |
| 2010/11 | \$528,879 |
| 2011/12 | \$558,210 (\$584,848 incl. Super) |

The amount of \$584,848 will be included in Colac Otway's Draft Budget for 2011/12.

Colac Otway's costs will be offset by a contribution to IT costs relating to the Colac Community Library and Learning Centre.

Previous Year's Savings

It is possible that due to the later than expected opening of the Library Annex in Colac that there may be a saving on Colac Otway's 2010/11 contribution.

Clause 9.7 of the Deed of Amendment points out the process:

"9.7 The Councils' financial contributions will be subject to an annual acquittal process. The acquittal will involve two stages:

- (a) a preliminary acquittal will be undertaken at the end of March each year based on the projected end of year results (estimated after 9 months actual). Councils' financial contributions will be adjusted to reflect the update and either additional accounts will be raised or refunds made. The variances will be taken up in the current financial year; and*
- (b) a final acquittal will be undertaken at year end and be based on actual financial results. Any variances will be brought to account through end of year journals. The additional accounts or refunds, as the case may be, will be processed in the new financial year."*

The Board will assess any adjustments that can be made after financial statements have been prepared to the 30 June 2011.

Risk Management & Compliance Issues

Under the Regional Agreement the next step in the preparation of the CRLC Budget is to obtain in writing the approval of each of the member Councils for the proposed Budget.

Subject to all four Councils giving such approval, the Board can then formally resolve to proceed finalising the Budget documentation on undertaking the required statutory advertising.

Environmental and Climate Change Considerations

Not applicable.

Community Engagement

The community engagement strategy will follow the recommendations of the Colac Otway Shire Council Community Engagement policy of January 2010, which details five levels of engagement – inform, consult, involve, collaborate and empower.

The engagement strategy to date has been to inform and consult the Board. The Board has held a workshop and a number of discussions on the proposed Budget.

Each of the Councils have also been briefed by the CEO of the CRLC on strategic and budget issues for the CRLC.

The CRLC budget once approved by the Board is required to be advertised and submissions sought under *Section 223 of The Local Government Act 1989*.

Implementation

Once endorsed a letter will be written to the CRLC advising of Council's approval of the Library Budget for 2011/12.

Conclusion

The proposed Budget is in accordance with the direct services costing approach adopted by the CRLC.

The Colac Otway Shire's contribution has increased by \$55,969 (*\$29,331 – excl. Superannuation*) as a result of a number of factors including an increase in service levels for both Apollo Bay and Colac.

Attachments

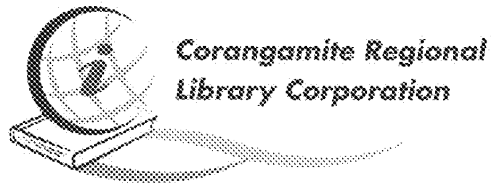
1. CRLC - Draft Budget Report 2011/2012 Overview

Recommendation(s)

That Council endorse the Corangamite Regional Library Corporation Budget and Council's contribution for the 2011/2012 financial year and write to the Corporation advising of Council's approval.

~~~~~\ ~~~~~

CRLC Proposed Budget 2011/2012



# PROPOSED BUDGET

**2011/2012**

**As amended by the Board on**

**10th March 2011**

CRLC Proposed Budget 2011/2012

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## 1.0 INTRODUCTION

### 1.1 Commentary

This report presents Corangamite Regional Library Corporation's (CRLC) proposed budget for the 2011/12 financial year. CRLC completed significant developments & delivered service improvements in the past year including:

- The new Colac Community Library and Learning Centre opened on 18 October 2010
- Implemented RFID for the new Colac Community Library and Learning Centre
- The new Colac Library Annex opened on 22 December 2010
- The new joint use Timboon Library at the P-1 2 School opened to the public on 10 January 2011
- Regional Headquarters relocated into new premises on 21 February 2011
- Launched a digital eAudiobook collection of 779 titles on 28 February 2011

The coming year also presents the Corporation with significant opportunities for improving library services such as:

- The feasibility study for Warrnambool City Council on the possibility of a joint use library with TAFE
- Providing increased numbers of programs to link people with our collections
- Adopting the best technological solutions to improve service and efficiency
- Raising the public profile of library services and the Corporation's role
- The future for the regional library service.

CRLC received a High Risk assessment from the Victorian Auditor-General for Capital Replacement for 2009/10. The Board recognises the need to improve its collection as an asset and has asked the CEO to prepare a Collection Strategy for presentation to Councils early in the new financial year. CRLC continues operate in a tight financial position and as a consequence it is not able to allocate adequate resources to meet industry collection standards.

CRLC is proud of the standard of customer service it offers, but remains concerned with the deterioration of the collection.

### 1.2 Budget Highlights

The following Budget allocations are highlighted:

#### Services

Colac Otway Shire will fund the extension of the opening hours at Apollo Bay to include Saturday mornings.

#### Training

\$42,000 will be committed to the development of CRLC's staff.

#### Collection

Annual replacement program - \$312,000

#### Lending Services

Courier services between branch libraries - \$45,000

#### Programs

Activities, including Reading Club, Book Talks, author visits - \$12,000

The draft Budget does not address the following matters:

- Full funding for the collection replacement program
- Funding the increase of stock items to the industry standard of two items per capita

## 2.0 BUDGET PROCESS

### 2.1 Statutory Requirements

The Local Government Act 1989 requires that CRLC must prepare a budget each financial year. This must include:

- Standard statements
- Description of activities and initiatives
- Statement on how the activities contribute to the strategic objectives (in the Library Plan)
- Performance targets & measures for key strategic activities
- Must give public notice once prepared and invite submissions
- Must adopt the budget by 31 August each year.
- Must submit a copy to the Minister.

The Local Government (Finance and Reporting) Regulations 2004 specify the information required for inclusion in the Budget report.

### 2.2 Regional Library Agreement

The Regional Library Agreement requires that the Budget must be approved in writing by each Council before the Board can proceed with giving notice of its preparation.

### 2.3 Council approval

This draft Budget will be circulated to the member councils. Subject to all councils advising of their approval of the draft, the Board can proceed with the formal process for adopting the Budget.

### 2.4 Timetable

The key dates for the Budget process are listed below:

| Process                                                 | Date                         |
|---------------------------------------------------------|------------------------------|
| Board approves Draft budget for Councils' consideration | 10 <sup>th</sup> March 2011  |
| Draft Budget circulated to Councils                     | 15 <sup>th</sup> March 2011  |
| Board approves Draft Budget as approved by Councils     | 9 <sup>th</sup> June 2011    |
| Public notice given                                     | 16 <sup>th</sup> June 2011   |
| Budget available for inspection and comment until       | 30 <sup>th</sup> June 2011   |
| Submissions circulated to Board                         | 7 <sup>th</sup> July 2011    |
| Budget presented to board for adoption                  | 14 <sup>th</sup> July 2011   |
| Copy of adopted Budget submitted to the Minister        | 31 <sup>st</sup> August 2011 |

### 3.0 SERVICE OBJECTIVES

#### 3.1 Goals

The Library Plan sets out the strategic objectives of CRLC. The annual budget provides the resource allocations to translate these objectives into activities and initiatives.

#### KEY RESULT 1: Service meets community needs

| OBJECTIVE                        | GOAL                                                                                                                |
|----------------------------------|---------------------------------------------------------------------------------------------------------------------|
| Access                           | Provide convenient services and facilities open at times which meet community requirements.                         |
| Lending Services                 | Facilitate access to and circulation of resources.                                                                  |
| Reference & Information Services | Deliver relevant information in any format by friendly and competent staff.                                         |
| Online Services                  | Provide reliable technology to deliver online resources on or off- site.                                            |
| Programs & Events                | Provide programs to support reader development, literacy and lifelong learning through the use of library services. |

#### KEY RESULT 2: Efficient management

| OBJECTIVE                              | GOAL                                                                                                                                                               |
|----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Administration                         | Meet all statutory and financial requirements.<br>Manage service delivery professionally and efficiently.                                                          |
| Information & Communication Technology | Develop IT resources and provide a reliable integrated library management system.                                                                                  |
| Resource Provision                     | Develop a quality, organised and well presented collection in a range of formats which is current and responsive to community needs.                               |
| Marketing                              | Respond to user feedback and provide appropriate library services.<br>Through effective promotion ensure the community is aware of library services and resources. |

### 3.2 Range of Activities

#### Library Collection

A wide range of material is selected to meet the age, interests, ethnicity and learning abilities of the communities served. CRLC's books and materials form a regional collection accessible from all branches. The collection comprises nearly 127,000 items made up of the following:

| <b>CRLC Stock</b>            | <b>As at 4/3/2011</b> |
|------------------------------|-----------------------|
| Non Fiction                  | 31,279                |
| Fiction                      | 29,177                |
| Junior & Young Adult Fiction | 16,331                |
| Large Print                  | 14,552                |
| Picture Books                | 13,177                |
| Multimedia                   | 9,357                 |
| Magazines                    | 4,849                 |
| Reference                    | 4,633                 |
| Talking Books                | 3,552                 |
| Online subscriptions         | 7                     |
| <b>Total</b>                 | <b>126,914</b>        |

CRLC also manages an additional 22,778 items for the Colac Secondary College at the Colac Community Library and Learning Centre.

#### Computers and Internet

PCs provide patrons with access to the Microsoft Office suite of software, in addition to the Internet. All static branches provide free Internet access for members and visitors holding identification. Free wireless Internet access is available at Warrnambool, Colac Community Library & Learning Centre and the Timboon Library. By the start of 2011/12 this wireless Internet will be available in all branches except Derrinalium and Mortlake.

#### Information Services

##### **Online Resources**

CRLC subscribes to a select number of quality online databases. Members can access these free of charge. Our webpage also provides a quick link to both the Australian Bureau of Statistics and the State Library of Victoria databases. All except Ancestry Online are available from patrons' homes, provided they supply their library card number.

|                        |                                                                                                          |
|------------------------|----------------------------------------------------------------------------------------------------------|
| Ancestry Online        | Genealogical data – only available in the Libraries                                                      |
| Better Health Channel  | Quality Assured health information                                                                       |
| Britannica Online      | Quality information for all ages                                                                         |
| Computer Skills        | Self paced tutorials to develop computing skills                                                         |
| Library Press Display  | Newspapers from around the world with an audio function                                                  |
| Popular Magazines Plus | Fully searchable database of popular magazines, including <u>Choice</u> magazine                         |
| TumbleBooks            | Electronic books for children of all ages, including interactive games designed to build literacy skills |

##### **Reference and Readers' Advice**

Staff at all branches assist customers with information and reading advice, both in print and online. Information about authors, recent titles, reading guides and literary awards are available.

##### **Local History Collection**

Each branch holds a collection of items about the local area. Substantial collections are housed at Colac and Warrnambool.

CRLC Draft Budget 2011/2012

**Newspapers**

Each branch has a selection of local and daily newspapers. Overseas papers are provided online through a subscription to Library Press Display.

**Other Services**

**Story times**

Story time encourages a love of books and reading for pre-school children. All branches provide a story time. Larger branches also have sessions targeted for babies (Baby Bounce) and toddlers (Rhyme time).

**Talking Newspapers**

In partnership with Vision Australia Information Library Service, the Colac Library coordinates a compilation of the previous week's news on audiocassette. Warrnambool City Library also assists in this process for the Warrnambool Standard. This service is available free to people with a vision impairment and to those with reading or physical disabilities.

**School and Group Visits**

The Corangamite Regional Library Corporation welcomes and encourages school and group visits.

**Photocopiers**

Each branch library has a self-serve photocopier for public use.

**Outreach and Home Services**

The Library **Outreach Van** provides a mobile library service to twelve rural locations throughout the Colac-Otway, Corangamite and Moyne Shires. The van carries a collection of over 1200 items, which are available for loan, including:

- Fiction and non-fiction books for all ages
- Talking books
- DVDs
- Large Print books
- Magazines

**Home Library Service**

The Colac, Camperdown and Warrnambool libraries provide services to those unable to come to the library due to frailty, disability or ill health. The Home Library Service also delivers materials to aged care facilities and retirement villages. Temporary deliveries can also be arranged after hospitalization or illness.

## 4.0 BUDGET PREPARATION

### 4.1 Budget Influences

In preparing the draft budget it has been necessary to make a number of assumptions about the internal and external environment within which CRLC operates.

#### External

Only a small increase in the Public Library Grant Program is expected, based on past trends. The Board commends the decision to continue the Premier's Reading Challenge grant which is dedicated to the purchase of books for children.

#### Internal

A change in the level of on costs for employee benefits from 35% to 29.18% has had the largest impact on the construction of the draft operating budget.

Both Warrnambool City Council & Colac Otway Shire have increased their operational contribution to address library staff reclassifications. This issue was identified in *Warrnambool City Council: Library Services Review* by J. L. Management Services in December 2009, (page 7).

This draft budget retains existing open hours at all other libraries.

#### Council Contributions Formula

The funding formula applied in the draft Budget is a continuation of the basis of the formula supported by the Board is the 2010/11, with a modification to the IT component to reflect the increase in computers in the new Colac & Timboon libraries.

|             | Regional <sup>1</sup> | IT <sup>2</sup> | Materials <sup>1</sup> | Outreach |
|-------------|-----------------------|-----------------|------------------------|----------|
| Colac Otway | 24%                   | 37%             | 24%                    | 65%      |
| Corangamite | 20%                   | 26%             | 20%                    | 23%      |
| Moynes      | 19%                   | 13%             | 19%                    | 12%      |
| Warrnambool | 37%                   | 24%             | 37%                    | 0%       |

Regional<sup>1</sup> &  
Materials<sup>1</sup>

Based on per capita ERP 30 June 2009

IT<sup>2</sup>

Based on number of PCs

#### Other Income

In the coming year CRLC will benefit from the following changes:

- Continuation of the Premiers' Reading Challenge Grant
- Introducing a debt recovery process to improve payment from borrowers who do not comply with our lending rules.
- Ongoing sale of withdrawn stock
- Active encouragement of gifts and donations to the organization.

While the Board notes the generous donation of books & materials to CRLC (a quarter of stock added this year has been donated), it has identified that it wishes to pursue options to increase monetary gifts and donations from our supporters and philanthropic sources

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4.2 Preparation Note

Each member council has been presented with options for ongoing service improvements and investment in their library services. These range from extended opening hours to the cost of implementing RFID at the Warrnambool City Library. These options will be part of each Council's budgetary deliberations.

The following proposals have been presented to Councils for their consideration:

| COUNCIL     | PROJECT                                                 | CRLC Operational | CRLC Capital | COUNCIL Capital* |
|-------------|---------------------------------------------------------|------------------|--------------|------------------|
| Colac Otway | Story time staffing for Apollo Bay                      | \$ 2,100         |              |                  |
|             | Council Capital (small equipment)                       |                  |              | \$ 7,000         |
|             | Collection Development                                  |                  | \$47,254     |                  |
| Corangamite | Additional Staff for Camperdown Saturdays               | \$ 5,250         |              |                  |
|             | Staffing for Story times                                | \$11,500         |              |                  |
|             | Timboon Computing                                       |                  | \$20,000     |                  |
|             | Collection Development                                  |                  | \$16,557     |                  |
| Moyne       | Pt Fairy additional summer holiday staff                | \$ 4,200         |              |                  |
|             | Collection Development                                  |                  | \$33,630     |                  |
|             | Council Small Capital/Maintenance                       |                  |              | \$ 9,000         |
| Warrnambool | Extend Saturday opening to 9.30 am – 1 pm               | \$12,863         |              |                  |
|             | Sunday opening                                          | \$65,965         |              |                  |
|             | Radio Frequency Identification of the collection (RFID) |                  | \$194,500    |                  |
|             | Collection Development                                  |                  | \$ 56,036    |                  |
|             | Council Capital (small equipment)                       |                  |              | \$ 22,585        |

\*These items would not appear in CRLC's budget, but in the Councils' budgets

Should the Councils not choose to implement any of the above service improvements, the variations in Council contributions are shown in the following table:

| Member Council | 2010/2011  | 2011/2012  | Change |
|----------------|------------|------------|--------|
| Colac Otway    | \$ 528,879 | \$ 584,848 | 10.6%  |
| Corangamite    | \$ 362,990 | \$ 359,956 | -0.8%  |
| Moyne          | \$ 249,326 | \$ 251,342 | 0.8%   |
| Warrnambool    | \$ 603,716 | \$ 633,321 | 4.9%   |

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5.0 OPERATING BUDGET

5.1 Operating Revenue

The table below provides a breakdown of CRLC revenue.

| <b>Income</b>                           | Actual<br>2009/10 | Budget<br>2010/11 | Actual @<br>9/3<br>2010/11 | Forecast<br>2010/11 | Draft<br>Budget<br>2011/12 |
|-----------------------------------------|-------------------|-------------------|----------------------------|---------------------|----------------------------|
| <b>Council Contributions</b>            |                   |                   |                            |                     |                            |
| Colac Otway                             | \$424,553         | \$528,879         | \$396,659                  | \$528,879           | \$584,848                  |
| Corangamite                             | \$305,343         | \$362,990         | \$272,243                  | \$362,990           | \$359,956                  |
| Moyne                                   | \$220,162         | \$249,326         | \$186,995                  | \$249,326           | \$251,342                  |
| Warrnambool                             | \$533,843         | \$603,716         | \$452,787                  | \$603,716           | \$633,321                  |
| <b>State Grants &amp;<br/>Subsidies</b> |                   |                   |                            |                     |                            |
| Core Grant                              | \$620,903         | \$607,850         | \$486,692                  | \$638,284           | \$640,000                  |
| Wireless Internet Grant                 | \$11,640          |                   |                            |                     |                            |
| Premier's Reading                       | \$30,824          |                   | \$30,665                   | \$30,665            | \$30,000                   |
| <b>User Fees &amp; Charges</b>          | \$60,855          |                   |                            |                     |                            |
| Lost & Damaged                          |                   | \$3,000           | \$3,030                    | \$4,146             | \$15,000                   |
| Overdue                                 |                   | \$21,350          | \$12,205                   | \$16,702            | \$17,170                   |
| Reservations                            |                   | \$11,000          | \$7,329                    | \$10,029            | \$12,000                   |
| Printing & Photocopying                 |                   | \$18,000          | \$8,605                    | \$11,775            | \$14,000                   |
| Sale of withdrawn<br>stock              |                   |                   | \$3,533                    | \$4,835             | \$5,000                    |
| <b>Other</b>                            |                   |                   |                            |                     |                            |
| Investments & Interest                  | \$19,000          | \$13,000          | \$14,563                   | \$19,928            | \$17,500                   |
| Gifts & Donations                       |                   |                   | \$7,500                    | \$7,500             | \$10,000                   |
|                                         | \$2,227,123       | \$2,419,111       | \$1,882,806                | \$2,488,775         | \$2,590,137                |

1. Council Contributions (\$84,556 increase)

All member Councils are required to confirm their agreement to the proposed budget and new contributions. In total the contributions have increased by \$84,556 or 4.8%. The level of increase varies between the councils, depending on whether any changes are being made to service delivery.

2. State Government Grants & Subsidies (\$62,145 increase)

Provision has been made for the base State Government to increase minimally, but the announcement of the continuation of the Premier's Reading Challenge program (which had not been included in the 10/11 budget) means a 10.2% increase.

3. User Fees and Charges (\$9,820 increase)

Implementation of debt collection will result in an increase in revenue from fees and charges.

4. Other Revenue (\$14,505 increase)

Includes returns on investments, sale of goods and contributions from the community.



## 5.2 Operating Expenditure

The table below provides a breakdown of CRLC's operating expenditure.

| OPERATING EXPENSES   | Amended<br>Budget<br>2010/2011 | Actual<br>@ 10/3/2011 | Projected<br>2010/11 | Budget<br>2011/12   |
|----------------------|--------------------------------|-----------------------|----------------------|---------------------|
| Contracts            | \$ 225,150                     | \$ 85,480             | \$ 225,150           | \$ 237,000          |
| Employee Expenses    | \$ 1,606,763                   | \$ 1,110,594          | \$ 1,604,191         | \$ 1,712,796        |
| Materials & Services | \$ 324,894                     | \$ 176,345            | \$ 325,000           | \$ 271,300          |
| Depreciation         | \$ 345,237                     | \$ -                  | \$ 345,237           | \$ 484,972          |
| Other expenses       | \$ 13,000                      | \$ 11,920             | \$ 18,000            | \$ 18,500           |
| Borrowing costs      | \$ -                           |                       | \$ -                 | \$ -                |
| <b>Total</b>         | <b>\$ 2,515,044</b>            | <b>\$ 1,384,339</b>   | <b>\$ 2,517,578</b>  | <b>\$ 2,724,568</b> |

### 1. Employee Expenses (\$106,033 increase)

Employee expenses comprise 62% of CRLC's operating expenses.

Employee costs include all labour related expenditure – salaries and on costs including any allowances, leave entitlements, employer superannuation contribution and Workcover premiums. It also includes allocations for long service leave and accrued annual leave provisions.

### 2. Depreciation (\$139,735 increase)

This rise is the largest in this year's budget and reflects the ageing state of the collection. Depreciation will be an integral part of the Collection Strategy to be formulated in 2011/12.

### 3. Materials and Services (\$53,594 decrease)

Materials and services include the purchase of consumables and office operations. The overall reduction in expenses is predominantly due to the reduction in State funded projects.

### 4. Borrowing Costs

There are no outstanding loans and no new loans are proposed.

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## 6.0 CAPITAL BUDGET

The table below provides a breakdown of CRLC capital expenditure:

| Capital               | Amended<br>Budget<br>2010/2011 | Actual<br>@ 10/3/2011 | Projected<br>2010/11 | Budget<br>2011/12 |
|-----------------------|--------------------------------|-----------------------|----------------------|-------------------|
| Library Collection    | \$ 298,350                     | \$ 137,477            | \$ 298,350           | \$ 312,000        |
| ICT Equipment         | \$ 46,000                      | \$ 14,776             | \$ 46,000            | \$ 20,000         |
| Properties            | \$ 20,000                      | \$ 203                | \$ 20,000            | \$ -              |
| Furniture & Equipment | \$ 11,000                      | \$ -                  | \$ 11,000            | \$ 20,000         |
| <b>Total</b>          | <b>\$ 375,350</b>              | <b>\$ 152,456</b>     | <b>\$ 77,000</b>     | <b>\$ 352,000</b> |

### 1. Library Collection (\$312,000)

For the 2011/12 year \$312,000 will be expended on library materials.

### 2. IC& T Equipment (\$20,000)

2010/11 saw a peak in IC&T expenditure with new equipment in three libraries (Colac Community Library & Learning Centre, Colac Library Annex and the Timboon Library). In 2011/12 expenditure returns to a level to maintain a 4 year replacement cycle for PCs.

### 3. Furniture & Equipment (\$20,000)

This provision covers minor upgrades in equipment for branch libraries.

## 7.0 PERFORMANCE INDICATORS

### 7.1 Sustainability Indicators

CRLC's sustainability indicators past and projected are as follows:

| Indicator           | Low risk rating | 2009/2010* Actual | 2010/2011 Budget | 2011/12 Budget | Risk Rating |
|---------------------|-----------------|-------------------|------------------|----------------|-------------|
| Underlying result   | >zero           | -4.88%            | 0.00%            | 0.10           | Medium      |
| Liquidity           | >1.5            | 2.92              | 1.56             | 1.45           | Low         |
| Capital Replacement | >1.5            | 0.75              | 1.03             | 0.74           | High        |

\* Source: *Victorian Auditor General's Report, Acquittal Report Annex B* February 2011

The Victorian Auditor General's Report 2009/10 identifies the Corangamite Regional Library Corporation as one of three regional library corporations with a medium financial sustainability risk; Corangamite, West Gippsland and Whitehorse Manningham. There are two regional library corporations with high risk ratings, but this does not abrogate the Corporation's need to address its ongoing financial sustainability.

### 7.2 Service Indicators

The Essential Services Commission has issued a draft report on a 'Local Government Performance Monitoring Framework'. In addition to the four indicators listed in this report (page 37) CRLC will also monitor Loans per capita.

The indicators proposed for CRLC are listed in the following table.

| Indicator                           | 2009/10 Victorian | 2009/10 CRLC Actual | 2010/11 CRLC Predicted | Target | Data Source |
|-------------------------------------|-------------------|---------------------|------------------------|--------|-------------|
| Loans per capita                    | 9.88              | 6.8                 | 6.8                    | 7      | DPCD        |
| No. of (physical) visits per capita | 5.1               | 3.2                 | 3.3                    | 4      | DPCD        |
| No. of website hits per capita      | 2.76              | .89                 | 1.37                   | 2.5    | Internal    |
| Activity rate of active borrowers   | 43.0%             | 36%                 | 36%                    | 37%    | DPCD        |
| User satisfaction with the library  | n/a               | n/a                 | Note 1                 |        | Internal    |

Note 1: It is proposed to conduct an annual survey of users to measure satisfaction, but this is yet to be implemented.

Essential Services Commission 2010, *Local Government Performance Monitoring Framework, Draft Report*, March, Melbourne

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## 8.0 COLLECTION ANALYSIS

### 8.1 Circulation Trend

The library collection should contain a mix of items that will appeal to users. The most popular categories lent out in 2009/10 are listed below with the predicted loan outcome for 2010/11:

| Category            | Loans 09/10 | Predicted Loans 10/11 | % of Loans | Movement |
|---------------------|-------------|-----------------------|------------|----------|
| Fiction             | 157,343     | 151,958               | 26.58%     | -3.5%    |
| Picture book        | 89,504      | 85,872                | 15.02%     | -4.2%    |
| Large print         | 70,243      | 65,441                | 11.45%     | -7.3%    |
| DVD                 | 61,964      | 69,050                | 12.08%     | 10.3%    |
| Non Fiction         | 57,865      | 53,769                | 9.41%      | -7.6%    |
| JDVD                | 35,188      | 41,482                | 7.25%      | 18.1%    |
| Junior Fiction      | 35,013      | 33,321                | 5.83%      | -5.1%    |
| Magazines           | 27,733      | 37,502                | 6.56%      | 28.0%    |
| Talking Book        | 13,834      | 14,047                | 2.46%      | 1.5%     |
| Young Adult Fiction | 11,889      | 11,060                | 1.93%      | -7.5%    |
| Junior Non Fiction  | 8,821       | 8,190                 | 1.43%      | -7.7%    |

This table shows that fiction continues to be CRLC's most popular resource by a factor of over 170%.

Magazines achieved the best improvement in circulation numbers due to the increased resources spent in this area. Other non book formats continue to increase in their share of our business.

As experienced across all public libraries, demand for junior nonfiction continues to drop.

### 8.2 Collection Age Profile

If CRLC's collection reflected the circulation trend shown in the table above, then the collection profile and associated replacement program that would be derived are shown in the following table. This analysis is based on the Corporation's current level of stock of 127,000 items.

#### Collection Replacement – Demand Profile

| Collection     | Items Held | Replacement Rate | Annual replacement stock | Ave Acquisition cost 2009/2010 | Annual Cost |
|----------------|------------|------------------|--------------------------|--------------------------------|-------------|
|                | 127,000    | Years            |                          |                                |             |
| Fiction        | 33,758     | 7                | 4,823                    | \$21.52                        | \$103,783   |
| Picture books  | 19,077     | 8                | 2,385                    | \$12.61                        | \$30,070    |
| Large Print    | 14,538     | 8                | 1,817                    | \$41.69                        | \$75,762    |
| DVD            | 15,340     | 3                | 5,113                    | \$11.30                        | \$57,780    |
| Non Fiction    | 11,945     | 8                | 1,493                    | \$25.22                        | \$37,657    |
| Jnr DVD        | 9,211      | 3                | 3,070                    | \$11.59                        | \$35,585    |
| Junior Fiction | 7,400      | 7                | 1,057                    | \$14.22                        | \$15,033    |
| Magazines      | 8,331      | 1                | 8,331                    | \$4.30                         | \$35,823    |
| Talking Books  | 7,400      | 6                | 1,233                    | \$68.43                        | \$84,397    |
|                | 127,000    |                  | 29,323                   |                                | \$475,889   |

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This outcome reflects the 15% lower book prices achieved in the past twelve months due to use of the MAV purchasing contract for public libraries.

It shows, based on an industry standard collection replacement cycle, the level of annual funding required to maintain the collection would be over \$475,000, plus the cost of processing materials. All up this cost would be around \$505,000.

The level of funding provided in the 2011/12 draft budget is \$310,000 for purchases. This investment gap means that CRLC will be carrying stock for significantly longer than desired. Accordingly, the appeal of the collection to users will be reduced.

### 8.3 Collection Standard

CRLC's collection now stands at nearly 127,000 items. This figure varies daily as items are acquired and withdrawn. At this level the number of items per capita is 1.42 (127,000 items / 89,375 population).

The industry standard for collections is recognised as two items per capita. Based on this measure, CRLC should be offering a collection of 180,000 items. Housing a collection of this size would require an increase in library space, as well as funding the associated cost of acquiring the additional items. The need for additional space would be mitigated by two factors: new books are more often out on loan and digital purchases (such as the eAudio book collection) take no physical space.

It is important that all stakeholders, the Corporation, the member councils, the community and the State Government, are aware of the implications of not meeting the standard.

The following table shows the level of annual funding that would be required to sustain a collection at the recognised industry standard.

#### Collection Replacement – Optimum Collection Profile

| Collection     | Items Held | Replacement Rate | Annual Replacement | Ave. Price | Annual Cost |
|----------------|------------|------------------|--------------------|------------|-------------|
|                | 180,000    | Years            | stock              | Cost       |             |
| Fiction        | 47,846     | 7                | 6,835              | \$21.52    | \$147,093   |
| Picture books  | 27,038     | 8                | 3,380              | \$12.61    | \$42,619    |
| Large Print    | 20,605     | 8                | 2,576              | \$41.69    | \$107,379   |
| DVD            | 21,741     | 3                | 7,247              | \$11.30    | \$81,893    |
| Non Fiction    | 16,930     | 8                | 2,116              | \$25.22    | \$53,372    |
| Jnr DVD        | 13,055     | 3                | 4,352              | \$11.59    | \$50,436    |
| Junior Fiction | 10,488     | 7                | 1,498              | \$14.22    | \$21,306    |
| Magazines      | 11,808     | 1                | 11,808             | \$4.30     | \$50,773    |
| Talking Books  | 10,488     | 6                | 1,748              | \$68.43    | \$119,618   |
|                | 180,000    |                  | 41,560             |            | \$674,488   |

The total annual funding required would be \$735,000 (purchases \$675,000 and materials \$60,000). This is \$423,000 above the current level of funding.

This is the annual funding that would be required to replace a collection based on the industry standard of two items per head of population, using standard replacement scheduling.

Much work needs to be done if the Corporation and its member councils are to ever to achieve industry standards.

Appendix 1 - Standard Statements

Corangamite Regional Library Corporation  
Income Statement



2011-2012 Budget

| Category       | Resource Group                | 2010-2011<br>Amended Budget | 2011-2012 Proposed<br>Budget |
|----------------|-------------------------------|-----------------------------|------------------------------|
| <b>Income</b>  |                               |                             |                              |
|                | Contributions - cash          | (1,744,911)                 | (1,829,499)                  |
|                | Finance revenue               | (10,000)                    | (17,500)                     |
|                | Grants - capital              | 0                           | (90,000)                     |
|                | Grants - operating            | (639,942)                   | (650,000)                    |
|                | Other revenue                 | 0                           | (1,500)                      |
|                | User fees and charges         | (58,350)                    | (63,100)                     |
| <b>Expense</b> |                               |                             |                              |
|                | Contracts                     | 225,150                     | 237,000                      |
|                | Depreciation and amortisation | 345,207                     | 484,972                      |
|                | Employee benefits             | 1,806,763                   | 1,712,796                    |
|                | Materials and services        | 324,894                     | 271,300                      |
|                | Other expenses                | 13,000                      | 16,500                       |
|                |                               | <b>63,941</b>               | <b>132,972</b>               |

Corangamite Regional Library Corporation  
Capital Statement



2011-2012 Budget

| Category                | Resource Group                         | 2010-2011<br>Amended Budget | 2011-2012 Proposed<br>Budget |
|-------------------------|----------------------------------------|-----------------------------|------------------------------|
| <b>Capital Activity</b> |                                        |                             |                              |
|                         | Adult Fiction Library Collection       | 61,000                      | 75,000                       |
|                         | Adult Large Print Library Collection   | 55,000                      | 55,000                       |
|                         | Adult Multimedia Library Collection    | 10,000                      | 15,000                       |
|                         | Adult Non-Fiction Library Collection   | 40,000                      | 40,000                       |
|                         | Building Structures                    | 20,000                      | 0                            |
|                         | Furniture Fixings & Other Equip (DNLU) | 11,000                      | 20,000                       |
|                         | Junior Fiction Library Collection      | 7,000                       | 14,000                       |
|                         | Junior Multimedia Library Collection   | 12,000                      | 12,000                       |
|                         | Junior Non-Fiction Library Collection  | 5,000                       | 7,000                        |
|                         | Junior Picture Library Collection      | 20,000                      | 25,000                       |
|                         | Plant, Furniture and Equipment         | 53,386                      | 22,000                       |
|                         | Talking Books Library Collection       | 50,150                      | 58,000                       |
|                         | Young Adult Library Collection         | 8,200                       | 8,000                        |
| <b>Grand Total</b>      |                                        | <b>352,736</b>              | <b>352,000</b>               |

Corangamite Regional Library Corporation  
Balance Sheet



2011-2012 Budget

|                                               | 2010-2011 Amended<br>Budget | 2011-2012 Proposed<br>Budget |
|-----------------------------------------------|-----------------------------|------------------------------|
| <b>Assets</b>                                 |                             |                              |
| <b>Current assets</b>                         |                             |                              |
| Cash and cash equivalents                     | 492,829                     | 524,212                      |
| Trade and other receivables                   | 5,485                       | 10,000                       |
| <b>Total current assets</b>                   | <b>498,314</b>              | <b>534,212</b>               |
| <b>Non-current assets</b>                     |                             |                              |
| Property, infrastructure, plant and equipment | 1,756,299                   | 1,506,551                    |
| <b>Total non-current assets</b>               | <b>1,756,299</b>            | <b>1,506,551</b>             |
| <b>Total assets</b>                           | <b>2,254,613</b>            | <b>2,040,763</b>             |
| <b>Liabilities</b>                            |                             |                              |
| <b>Current liabilities</b>                    |                             |                              |
| Trade and other payables                      | 95,449                      | 97,734                       |
| Provisions                                    | 223,987                     | 242,942                      |
| <b>Total current liabilities</b>              | <b>319,436</b>              | <b>340,676</b>               |
| <b>Non-current liabilities</b>                |                             |                              |
| Provisions                                    | 15,184                      | 4,033                        |
| <b>Total non-current liabilities</b>          | <b>15,184</b>               | <b>4,033</b>                 |
| <b>Total liabilities</b>                      | <b>334,620</b>              | <b>344,709</b>               |
| <b>Net Assets</b>                             | <b>1,919,993</b>            | <b>1,696,054</b>             |
| <b>Equity</b>                                 |                             |                              |
| Accumulated surplus                           | (305,148)                   | (335,031)                    |
| Reserves                                      | 2,125,141                   | 2,031,085                    |
| <b>Total Equity</b>                           | <b>1,919,993</b>            | <b>1,696,054</b>             |

Corangamite Regional Library Corporation  
Cash Flow Statement



2011-2012 Budget

|                                                             | 2010-2011 Amended Budget | 2011-2012 Proposed Budget |
|-------------------------------------------------------------|--------------------------|---------------------------|
| <b>Cashflows from Operating Activities</b>                  |                          |                           |
| Cash Receipts from Operating Activities                     | 2,438,104                | 2,836,180                 |
| Net receipts (Payments) GST                                 |                          | (1,050)                   |
| Cash Payments in the Course of Operating Activities         | (2,047,272)              | (2,451,120)               |
| <b>Net Cashflows from Operating Activities</b>              | <b>388,832</b>           | <b>384,010</b>            |
| <b>Cashflows from Investing Activities</b>                  |                          |                           |
| Payment for Property Plant and Equipment and Infrastructure | (378,350)                | (358,614)                 |
| Cash Receipts from Investing Activities                     | -                        | 5,987                     |
| <b>Net Cashflows from Investing Activities</b>              | <b>(378,350)</b>         | <b>(352,627)</b>          |
| <b>Cashflows from Financing Activities</b>                  |                          |                           |
| Repayments of Interest Bearing Loans and Borrowings         | -                        | -                         |
| <b>Net Cashflows from Financing Activities</b>              | <b>-</b>                 | <b>-</b>                  |
| <b>Net Change in Cash Held</b>                              | <b>28,482</b>            | <b>31,383</b>             |
| Cash at Beginning of the Financial Year                     | 464,347                  | 492,829                   |
| <b>Cash at End of the Financial Year</b>                    | <b>492,829</b>           | <b>524,212</b>            |



Appendix 2 Fees & Charges

| Item                                                            | Basis                                                                                                                          | 2010/11        | 2011/12        |
|-----------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|----------------|----------------|
| <b>Fines</b>                                                    |                                                                                                                                |                |                |
| Overdues                                                        | 1st notice (7 days after due date)                                                                                             | \$ 2.20        | \$ 2.20        |
|                                                                 | 2nd notice (21 days after due date)                                                                                            | \$ 11.00       | \$ 11.00       |
|                                                                 | Final account notice (42 days after due date)                                                                                  |                |                |
| Lost & damaged items                                            | The fine calculated by replacement cost listed for the item in the library database plus the processing fee, except magazines. | Cost + \$7.00  | Cost + \$7.00  |
| Lost & damaged magazines                                        | The fine is calculated by the acquisition cost listed in the library database.                                                 | Cost           | Cost           |
| <b>Item Request</b>                                             |                                                                                                                                |                |                |
| Reservation                                                     |                                                                                                                                | \$ 1.10        | \$ 1.10        |
| Inter-Library Loan                                              | Charge listed plus any charge levied by the lending library                                                                    | \$ 2.20        | \$ 2.20        |
| Suggestion for purchase                                         |                                                                                                                                | \$ 2.20        | Free           |
| <b>Printing (not all options are available at all Branches)</b> |                                                                                                                                |                |                |
| Photocopying                                                    | Black & White A4 page                                                                                                          | \$ 0.20        | \$ 0.20        |
|                                                                 | Black & White A3 page                                                                                                          | \$ 0.40        | \$ 0.40        |
| Computer Printing                                               | Text A4 Black & White                                                                                                          | \$ 0.20        | \$ 0.20        |
|                                                                 | Colour A4 page                                                                                                                 | \$ 1.00        | \$ 1.00        |
|                                                                 | Colour A3 page                                                                                                                 | \$ 2.00        | \$ 2.00        |
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**OM113003-6                      REVIEW OF INSTRUMENT OF DELEGATION- OLD BEECHY RAIL TRAIL**

|             |                                |           |              |
|-------------|--------------------------------|-----------|--------------|
| AUTHOR:     | Jodie Fincham                  | ENDORSED: | Colin Hayman |
| DEPARTMENT: | Corporate & Community Services | FILE REF: | GEN 00374    |

**Purpose**

The purpose of this report is for Council to adopt the Policy “Use of the Old Beechy Rail Trail by Recreational Vehicles” and the Instrument of Delegation for the Old Beechy Rail Trail Committee. This follows a recommendation from the December 2010 Council meeting to defer changes to the existing Instrument of Delegation until the consultation process regarding the draft policy is complete.

**Declaration of Interests**

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

**Background**

Council has in place a number of Section 86 committees including the Old Beechy Rail Trail Committee. Under S.86(7) of the *Local Government Act* (the Act) this committee is classed as a Special Committee, which is defined as follows:

*“A committee that exercises a power, or performs a duty or function of the Council that has been delegated to that committee under any Act is a special committee for the purposes of this Act.”*

The committee has an Instrument of Delegation including a Charter which sets out the function, duties or powers of the committee. The revised Instrument of Delegation was presented at the 15 December 2010 Council meeting for endorsement along with a draft Policy providing for consideration of arrangements for the use of the Old Beechy Rail Trail by recreational vehicles.

At the Council meeting it was resolved:

*“That Council:*

- 1. Resolves to inform each owner of private land used in the trail of the new draft policy and invite them to comment until 14 February 2011; and*
- 2. Defers any change to the existing delegation to the Beechy Rail Trail Committee until this process is complete.”*

**Council Plan / Other Strategies / Policy Leadership and Governance**

Council will fulfil its leadership, statutory and legal obligations to its community and staff in a way that is: fair, ethical, inclusive, sustainable, financially responsible and meets the needs and practical aspirations of current and future generations.

Council has a Section 86 Committees policy in place. The policy provides guidance to the various Special Committees.

### **Issues / Options**

#### Changes made to Charter

In November 2010, a copy of the revised Instrument of Delegation and Charter were provided to Council for consideration and endorsement. As a result of further review the following changes were made:

Sub clause 2.4 has changed from "*The Committee may by resolution declare a position Vacant:*" to now read "*With the exception of Council appointees, the Committee may by resolution declare a position vacant:*"

Sub clause 5.10 now reads "*authorise vehicles on the Old Beechy Rail Trail subject to the completion of a Risk Assessment report; recreation vehicles will be subject to Council policy.*"

A Policy has been developed to determine appropriate "Use of the Old Beechy Rail Trail by Recreational Vehicles". This Policy will assist the Old Beechy Rail Trail Committee to perform their delegated duties and ensure appropriate use of the Trail. Consultation was undertaken from 16 December 2010 – 14 February 2011 inviting comment from owners of private land used in the trail.

#### Submissions

A total of ten submissions were received, six of which were from private land owners and four from members of the Old Beechy Rail Trail Committee. Of the ten responses received, one was opposed to the Policy proposal.

This submission has been addressed by amending the Policy to reflect that there will be no motorised vehicles permitted on the trail between Dinmont to Beech Forest.

Other submissions queried horse access on the trail. This issue will be addressed as a separate process to the Policy. Where possible, comments and suggested amendments have been included to further clarify the Policy.

#### Changes made to Policy

The Policy has been amended to reflect that there will be no motorised vehicles permitted on the trail between Dinmont to Beech Forest.

Requests for access to the trail by horses will be considered as part of a separate process.

The final point under the Scope of the Policy has been amended to now read "*Approved applicants will have sole recreational vehicle use of the Trail on requested dates. Applicants will not have exclusive use of the Trail as access must be provided to walkers and riders at all times.*"

### **Proposal**

That Council adopts the amended "*Use of the Old Beechy Rail Trail by Recreational Vehicles Policy*" following the consultation process that has been undertaken.

That Council resolve to sign and seal the revised Instrument of Delegation for the Old Beechy Rail Trail Committee.

That Council confirm the exemptions provided to members of the Special Committee that they are not required to submit a primary or ordinary return.

**Financial and Other Resource Implications**

There are no additional costs relating to this item.

**Risk Management & Compliance Issues**

Risk Management documentation is provided to each of the Section 86 committees to assist them in the management of the facility.

As identified through the "Use of the Old Beechy Rail Trail by Recreational Vehicles" Policy, a Risk Assessment report approved by Council's Risk Management Department is required prior to the Committee authorising recreational vehicle use of the trail.

**Environmental and Climate Change Considerations**

There are no environmental considerations applicable.

**Community Engagement**

The community engagement strategy followed the recommendations of the Colac Otway Shire Council Community Engagement Policy of January 2010, which details five levels of engagement – inform, consult, involve, collaborate and empower.

The method selected has been consult. The revised Instrument of Delegation has been reviewed by Council solicitors, the Chairperson of the Rail trail Committee, members of the Committee and Council Executive. The Instrument of Delegation was also discussed at the November Council workshop.

The method of consultation selected regarding the "Use of the Old Beechy Rail Trail by Recreational Vehicles Policy" has been to consult.

The draft Policy was presented to the Old Beechy Rail Trail Committee of Management on 6 December 2010 for feedback and comment. Consultation has been undertaken with private land owners along the trail.

Members of the Committee represent the Gellibrand Kwarren Progress Association, Beech Forest Progress Association, Council, Midway Plantations, DSE, landowners, Friends of the Old Beechy Rail Trail and user groups (including walking and cycling).

**Implementation**

Once the Instrument of Delegation has been signed and sealed, an updated copy will be included in the Register that is required to be kept and a copy forwarded to the Old Beechy Rail Trail Committee.

It is proposed that subject to Council adoption, the implementation of the Colac Otway Shire "Use of the Old Beechy Rail Trail by Recreational Vehicles" Policy will commence immediately.

**Conclusion**

Council's Special Committees provide a valuable service for the community and assist Council in managing and monitoring community assets.

The Old Beechy Rail Trail Instrument of Delegation has been revised in a number of areas following legal advice and consultation.

The proposed "Use of the Old Beechy Rail Trail by Recreational Vehicles" Policy provides objective criteria to determine appropriate use of the Old Beechy Rail Trail by recreational vehicles.

**Attachments**

1. Use of the Old Beechy Rail Trail by Recreational Vehicles Policy
2. Instrument of Delegation Special Committee Old Beechy Rail Trail

**Recommendation(s)**

***That Council:***

1. ***Adopts the “Use of the Old Beechy Rail Trail by Recreational Vehicles” Policy.***
2. ***Signs and seals the revised Instrument of Delegation for the Old Beechy Rail Trail Committee.***
3. ***In accordance with Section 81(2A) of the Local Government Act 1989, resolves to exempt members of the committee from being required to submit a Primary or Ordinary “Register of Interest” return.***

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USE OF THE OLD BEECHY RAIL TRAIL BY RECREATIONAL VEHICLES POLICY

Policy No: 12.5

Date Adopted:

File No: GEN01688

Revised:

1. PURPOSE

The purpose of this policy is to provide objective criteria to determine appropriate use of the Old Beechy Rail Trail (Trail) by recreational vehicles. This policy will assist the Old Beechy Rail Trail Committee to perform their delegated duties and ensure appropriate use of the Trail.

2. INTRODUCTION

The Trail was opened in 2005 and follows one of the state's former narrow gauge railway lines from Colac through to Beech Forest. The Trail runs on or near the route of the railway, using the original rail formation in many places, as well as accessing land owned by private land holders under a Licence agreement arrangement. The Trail is 45km in length but can be completed in shorter sections and in either direction. The Trail passes through the towns of Barongarook, Gellibrand, Dinmont and Beech Forest.

The Trail is located on a combination of Council owned land, private land and Crown Land. The Department of Sustainability and Environment (DSE) has appointed Colac Otway Shire (COS) as Committee of Management over small sections of the trail that traverse crown land. Colac Otway Shire has successfully negotiated License Agreements with a number of private land owners for access to the Trail across private land. Hence Colac Otway Shire retains ultimate management responsibility for the Trail.

The Old Beechy Rail Trail Committee is a Section 86 Committee of Management. Under s.86(7) of the *Local Government Act* (the Act) this committee is classed as a Special Committee, which is defined as follows:

"A committee that exercises a power, or performs a duty or function of the Council that has been delegated to that committee under any Act is a special committee for the purposes of this Act."

The committee has an Instrument of Delegation including a Charter which sets out the function, duties or powers of the committee.

The Trail is used for the purposes of walking, cycling and horse riding.

3. SCOPE OF THE POLICY

This Policy generally bans the use of motorised vehicles on the Trail with the exception of the following:

- Authorised maintenance vehicles;
- Authorised inspection vehicles;
- Vehicles which provide access to the Trail for those members of the community that would not normally be able to access the Trail; and/or
- Vehicles required to service the activities of Trail uses including walkers and cyclists.

This Policy does not apply to land owners and their agents on their own land. Where the Trail is not suited for motorised vehicles it will be signed accordingly.

Recreational vehicles are prohibited from using the Trail from Dinmont to Beech Forest.

The Old Beechy Rail Trail Committee will assess requests for use of the Trail by recreational vehicles via a written application (Appendix 1). Applications will be assessed by the Committee and must meet the following criteria:

- A Risk Management report has been developed and approved by Council's Risk Management Unit.
- That the vehicle operator has appropriate insurances and registrations;
- The vehicular use is not detrimental to the Trail;
- Use of the Trail will be limited to a maximum of 12 occasions per applicant per calendar year, with preference being for mid week use;
- Should more than one applicant request the same date, the application lodged first will be given priority subject to meeting the appropriate approval requirements;
- Approved applicants will have sole recreational vehicle use of the Trail on requested dates. Applicants will not have exclusive use of the Trail as access must be provided to walkers and riders at all times.

Private land owners will be notified of recreational vehicular use of the trail on approval by the Committee.

4. DEFINITIONS

For the purpose of this policy, a “vehicle” is defined as a land-based motorised device that is designed or used to transport people or cargo.

5. RELATED LEGISLATION

Not applicable.

6. RELATED POLICIES/PROCEDURES/GUIDELINES

Colac Otway Shire Instrument of Delegation Special Committee – Old Beechy Rail Trail Committee.

7. POLICY IMPLEMENTATION

This policy will be reviewed in accordance with the review of the Colac Otway Shire Instrument of Delegation Special Committee – Old Beechy Rail Trail Committee.

APPENDIX 1

Application to use a recreational vehicle on the Old Beechy Rail Trail.

| | | |
|---|--------------|---------------|
| Name | | |
| Organisation (if applicable) | | |
| Address | | |
| Phone | | |
| Email | | |
| Requested dates and times of use | Day/s | Time/s |
| | | |
| Reason for use | | |

The applicant must provide evidence of relevant insurances, registrations and risk management assessments including:

- Copies of required insurances showing certificate of currency including a minimum \$10,000,000 public liability insurance;
- A Risk Management report including Occupational Health and Safety requirements and site specific potential hazard assessment;
- Evidence of current and correct licences;

TERMS & CONDITIONS

- (1) All required documentation must be provided in full at least one month prior to use of the Old Beechy Rail Trail (Trail), unless the Old Beechy Rail Trail Committee (Committee) has approved suitable arrangements.
- (2) The applicant will not have exclusive use of the Trail and the Committee reserves the right to allow use of the Trail by other persons at any time.
- (3) The Committee reserves the right to cancel the applicant's use of the Trail on a date shown in this application in the event of the Trail being required for an extraordinary function or extraordinary use.
- (4) The Committee reserves the right to cancel the applicant's use of the Trail on a date shown in this application in the event that the Trail is unsuitable for use.
- (5) The applicant shall not do, or neglect to do, or permit to be done or left undone, anything that will affect the Colac Otway Shire Council's (Council) Insurance Policy or Policies relative to fire or public risk in connection with the use of the Trail and the applicant hereby agrees to indemnify the Council to the extent that such policies are affected by commission or omission.
- (6) The applicant agrees to indemnify and keep indemnified and to hold harmless the Committee and the Council, its servants and agents and each of them from and against all actions, claims, charges, expenses and damages whatsoever which may be brought about or made or claimed against it by any of them arising out of or in any way related to the use of the Trail.
- (7) The applicant shall at all times during the allocated period of use insure and keep insured with an insurance company approved by the Council against public risk for an amount of not less than \$10 million.
- (8) Bookings may need to be re-scheduled or cancelled in the event of unforeseen weather conditions. If weather conditions are extreme, Trail conditions will be monitored and an assessment will be made as to appropriateness of use.

UNDERTAKING

I _____ of _____

hereby make application for use of the Trail for the dates and times specified and acknowledge having received and read the Terms and Conditions of hire and undertake to be bound by and comply with the Terms and Conditions in every respect and I further undertake to be responsible for ensuring that all individuals or groups using the Trail in association with this application comply with the terms and conditions.

SIGNATURE OF APPLICANT: _____

DATE: _____



INSTRUMENT OF DELEGATION
SPECIAL COMMITTEE

Old Beechy Rail Trail Committee

Pursuant to and in the exercise of the power conferred by section 86 of the Local Government Act 1989, Colac Otway Shire Council delegates to a Special Committee to be known as the **Old Beechy Rail Trail Committee** (established by resolution made on 26 September 2001 those functions, duties and powers set out in clauses 4 and 5 of Schedule titled Old Beechy Rail Trail Committee Charter (as amended)).

1. **This Instrument of Delegation** is authorised by a resolution of Council, passed on

2. **The Delegation:**
 - a) comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - b) remains in force until Council resolves to vary or revoke it;
 - c) is subject to any conditions and limitations set out in the Schedule; and
 - d) must be exercised in accordance with any guidelines or policies which Council from time to time adopts.

3. All members of the committee will have voting rights on the committee.

THE COMMON SEAL of the)
 COLAC OTWAY SHIRE COUNCIL)
 was hereunto affixed in accordance)
 with Local Law No. 4)

..... Chief Executive Officer

**OLD BEECHY RAIL TRAIL COMMITTEE
SPECIAL COMMITTEE**

CHARTER

1. Definitions

“Council” means Colac Otway Shire Council

“Committee” means this Special Committee of Council as constituted pursuant to Section 86 of the *Local Government Act 1989*

2. Membership

2.1 Committee members (other than Council representatives) shall be appointed for a 3 year term by Council resolution.

2.2 Council representatives on the Committee will be appointed annually by Council resolution.

2.3 Committee membership may consist of:

2.3.1 two representatives from each of:

- Gellibrand/Kawarren Progression Association;
- Beech Forest Progress Association;
- the Colac area; and
- Council (one Councillor and one member of Council staff); and

2.3.2 one representative from each of:

- Midway Plantations;
- Parks Victoria;
- Department of Sustainability and Environment;
- Otway Scenic Circle Association;
- Landowner ;
- Friends of the Old Beechy Rail Trail; and
- User groups such as walking and cycling groups.

2.4 With the exception of Council appointees, the Committee may by resolution declare a position vacant:

2.4.1 where a member has failed to attend 3 consecutive meetings without leave;

2.4.2 where a member has resigned from the Committee in writing;

2.4.3 on the advice of Council; or

2.4.4 where the Committee resolves to vacate a member’s position.

- 2.5 Casual vacancies during the 3 years may be filled by the Committee recommending a replacement for Council to make by resolution.
- 2.6 Temporary appointments to the Committee may be made by Council, as required, on the recommendation of the Committee.

3. Meetings

- 3.1 The Committee must annually appoint a chairperson from among its members. If the Committee fails to appoint a Chairperson the Council will make an appointment.
- 3.2 In the absence of a chairperson, the Committee may appoint an acting chairperson.
- 3.3 The Committee must meet at least 4 times each year.
- 3.4 Meetings will be held at such times and places fixed by the Committee.
- 3.5 Special meetings may be called by the chairperson or on the written request of at least 3 committee members.
- 3.6 Committee members must have at least 3 clear days written notice of meetings.
- 3.7 Meetings of the Committee which, in the opinion of the Committee, may prejudice Council must be closed to the public including meetings dealing with sensitive land management issues, proposed developments and legal and contractual matters.
- 3.8 The quorum for a Committee meeting is at least half of the members, at least one of whom must be a member of Council staff or Councillor.
- 3.9 All Committee members will have equal voting rights, but in the case of a tied vote the Chairperson will have a casting vote.
- 3.10 The chairperson must ensure that minutes of Committee meetings are kept.

4. Committee Functions

- 4.1 The Committee is responsible for:
 - 4.1.1 development of strategic plans for future management and maintenance;
 - 4.1.2 ensuring effective means of communication to encourage community participation and ownership; and
 - 4.1.3 management and maintenance of the Old Beechy Rail Trail.

4.2 The Committee's corporate governance factors include:

4.2.1 defining and monitoring strategic direction;

4.2.2 defining policies and procedures to ensure operation with legal and social responsibilities; and

4.2.3 establishing control and accountability systems.

5. Delegated Power

To carry out the functions and responsibilities listed in clause 4 above, Council delegates to the Committee the power to:

5.1 set strategic direction and guidance policies with respect to the Old Beechy Rail Trail;

5.2 implement the strategic policies outlined in clause 5.1 above;

5.3 develop and implement a Management Plan for the Old Beechy Rail Trail;

5.4 accept gifts, donations and bequests by the public towards projects associated with the Old Beechy Rail Trail;

5.5 incur expenditure with respect to the Old Beechy Rail Trail provided that the expenditure does not exceed annual budget parameters specified by Council and report to Council on a quarterly basis;

5.6 set Committee meeting dates;

5.7 appoint advisers to the Committee as appropriate and engage people to carry out minor works and improvements to the Old Beechy Rail Trail within approved budget parameters.

5.8 apply for relevant funding opportunities for the improvement and maintenance of the Old Beechy Rail Trail;

5.9 direct a Committee member to discuss arrangements with a wide range of land owners - including private land owners, statutory authorities and government departments - to allow for access, management, improvement, enhancement and maintenance of the Old Beechy Rail Trail and related infrastructure;

5.10 authorise vehicles on the Old Beechy Rail Trail subject to the completion of a Risk Assessment report; recreation vehicles will be subject to Council Policy;

5.11 authorise the conduct of special events for the purpose of publicity and/or fundraising subject to the completion of a Risk Assessment report;

- 5.12 make recommendations to Council in relation to:
- 5.12.1 contracts, licences and leases to be entered into for the management and maintenance of the Old Beechy Rail Trail;
 - 5.12.2 monitoring behavior and withdrawing invitations to enter the Old Beechy Rail Trail;
 - 5.12.3 planning and other policy matters affecting the Old Beechy Rail Trail;
 - 5.12.4 accepting the grant of the benefit of easements in favour of Council with respect to the Old Beechy Rail Trail; and
 - 5.12.5 maintenance and major works on the Old Beechy Rail Trail.
- 5.13 notify Council, a staff member of Council and/or a relevant authorized officer of Council of the presence of:
- 5.13.1 livestock;
 - 5.13.2 vehicles; and/or
 - 5.13.3 trespassers.
- on the Old Beechy Rail Trail

6. Minutes of Meetings

- 6.1 Minutes of meetings must be saved in Council's internal Library system.

OM113003-7 REVIEW OF COUNCIL POLICIES

| | | | |
|-------------|--------------------------------|-----------|-------------------|
| AUTHOR: | Colin Hayman | ENDORSED: | Rob Small |
| DEPARTMENT: | Corporate & Community Services | FILE REF: | GEN01688 Policies |

Purpose

The purpose of this report is to present for Council's consideration three policies/documents that have been considered by the Audit Committee and recommended to be approved by Council.

Declaration of Interests

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

Background

Three documents have recently been reviewed by Council's Audit Committee:

- Audit Charter (part of Internal Audit Policy)
- Fraud Prevention Policy
- Risk Management Policy

The Audit Committee has recommended to Council that it consider and adopt the revised policies.

Council Plan / Other Strategies / Policy Leadership and Governance

Council will fulfil its leadership, statutory and legal obligations to its community and staff in a way that is fair, ethical, inclusive, sustainable, financially responsible and meets the needs and practical aspirations of current and future generations.

In the Plan there is also a key action "Review of Council's Policies".

Issues / OptionsChanges to Policies:Internal Audit Policy (Audit Charter)

There have no changes made to the Policy other than indicating the date of the Audit Committee Charter at Section 6. The main changes have been to the Charter which is an attachment to the Policy.

The current Audit Charter was adopted in December 2010. Since then the Audit Committee has considered a revised Audit Charter which forms part of the policy. There have been a number of suggested changes made to the Charter.

Under Roles and Responsibilities Section 4.4 - Compliance with Laws and Regulations, two additional points have been added to the Charter:

4.4.3 *Obtain regular reports from Management that reflect compliance/non-compliance with laws, legislation and policies.*

4.4.4 *Review the register of tender and procurement non-compliance issues.*

These 2 additional points are consistent with the recommendations of the Ombudsman from “A report of investigations into the City of Port Phillip”.

Under Section 5.2 – Reporting. Annual has been changed to bi-annually.

Risk Management Policy

As part of the Annual Audit Plan, the Risk Management Policy is to be reviewed on an annual basis.

The policy has been reviewed and a number of changes have been made following feedback from the Audit Committee and Executive.

Compared with other councils the current policy is far more extensive. As part of the review some parts have either been deleted or incorporated into other parts without losing the significance of the information.

Fraud Prevention Policy

During May and June this year it is intended to deliver Fraud Prevention Awareness Training to all staff as part of Council’s Compliance Program.

As part of the training, reference will be made to the latest Fraud Prevention Policy.

The current Fraud Prevention/Control Policy was revised in October 2009.

Changes

Sections 1 to 3 and 11 to 12

Are similar to the existing policy:

- 1- Introduction
- 2- Relationship with Council Plan
- 3- Objectives
- 11- Documentation
- 12- Review of Policy

Section 4 – Definitions

Additional definitions for Employees and Prevention have been added while others have changed.

Sections 5 to 10

These sections contain similar information to the existing policy but have been put into a revised format and wording.

Appendices

Appendix A to C have been added to provide additional information.

- Appendix A - Practical Guide to Risk Assessment
- Appendix B - Examples of Fraud/Corruption Prevention Control
- Appendix C - Some possible fraud and corruption systems

A copy of the revised policies are attached.

Proposal

It is proposed that Council adopts the three revised policies:

| | | |
|----------------|---|-------------------------|
| Policy No 7.3 | - | Risk Management Policy |
| Policy No 16.1 | - | Internal Audit Policy |
| Policy No 16.2 | - | Fraud Prevention Policy |

Financial and Other Resource Implications

There are no direct financial implications in relation to the adoption of the review of the Council policies. Separate decisions will be made as part of Budget discussions as to the level of resources allocated to the Audit processes.

Risk Management & Compliance Issues

The policies have been reviewed based on appropriate legislation.

The three policies are important policies with respect to Risk Management and Compliance issues.

All three policies make a number of references to Risk Management and Compliance. All three policies play an important part in the operation of the Audit Committee and in the Governance of Council.

Environmental and Climate Change Considerations

Not applicable.

Community Engagement

The community engagement strategy followed the recommendations of the Colac Otway Shire Council Community Engagement Policy of January 2010, which details five levels of engagement – inform, consult, involve, collaborate and empower.

The policies have been through a comprehensive consultation process in their development.

The policies have been reviewed by the Executive and appropriate staff, the Audit Committee and the Internal Auditor where appropriate.

As the three policies are revised policies, and are governance related they are not required to go out for public consultation.

Implementation

Once the policies are endorsed the policy manual will be revised. The various policies will also be available to the public via Council's website.

Conclusion

Three revised policies have been recommended for adoption. They are important policies in the Governance of Council.

Attachments

1. Policy No. 7.3 - Risk Management Policy
2. Policy No. 16.1 - Internal Audit Policy
3. Policy No. 16.2 - Fraud Prevention Policy

Recommendation(s)

That Council adopts the following revised policies:

- ***Policy No. 7.3*** - ***Risk Management Policy***
- ***Policy No. 16.1*** - ***Internal Audit Policy***
- ***Policy No. 16.2*** - ***Fraud Prevention Policy.***

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# RISK MANAGEMENT POLICY

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**Policy No: 7.3**

**Date Adopted: 27 April 2010**

**File No: GEN01688**

**Revised 30 March 2011**

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## 1. INTRODUCTION

### Policy Statement

Colac Otway Shire Council recognises that it is responsible and accountable for the management of risk as far as practicable at both corporate and community levels.

Council works in co-operation and consultation with employees and community to:

- Ensure ongoing active prevention of injury or illness to any person;
- Minimise or prevent risk and liability to Council; and
- Minimise damage or loss of any property.

Council acknowledges its corporate, financial and legal responsibility to effectively manage risks in all areas of its business activities. As far as is reasonably practicable Council will ensure that the organisation's operations do not place people, property or the environment at unacceptable levels of risk or harm.

### Statement Of Commitment

The major risk for most organisations is that they fail to achieve their strategic, business or project objectives, or are perceived to have failed by their stakeholders. The Colac Otway Shire is committed to managing this risk by logically and systematically identifying, analysing, evaluating, treating, monitoring and communicating all risks that directly or indirectly impact on the Council's ability to achieve the vision and strategic objectives outlined in the Council Plan.

Council believes that good Risk Management is essential for the successful implementation of the Council Plan, as it:

- Facilitates innovation, cooperation and the sharing of resources.
- Enhances the development and delivery of Council programs.
- Supports the Council's key values and ethics.
- Encourages a closer working partnership between the Council and the community.
- Ensures consultation with all Stakeholders on key issues.
- Encourages a proactive approach to problem solving.

## 2. POLICY PRINCIPLES

The principles of the policy are to:

- Identify and analyse Council's liability associated with risk;
- Identify, evaluate and prioritise the Council's risk associated opportunities and threats, with a view to:
  - Exploiting opportunities; and
  - Reducing, mitigating, transferring or eliminating threats.
- Promote and support risk management processes throughout the Colac Otway Shire;
- Encourage the identification and reporting of potential risks;
- Implement processes to reduce risk and eliminate high risk activities;
- Recognise that successful risk management relies on input from ALL employees;
- Allow for more effective allocation and use of resources;

- Provide a basis for higher standards of accountability;
- Protect Council's corporate image as a professional, responsible and ethical organisation; and
- Implement key actions in minimising risk exposure.

### 3. RELATIONSHIP WITH COUNCIL PLAN

The management of risk is integral to achieving Council's mission as outlined in its Council Plan. The Shire's values of Respect, Integrity, Goodwill, Honesty and Trust have relevance to the Risk Management Policy. A strategy under the Leadership and Governance objective is "Continuously improve operational systems, processes and minimise risk".

### 4. DEFINITIONS

Definitions as per **AS ISO/IS 31000**:

**Risk** is the effect of uncertainties on objectives. The "effect" of the uncertainty is any deviation from the expected and can be positive or negative. The objective could be related to finance, health & safety or environmental and could impact on different levels of the organisation (Strategic, Operational or Project based etc).

**Exposure** is the extent to which an organisation and/or stakeholder is subject to an event.

**Risk Management** is the co-ordinated activities to direct and control an organisation with regard to risk.

**Hazard** is a source of potential harm.

**Event** is an occurrence or change of a particular set of circumstances.

**Likelihood** is the chance of something happening.

**Consequence** is the outcome of an event affecting objectives.

### 5. SCOPE

This policy includes all services and functional areas of the organisation, including contractors and consultants and at all levels of the organisation.

The policy encompasses risk management principles pertaining to all classes of risk and will be implemented across all sectors of the organisation. It requires a consistent, proactive and systematic approach to risk management at all levels of Council and council activities.

In order to manage risks in accordance with best practice, Council should comply with the requirements of **ISO/IS 31000, Risk Management – Principles and Guidelines** as well as Council's established ethical standards, values, policies, procedures and business practices.

### 6. RISK MANAGEMENT REQUIREMENTS

***Risk Management shall be a consideration in all Council decision making processes.*** In accordance with its common law 'duty of care', statutory responsibilities and Council Policy, Council will ensure that resources are allocated to:

- Minimise Council's exposure to loss and litigation;
- Protect and enhance Council's Reputation;

- Protect Council's financial and physical assets;
- Implement employee health and safety programs;
- Capitalise on opportunities;
- Identify and manage risks which may cause loss or liability to Council; and
- Educate staff & Council to ensure there is a firm understanding of the principles associated with Enterprise Risk Management.

Maximum benefit is derived from the risk management processes through the:

- Commitment of Council and the Executive Management Team to risk management;
- Analysis of both external and internal risks;
- Establishment of risk management responsibilities throughout the Council;
- Communication throughout Council about risk;
- Regular monitoring and reporting on processes established to manage risk to the Risk Management Committee, to the Chief Executive Officer and the Audit Committee; and
- Integrating of risk management into the business planning process.

This will be achieved through the implementation of a risk management process, which is designed to identify significant risk exposures and find acceptable solutions for eliminating, reducing or transferring them.

## 7. RESPONSIBILITY

Management and Staff are to be familiar with and competent in the application of Council's Risk Management Policy and are accountable for adherence to the policy within their areas of responsibility.

**Council** is responsible for adopting a Risk Management Policy and ensuring that there are adequate budgetary provisions for the implementation and maintenance of this policy.

**The Audit Committee** is responsible for:

- assisting the co-ordination of relevant activities of management, achieving the overall objectives of Council in an efficient and effective manner, including:
  - acting as an advisory of Council, to assist in discharging Council's responsibilities as they relate to the organisation's accounting policies, management systems, internal controls and financial reporting;
  - maintaining an efficient and effective external and internal audit processes;
  - assisting Council in managing its risk; and
  - reviewing compliance process with legislation.

**Risk Management Committee** is responsible for:

- Ensuring Council's Risk Management practices operate within the framework provided by AS/ISO 31000 Risk Management – Principles and Guidelines, legislation and Council policy.
- Reviewing Council's Risk Management Policy and procedure by 30 November each year.
- Providing advice and assist management and staff in the management of risk within their areas of responsibility.
- Monitoring Risk Trends
- Supporting risk management awareness training throughout the Council.
- Reporting to the Executive Management Team on a quarterly basis.

- Providing an Action Progress Report to the Audit Committee on a quarterly basis.
- Reporting progress to Executive after each meeting.

### **Risk Management Committee Composition**

*The Risk Management Committee will be comprised of individuals at management level, selected to ensure coverage of the Council's key risk areas, as identified by our insurers.*

*Broadly, these risk areas are:*

- Physical Assets
- Recreation / Open Space
- Corporate Governance
- Human Services
- Fiduciary Control
- Information Management
- Planning and Compliance
- Operations
- Contract Management

*The Executive Management Team will be represented on the Risk Management Committee by the General Manager, Corporate & Community Services.*

**Chief Executive Officer and General Managers are** responsible for:

- Understanding the principles of Risk Management, including their application to resource conservation and incident/claim reduction.
- Ensuring that the Council meets its "duty of care" to all staff and the general public and protects its assets and operations through:
  - Education.
  - Appropriate risk financing.
  - Adequate loss control programs and measures.
- Monitoring and evaluating the performance of Managers against their Risk Management responsibilities.
- Leading the Executive Management Team in the development of the Council's Business Continuity recovery program.
- Assisting the Council in the development and revision of the Council Plan.
- Develop agreed and assessable success measures, to support the Strategic Objectives contained in the Council Plan.
- Promoting Risk Management as a vital business principle.
- Monitoring the implementation of the Risk Management Policy and Risk Management procedure across the organisation.
- Monitoring and evaluating the performance of managers against their Risk Management responsibilities.
- Ensure that proposed events and projects within their jurisdiction are not approved without a formal risk assessment that effectively identifies and manages all the risks associated with them.
- Developing approved Business Unit Plans to support the Council Plan, linking all individual Business Objectives to the Council's Strategic Objectives.
- Monitoring all risks and associated Risk Management Plans entered into the Council's Risk Register which fall within their jurisdiction.
- Ensuring the provision of a safe and healthy work environment.

- Implementation of appropriate safe work practices and control measures in accordance with the Occupational Health & Safety Act 2004, its amendments, Regulations and related Codes of Practice and Australian Standards.
- Maintaining Council's Risk Register:
  - review and prioritise all risks entered on the register;
  - review action plans against all identified risks;
- Ensuring that Council's assets and operations, together with liability risks to the public, are adequately protected through appropriate risk financing and loss control programs and measures.
- Providing risk management related information to all staff.
- Advising Council of significant risks, strategies and resource implications.
- Monitoring and ensuring treatments are developed for the items identified in the Risk Register.

**Risk Services Officer** is responsible for;

- Assisting with the implementation of an effective Risk Management System to ensure Council takes a proactive role in managing:
  - WorkCover;
  - Public Liability;
  - Professional Indemnity;
  - Industrial Special Risks and
  - Motor Vehicle claims for Council staff, works, services and facilities.
- Providing advice and assistance to all Council staff in relation to the development and implementation of an effective Risk Management System that complies with AS/ISO 31000 Risk Management – Principles and Guidelines encouraging all Council staff, contractors and volunteers to actively employ Risk Management processes in their decision making.
- Assisting all staff with the procedural aspects of Risk Management.
- Maintaining Council's Risk Register.

**Managers, Co-ordinators and Team Leaders** are responsible for;

- Understanding and observing the Risk Management Policy and related procedures.
- Making loss control/prevention a priority whilst undertaking daily tasks in Council's operations.
- Providing a safe and healthy work environment, in accordance with the Occupational Health and Safety Act 2004, its amendments, regulations and related Codes of Practice and Australian Standards.
- Providing assistance and requested information in relation to any insurance claim or risk management issue, in a timely manner.
- Ensuring that Council responds immediately to any report of a hazard or incident received from a resident, employee or visitor.
- Advising of any risk management matter that should be incorporated in forthcoming budgets.
- Monitoring and ensuring treatments are applied for the items identified in the Risk Register.
- Understanding the principles of Risk Management, including their application to resource conservation and incident/claim reduction.
- Monitoring and evaluating the performance of Team Leaders against their Risk Management responsibilities.
- Contributing to the development of the Council's Business Continuity recovery program.

- Assisting their General Manager in the development and maintenance of Business Unit Plans.
- Assisting their team members/staff in the identification, evaluation and mitigation of risks associated with their success measures.
- Advising of any risk issues within their jurisdiction that should be incorporated in forthcoming budgets.
- Promoting Risk Management as a vital business principle.

**Staff, Volunteers and Contractors are responsible for:**

- Understanding and observing the Risk Management Policy and related procedures.
- Making loss control/prevention a priority whilst undertaking daily tasks in Council's operations.
- Performing duties in a manner which is without an unacceptable level of risk to their own health and safety, other employees, Council's customers, visitors, contractors or the community in general.
- Reporting any illness, injury, hazard, near miss or incidents and losses as soon as they are detected to their manager or coordinator.
- Providing risk management related information, as requested by their manager.
- Assisting their manager in the identification and management of risks to be entered into the Council's Risk Register.
- Contributing to the development and implementation of Risk Action Plans and strategies within their jurisdiction.
- Identifying evaluating and mitigating risks associated with their agreed success measures.
- Providing timely assistance and requested information in relation to any insurance claim or Risk Management issue

**Contracts Co-Ordinator, Manager Sustainable Assets, Manager Capital Works, Manager Major Projects are to:**

- Ensuring that tenders issued and contracts let by Council comply with the Risk Management, Insurance and Indemnity requirements of AS 4000 and conform to the intent of Council's Risk Management Policy and procedure.
- Managing contracts to ensure their compliance with the above.

**Events Co-ordinator**

*In addition to their generic responsibilities under this Policy, the Events Co-ordinator is to undertake and document a formal risk assessment for all proposed events/projects, prior to their submission for funding consideration. This assessment must:*

- Consider known risks identified for similar events/projects.
- Identify unique risks associated with a particular event/project.
- Where possible, modify the event/project's design to eliminate or at least minimise these known risks.
- Where risks cannot be eliminated through redesign or re-engineering, establish plans to mitigate the risk to an acceptable level during an event or after a project's completion/implementation.

**Building Maintenance Officer**

*In addition to their generic responsibilities under this Policy, the Building Maintenance Officer will:*

- Develop and maintain an inspection program for all Council owned and controlled buildings, which complies with all Council's statutory and regulatory obligations.
- Generate maintenance activities from inspections conducted.
- Ensure that maintenance activities are carried out in accordance with applicable specifications and standards.

## 8. DISSEMINATION AND REVIEW

This policy will be communicated throughout the organisation on endorsement.

A regular review of all Council's activities is to be undertaken in order to assess the level of compliance with the Risk Management Policy. Progressive adjustment of practices will be undertaken, including the documentation and recording of those practices, to achieve full compliance with this Policy.

## 9. PERFORMANCE REVIEW

This policy is to be reviewed on an annual basis by the **Risk Management Committee**.

Council shall ensure that there is ongoing review of its risk management system to ensure continued suitability and effectiveness in satisfying the requirements of **AS/ISO 31000 Risk Management – Principles and Guidelines**, and its Risk Management Policy. Records of such reviews shall be maintained. Council shall take part in regular audits to ensure compliance with relevant legislative requirements, these may include SafetyMap, Civic Mutual Plus (CMP) audits, Jardine Mutual Asset Protection Program (JMAPP) audits.

The objective is for Council to be ultimately recognised as achieving and maintaining best practice standards for managing risk within Local Government.

## 10. RISK REGISTER/RISK MANAGEMENT PROCESS

This policy provides the basis for the management of risk within the Colac Otway Shire. This policy should be read in conjunction with the Risk Register, legislation and the associated Risk Management procedures.

## 11. RELATED DOCUMENTS

- OH&S Manual
- ISO/IS 31000 Risk Management – Principles and guidelines
- ISO Guide 73 Risk Management - Vocabulary
- AS 4000 General Conditions of Contract
- Colac Otway Shire Council Plan
- Colac Otway Shire Risk Management Procedure







# INTERNAL AUDIT POLICY

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**Policy No: 16.1**

**Date Adopted: 28/10/09**

**File No: GEN01688**

**Revised: 16/12/09**

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## **1. INTRODUCTION**

The internal audit policy provides a framework for Council, the Audit Committee and the Chief Executive Officer to independently appraise, examine and evaluate the activities of the Council in effectively discharging their responsibilities and accountabilities to customers and constituents.

This policy provides for the implementation of the internal audit function ensuring compliance with laws and regulations that impact upon the organisation. It also provides for the development of adequate and effective controls to be given particular attention to areas of risk in establishing a quality financial, management and reporting system that complements, however does not duplicate the external audit process undertaken by the Auditor General.

## **2. RELATIONSHIP TO COUNCIL PLAN**

Under the Key Result Area of Leadership and Governance the objective is: "Council will fulfil its leadership, statutory and legal obligations to its community and staff in a way that is fair, ethical, inclusive, sustainable, financially responsible and meets the needs and practical aspirations of current and future generations."

The Internal Audit policy is an important part of providing internal and external services to support the organisation meeting the community's needs.

## **3. OBJECTIVES/PURPOSE**

The objective of the internal audit process is to provide independent advice and assurance to Council and management that the policies, operations, systems and procedures for which they are responsible:

- comply with relevant legislation and standards (compliance);
- are carried out with optimum use of resources (economy and efficiency);
- achieve the objectives specified in Council and Operational Plans (effectiveness).
- pro-active Risk Management to minimise Council's risk exposure.

Internal Audit will undertake reviews of Council's activities and furnish the Audit Committee and management with reports containing analyses, appraisals, recommendations, comments and observations.

## **4. POLICY**

### **4.1 Scope of Internal Audit**

The scope of internal audit is to include both compliance by Council and operational performance of Council (including any controlled entities) and may include, but is not restricted to:

- Monitoring risks to which the local government's operations are exposed;
- Preparing of audit plans to lessen the identified risks;
- Evaluating the extent of compliance with legislation, policies and procedures.
- Monitoring, evaluating and reporting on compliance and probity issues surrounding the management of tendering arrangements, including contract compliance, the annual performance statement and co-operative performance indicators;

- Reviewing policies, systems and procedures and evaluating the adequacy of controls.
- Recommending improvements to systems and procedures;
- Advising on appropriate systems of control and other operational matters.
- Assessing the accuracy and appropriateness of reports and other information provided to Councillors.
- Reviewing revenues and expenditure of Council and its controlled entities.
- Advising revenue enhancement and cost reduction.
- Reviewing Business Continuity and Fraud Control.
- Evaluating Council operations and service delivery.
- Making recommendations to achieve operational best practice.

## 4.2 Operating Principles

### (i) Organisational Arrangements

An Internal Auditor is to be appointed by Council for a 3 year period after seeking quotations from appropriate qualified organisations and individuals.

The Internal Auditor (as appointed by Council) is responsible to Council through the Audit Committee and the Chief Executive Officer, for the effective management of an independent Internal Audit function. The independent status within Council is essential to effective internal auditing and shall be maintained at all times.

The Internal Auditor has no managerial powers, authorities, functions or duties except those relating to the Internal Audit function. Accordingly Internal Audit activities do not in any way relieve other personnel from their responsibilities.

The Internal Auditor has the right of access to Council's properties, works, all records, accounts, correspondence, minutes and other documents that may be necessary in the conduct of a review. Council personnel may be requested to provide relevant information within a specified timeframe to enable a review to be efficiently completed.

Internal Audit shall not be responsible for detailed development, implementation of, or variation to financial and administrative systems, but should be advised of any approved development or change to such systems.

The Internal Auditor will promote its image as a service function carrying out its responsibilities through constructive co-operation with Executive Management and personnel at all levels within Council.

### **Competence, Standards and Conduct of Audit Work**

Internal Audit will maintain a high degree of professionalism through application of the following competency and standard requirements:

- Internal Audit personnel will be qualified to at least the minimum required for entry to the professional accounting bodies or other appropriate qualification that may be determined from time to time.
- Internal Audit personnel involved in audits will be appropriately experienced and skilled to independently operate as effective internal Auditors.
- An appropriate range of skills will be maintained within the function.

- Internal Audit personnel will maintain and develop competency and skills through involvement in accepted professional development programmes.
- Standards applicable to the Internal Audit function will be, as applicable, those promulgated by the Australian Professional Accounting Bodies and the institute of Internal Auditors.
- Appropriate quality assurance and performance standards shall be met with all activities undertaken by Internal Audit.

### **Audit Planning and Control**

Internal Audit planning shall be risk based and aligned to the Council Plan and Best Value Schedule. The risk based methodology will indicate where longer term strategic or cyclic activities are involved. In addition, the internal audit plan will take cognizance of the results of the previous year, advice and requests from Council, the Audit Committee and Management.

The Internal Audit Annual Work Plan shall be approved by Council upon the recommendation of the Audit Committee.

### **Reporting the Results of Audit**

Matters arising during audits, including matters for possible inclusion in reports will, on completion of the audit, be discussed with the Manager in charge of the area and where appropriate with the responsible General Manager.

Matters that can be promptly resolved without the need for formal reporting will be done so and if necessary followed up. Details of such matters will be retained in audit working papers.

Formal reports will be issued to Council's Audit Committee as soon as possible after the completion of the review.

Reports will include the Managers response to audit recommendations that will include recommendation acceptance, the responsible officer to undertake the corrective action and the expected date that the corrective action will be completed.

Managers are required to respond to all issues within 30 days of the formal report being issued. This is an initial response only and further work associated with particular recommendations will be negotiated with the appropriate General Manager as required.

The Audit Report including management responses and actions will be presented at the next Audit Committee meeting.

Recommendations as approved will be included as actions in the relevant Business Plans of the particular unit(s).

### **Organisational Reporting of Audit Activity**

The Internal Audit function is directly responsible to the Chief Executive Officer and will report the results of audit reviews via the Audit Committee. The detailed reporting process will be as determined by the Chief Executive Officer on the advice of the Audit Committee.

### **Relations with External Audit**

A professional relationship will be maintained with Council's External Auditors. A close liaison will result in a cost effective use of audit resources ensuring the best value to Council.

Internal Audit will consult with External Audit, where necessary.

### **Confidentiality**

All the work of internal audit will be confidential to the Council and Audit Committee and will not be disclosed to third parties, except for the external auditors unless specifically authorised by Council.

## **5. IMPLEMENTATION AND REVIEW**

This policy will be implemented by Colac Otway Shire and will be subject to periodic review.

## **6. ATTACHMENT**

Audit Committee Charter – March 2009



## AUDIT COMMITTEE CHARTER

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December 2009

### 1. PURPOSE

The Colac Otway Shire Audit Committee is to:

1.1 Assist the Council in its oversight responsibilities by monitoring, reviewing and advising on:

- The truth and fairness of the view given by the annual financial and performance statements of the Council.
- The Council's accounting policies and practices in accordance with current and emerging, accounting standards.
- The external auditors performance.
- The independence and performance of the internal audit function.
- Compliance with legal and regulatory requirements and policies.
- Compliance with Council policy framework.
- Internal controls, the control environment and the overall efficiency and effectiveness of financial operations.
- The Council's overall risk management policy and programs.

1.2 Provide a forum for communication between the Council, management and the internal and external auditors.

### 2. AUTHORITY

The Colac Otway Shire Audit Committee does not have delegated powers to make binding decisions. However Council authorises the Audit Committee, within the scope of the responsibilities to:

2.1 Perform activities within its role and responsibilities.

2.2 Require the attendance of council officers at meetings as appropriate.

2.3 Have unrestricted access to management, employees and information it considers relevant to its roles and responsibilities.

2.4 Monitor the work and assess the performance of the internal and external auditors.

### 3. ORGANISATION

#### 3.1 Membership

- 3.1.1 The Committee will be comprised of two Councillors and two independent members, all of whom shall be appointed by Council.
- 3.1.2 The Council members of the Committee will be appointed annually by Council and the independent members will be appointed for a three year term.
- 3.1.3 Each Committee member should be capable of making a valuable contribution to the committee and have skills and experience appropriate to the Council's operations.

The independent members will be able to demonstrate a background in financial reporting, accounting or business management.

- 3.1.4 Independent members may be appointed for more than one three year term.
- 3.1.5 The Chairperson of the Audit Committee shall be appointed by the Committee on an annual basis. The Chairperson to be from the independent members of the Committee.
- 3.1.6 If Council proposes to remove an independent member of the Committee, it must give written notice to the member of its intention to do so and provide that member with the opportunity to be heard at a Council meeting.

#### 3.2 Meetings

- 3.2.1 The Audit Committee shall meet at least four times each year and at least once in each quarter.
- 3.2.2 Meetings should be arranged to co-incide with the relevant Council reporting deadlines, including co-inciding with the finalisation of the Financial Statements and the draft Annual Report to the Minister.
- 3.2.3 Additional meetings shall be convened at the discretion of the Chairperson or at the written request of any member of the Committee.
- 3.2.4 The Chief Executive Officer should attend all meetings, except where the Committee chooses to meet in camera.
- 3.2.5 A copy of the agenda and comprehensive minutes shall be distributed to the Mayor where not a member of the Committee.
- 3.2.6 Council staff may be requested to attend either regularly or from time to time at the discretion of the Committee.
- 3.2.7 Representatives of the external auditor should be invited to attend at the discretion of the Committee.
- 3.2.8 The Committee may invite any other external party to a meeting in order to carry out the duties and functions of the Committee.

- 3.2.9 A standing invitation exists for all Councillors to attend Audit Committee meetings as observers but voting rights and discussion remains with Committee members. Copies of agendas shall be provided to a Councillor where requested.
- 3.2.10 The internal auditor (as appointed by Council) should attend all meetings where internal audit reports are presented or as requested by the committee.
- 3.2.11 The number of members required to form a quorum is set at three committee members.
- 3.2.12 The chairperson of the Committee shall have a casting vote.
- 3.2.13 Committee members are bound by the Conflict of Interest provisions of the *Local Government Act*.

### 3.3 Remuneration Arrangements

- 3.3.1 Remuneration will be paid to any externally appointed member of the Committee. The basis of the fee may be an annual fee, a set fee per meeting, or some other basis negotiated with the Chief Executive Officer.
- 3.3.2 A Letter of Offer must be signed by externally appointed Committee members and Council. The Letter of Offer must describe any remuneration arrangements and be signed prior to appointment.
- 3.3.3 The Chief Executive Officer will review the remuneration annually in accordance with the terms of appointment.

## **4. DUTIES AND RESPONSIBILITIES**

The following are the duties and responsibilities of the Colac Otway Shire Audit Committee in pursuing its Charter:

- 4.1 To review the scope of the internal audit plan and program and the effectiveness of the function. This review should consider whether, over a period of years the internal audit plan systematically addressed:
- Internal controls over significant areas of risk, including non-financial management control systems;
  - Internal controls over revenue, expenditure, assets and liability processes;
  - The efficiency, effectiveness and economy of significant Council programs; and
  - Compliance with regulations, policies, best practice guidelines, instructions and contractual arrangements.
- 4.2 Review the appropriateness of special internal audit assignments undertaken by internal audit at the request of Council or Chief Executive Officer.
- 4.3 Review the level of resources allocated to internal audit and the scope of its authority.



- 4.4 Review reports of internal audit and the extent to which Council and management react to matters raised by internal audit, by monitoring the implementation of recommendations made by internal audit.
- 4.5 Facilitate liaison between the internal and external auditor to promote compatibility, to the extent appropriate, between their audit programs.
- 4.6 Critically analyse and follow up any internal or external audit report that raises significant issues relating to risk management, internal control, financial reporting and other accountability or governance issues and any other matters relevant under the Committee's terms of reference. Review management's response to, and actions taken as a result of the issues raised.
- 4.7 Monitor the risk exposure of Council by determining if management has appropriate risk management processes and adequate management information systems.
- 4.8 Monitor ethical standards and related party transactions by determining whether the systems of control are adequate.
- 4.9 Review Council's draft annual financial report, focusing on:
  - Account policies and practices;
  - Changes to accounting policies and practices;
  - The process used in making significant accounting estimates;
  - Significant adjustments to the financial report (if any) arising from the audit process;
  - Compliance with accounting standards and other reporting requirements;
  - Significant variances from prior years.
- 4.10 Recommend adoption of the annual financial report to Council. Review any significant changes that may arise subsequent to any such recommendation but before the financial report is signed.
- 4.11 Discuss with the external auditor the scope of the audit and the planning of the audit.
- 4.12 Discuss with the external auditor issues arising from the audit, including any management letter issued by the auditor and the resolution of such matters.
- 4.13 Review tendering arrangements and advise Council.
- 4.14 Review the annual performance statement and recommend its adoption to Council.
- 4.15 Review issues relating to national competition policy, financial reporting by Council business units and comparative performance indicators.
- 4.16 Identify and refer specific projects or investigations deemed necessary through the Chief Executive Officer, the internal auditor and the Council if appropriate.

Oversee any subsequent investigation, including overseeing of the investigation of any suspected cases of fraud within the organisation.

- 4.17 Monitor the progress of any major lawsuits facing the Council.
- 4.18 Address issues brought to the attention of the Committee, including responding to requests from Council for advice that are within the parameters of the Committee's terms of reference.

## **5. REPORTING**

The Colac Otway Shire Audit Committee will:

- 5.1 Report to Council as soon as practicable following the conduct of each meeting in the form of minutes or otherwise.
- 5.2 Report annually to Council, summarising the activities and performance of the Committee during the previous year. The annual report to Council shall include a forward plan and retrospective overview having regard to the Charter.

## **6. REVIEW**

The Colac Otway Shire Audit Committee will:

- 6.1 Review the Audit Committee Charter on an annual basis and any recommendations for amendments will be submitted to Council for approval.
- 6.2 Evaluate its own performance (both of individual members and collectively) on an annual basis. This will include an assessment of the extent to which the Committee has discharged its responsibilities as set out in this Charter. The results of this evaluation will be reported to Council.
- 6.3 Obtain feedback on the Committee's performance and operations from key people such as the external auditor and senior management.
- 6.4 Obtain feedback from the Council on the effectiveness of the committee.



# **FRAUD PREVENTION POLICY**

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**Policy No: 16.2**

**Date Adopted: 28/10/09**

**File No: GEN01688**

**Revised: 30/3/11**

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## **FRAUD PREVENTION POLICY**

### **1. INTRODUCTION**

Colac Otway Shire is committed to the prevention, deterrence and detection of fraudulent and corrupt behaviour in the performance of the business activities of Council.

The Council is committed to ensuring a corporate culture of honesty and integrity in which staff and contractors believe that fraud, corruption, dishonest acts and conflicts of interest will be detected and investigated. Fraud in any form will not be tolerated.

The Colac Otway Shire expects its Councillors and staff to maintain a high standard of ethical conduct in all activities, in particular with respect to resources, information and authority. The community rightly expects the Colac Otway Shire to conduct its business in a fair and honest manner.

### **2. RELATIONSHIP WITH COUNCIL PLAN**

Part of Colac Otway's mission is to provide effective leadership, governance and financial accountability. The Fraud Prevention/Control Policy is an important part of this process.

### **3. OBJECTIVES**

To ensure that Councillors, members of committees and staff are aware of the importance of what constitutes appropriate ethical conduct and responsibilities in dealing with instances of potential fraudulent activities and corrupt behaviour that may come to their attention.

Management of the risk of exposure is an important area to monitor and the Council needs to be assured that appropriate and transparent procedures are in place. This document is linked to the Councillors and Employees Codes of Conduct which Councillors and employees are required to abide by.

The objectives of the policy are to:

- Protect Council's assets and reputation;
- Ensure a sound ethical culture of the Council;
- Ensure senior management commitment to identifying risk exposures to fraud and corrupt behaviour and for establishing procedures for prevention and detection;
- Monitor and review fraud and corrupt behaviour areas and controls on an ongoing basis.
- Ensure Councillors and staff are aware of their responsibilities in relation to ethical conduct.

#### 4. DEFINITIONS

In this Policy:

##### **Corruption**

Corruption includes dishonest or improper use of a position and is defined as including any conduct of:

- any person that could adversely affect the honest or impartial exercise of official functions; or
- a Shire Officer that involves the dishonest or partial exercise of any of his or her official functions; or
- a Shire Officer or former Shire Officer that involves a breach of public trust; or
- a Shire Officer or former Shire Officer that involves the misuse of information or material that he or she has acquired in the course of his or her official functions, whether or not for his or her benefit or for the benefit of any other person; or
- any person that could adversely affect the exercise of official functions and which could involve a number of specific offences such as: official misconduct, breach of trust, malfeasance, oppression, fraud and perverting the course of justice.

It is not corrupt conduct unless it involves:

- a criminal offence;
- a disciplinary offence;
- breach of policy or statute; or
- reasonable grounds for terminating the services of a Shire Officer.

##### **Employee**

Includes Shire employees (Including full-time; part-time temporary and casual), Contractors, Volunteers or the employees of any body providing services on the Shire's behalf.

##### **Fraud**

Fraud is characterised as dishonest conduct or misuse of position or authority in order to obtain unjust advantage, the theft of funds, assets or information, or the unauthorized use of Shire assets for personal gain. Persons inside or outside the Shire's organization, or both, can perpetrate fraud.

##### **Prevention**

Prevention is the process by which the Shire, its management and employees manage risks to prevent fraud and includes:

- Adoption of appropriate internal controls in response to fraud and corruption risk assessments;
- Adherence to a Code of Conduct, a commitment to ethical practices and disciplinary standards;
- Deterrence through commitment to imposing sanctions (e.g.: disciplinary action and/or forwarding evidence and/or information to other agencies);
- Publicising outcomes of investigations where fraud and/or corruption is found to have occurred;
- Internal and external awareness of fraud and corruption and how Shire will deal with it; and
- Education programs to raise and maintain awareness of employees, contractors, consultants, customers and the community.

## 5. RESPONSIBILITY FOR FRAUD PREVENTION

For fraud prevention controls to be effective the ownership of the policy must not be one staff member or a group of staff members, but must include all sections of the Council.

All staff are expected to develop, encourage, insist upon and implement sound financial, legal and ethical decision making within their responsibility levels. Measures to prevent fraud will be continually monitored, reviewed and developed.

### The Council

As the body responsible for the good governance of the Shire the Council is responsible for developing and cultivating a culture of honesty and integrity in the management of the organisation. The Shire will ensure that Management has appropriate measures in place to detect and prevent fraud.

### Audit Committee

The Audit Committee is an advisory committee of Council and is responsible to ensure that appropriate policies and practices are in place that minimise the risk of fraud. In the event that a fraud is detected then the Audit Committee will be advised by the Chief Executive Officer of the matter and appropriate mechanisms to promptly investigate such cases or incidents.

### Management

Management is responsible for the coordination, monitoring, ongoing review and communication of the Shire's fraud prevention strategy and ensuring that a culture of honesty and integrity is present in the provision of services to the community and the conduct of Shire operations.

Managers at all levels are responsible for exercising due diligence and control to prevent, detect and report acts of fraud.

Managers must set an example and advise employees of the acceptability or otherwise of their conduct.

### Organisational Support and Development

Human Resources are responsible for personnel issues arising from an investigation including:

- staff counselling;
- facilitating disciplinary hearings

### Employees

Employees are responsible for acting with propriety and integrity in undertaking their duties as Shire Officers. Employees must not use their position with the Shire to gain personal advantage or to confer advantage, or disadvantage on any other person.

Employees are responsible for the safeguard of Shire assets against theft, mis-use or improper use.

Employees are required to report any suspicion of fraud to the Chief Executive Officer, General Manager Corporate and Community Services or Manager of Finance and Customer Services.

## **Audit**

### **Internal Audit**

The role of Internal Audit is to assist Management and Shire to achieve sound managerial review and control over all Shire activities. This process can aid fraud control, detection and improvements to the controls in place in the organisation.

Internal Audit is not involved in the day to day internal checking systems but is an independent and objective assurance and consulting activity. It assists the organisation to accomplish its objectives by bringing a systematic, disciplined approach to:

- evaluating systems
- improving the effectiveness of management and Corporate Governance.

The principal objectives of Internal Audit are to assess and report on whether:

- there are sufficient internal controls in place to protect Shire's assets and the integrity of information provided to management and Shire.
- there is adequate compliance with relevant laws/statutes and Shire's policies and procedures
- functional areas are appropriately controlled.

### **External Audit**

External Audit is conducted to verify Shire's annual reported financial performance. External Audit also has a role in the process of achieving fraud control by reviewing internal Policies & Procedures and testing systems via specific guidelines developed in accordance with relevant Legislation; Accounting Standards and the Auditor-General's code of ethics.

***For the fraud prevention controls to be effective the responsibility for ownership of the policy must not be one staff member or a group of staff members, but must include all levels of management and staff.***



## 6. FRAUD MINIMISATION PROCEDURES

The following is a listing of fraud minimisation strategies that may be implemented as part of this strategy;

- Management is to be accountable for deviations from the Shire's approved budget and for the conduct of independent detailed reviews of significant variances to the budget.
- An annual review of Shire operations and an assessment of the Shire's exposure to risk to be undertaken.
- Management to impose financial controls which include separation of duties and regular checking of processes to minimise the opportunity for misappropriation of funds and/or assets.
- An ongoing internal audit process. Strong internal controls supported by the internal audit reviews on a regular basis will minimise the exposures to risk and prevent possible new risk areas that have not been addressed.
- External audit review and the focus on accountability of financial systems and the reporting process.
- Maintain strict recruitment practices and confirm all employee details and references are thoroughly checked, also promotion of this policy to all new Shire employees.
- Determine penalties for any fraud that has occurred, in conjunction with, but not limited to Shire's disciplinary procedure.
- Undertake Fraud Awareness and Prevention Training for all Shire Management.
- All assets are properly recorded and regular checks are performed to ensure significant items are present.
- Set a standard of conduct for suppliers and contractors.
- Have procedures in place relating to the use of Shire assets by employees.
- Shire and Management completing the appropriate disclosure of interest forms.

## 7. FRAUD RISK REVIEW

The General Manager Corporate and Community Services will ensure that a structured fraud risk assessment review will be conducted periodically covering all functions and operations of the Shire. The review will address both the internal and external environments, and the fraud risk associated with both. The review will establish the level, nature and form of the Shire's fraud risk exposure. A plan generated from the review will subsequently define areas where specific action may be required.

There are a number of indicators that exist for identifying possible frauds. Each type of fraud is very different and therefore the indicators for each type will also vary. Some indicators of fraud that should be reviewed as part of the review process are as follows:

- Theft, embezzlement or other misapplication of funds or assets
- Bribery or Kick-backs
- Misuse of Shire credit cards and petty cash
- Misuse or unauthorised selling Shire's intellectual property
- False claims for reimbursement
- Misappropriation of cash, credit cards or other Council assets
- Forgery or Alteration of documents

- Destruction or concealment of records or assets
- Collusive tendering or Rigging of Tenders
- Tendering inducements
- Unauthorised use of assets or equipment
- Electronic fraud
- Payroll fraud

## 8. FRAUD AWARENESS TRAINING

This Strategy requires that an ongoing awareness program be implemented to identify issues of fraud prevention, detection and reporting, and bring them to the attention of employees.

Fraud awareness or prevention provisions should be included in employee contracts, employee orientation, contract documentation, Shire agreements and any other process where employee conduct is involved.

The program will need to promote a confidential process whereby employees can feel comfortable to identify any suspicion of Fraud and where such employees can be protected from possible victimisation or discrimination.

There is a need to promote community awareness that fraud committed against the Shire is not acceptable and perpetrators will be prosecuted. The Shire should also promote an honest, ethical and businesslike approach to dealings with Shire by the adherence to good governance practices and protocols.

The following steps for minimising Fraud should be incorporated in the program:

- Responsibility for Fraud Prevention,
- Appropriate risk management policies and procedures,
- The need for eternal vigilance by all employees,
- Details of the periodic review of all functions and operations to assess exposure to fraud including charting possible scenarios relating to:
  - positions with substantial delegated spending authority;
  - activities that are considered high risk;
  - human relationships that lead to the committal of fraud; and
  - units, sections or departments considered susceptible to fraud due to eg, being semi-autonomous, having had previous incidents of fraud, or geographically isolated.
- Instilling a culture of ethical behaviour (code of conduct) eg, communicating that honest trust and integrity are the expected norm;
- Ensuring internal controls are effective and are being implemented consistently;
- Ensuring all staff and external contractors are aware of the organisation's attitude to fraud and their consequences
- Training staff in fraud awareness and prevention
- Good recruitment practices including confirmation of employee details and references and quoted qualifications;
- Introducing 'whistle blowing' mechanisms available to all staff to report fraud;
- Setting severe penalties for fraud as a deterrence;

- Implementing a culture of open communication;
- Effective internal and external audit reviews including implementing agreed audit recommendations within agreed timeframes;
- Councillors have open access to management and auditors
- An Audit Committee is maintained to oversee compliance systems as well as accounting and financial controls.

## 9. REPORTING OF FRAUD

All Shire employees who suspect fraud have an obligation to report it by notifying the Chief Executive Officer, General Manager Corporate and Community Services or Manager of Finance and Customer Services in person, by telephone, in writing or via email.

### ***Purpose of the Fraud Investigation***

1. To determine if a Fraud has been committed;
2. Identify the person(s) responsible for the Fraud,
3. Discover the extent of the fraud and determine the action to be taken.
4. Provide the basis of any insurance claim.
5. Identify how long the fraud has been occurring and thereby the extent of the breakdown of internal controls.

### ***Initial response when a fraud is discovered***

When a fraud is discovered the employee who discovered the fraud must weigh up carefully how to react. It is important firstly to stop any further fraud but equally as important to ascertain who committed the fraud and what is the appropriate steps to take to not "corrupt" any evidence.

The Employee must notify the Shire's General Manager Corporate and Community Services or Manager of Finance and Customer Services as appropriate in the circumstances who in turn must notify the Chief Executive Officer unless the issue of fraudulent behaviour involves either party.

Discretion and confidentiality are essential at all stages during a fraud investigation.

### ***Fraud Investigation Process***

When a fraud investigation takes place, it must be undertaken in a methodical and comprehensive manner.

The Chief Executive Officer in consultation with the appropriate General Manager will determine how and by whom the investigation will be conducted and whether the Police or any external assistance will be employed.

Any investigation should be conducted using the principles of investigation and being mindful of the legalities involved. The Audit Committee should be advised of the situation at the earliest practicable time.

## 10. PROSECUTION OF OFFENDERS

The Shire does not condone fraudulent behaviour and will institute disciplinary procedures in respect of any employee involved in fraudulent activities. In this instance the provisions of the Shire's Disciplinary Policy will apply.

Prosecution in the civil court will be taken against employees or other individuals involved to recover losses incurred by the Shire where this is appropriate. Any matters that involve criminal action will be referred to the appropriate authorities for prosecution under the law.

## 11. DOCUMENTATION

The following documents will provide the basis of the ethical standards and conduct expected of Council staff, Councillors and Council contractors:

- Code of Conduct
- Employee Manual
- Whistleblowers Protection Act 2001 – Public Interest Disclosure Procedures
- Information Privacy Policy
- Position Description/Employment Agreement/Contract

## 12. REVIEW OF POLICY

The Fraud Policy will be reviewed as part of the Council's annual audit program. At the time of the review, additionally, a report will be prepared which will detail procedures and processes undertaken during the past year which will confirm that an appropriate program of fraud awareness and control is in place.

**APPENDIX A**

**PRACTICAL GUIDE TO RISK ASSESSMENT**

(Adapted from with Australian Risk Management Standard 4350)

- Step 1** Identify all functions and tasks for the position to be assessed. Briefly document them.
- Step 2** Identify the threat of fraud or corruption and briefly document it next to the function or task– separating internal threats from external threats.
- Step 3** Identify and briefly list the main controls that mitigate or annul each threat.
- Step 4** Measure the threat (after considering the controls) in accordance with the following table by assessing the:
  - **likelihood** of the threat occurring, and
  - the **consequences** if it did occur.

| Likelihood            |                                             |
|-----------------------|---------------------------------------------|
| <i>Almost Certain</i> | Expected to occur in most circumstances     |
| <i>Likely</i>         | Probably occur in most circumstances        |
| <i>Moderate</i>       | Should occur at some time                   |
| <i>Unlikely</i>       | Could occur at some time                    |
| <i>Rare</i>           | May only occur in exceptional circumstances |

| Consequences         |             |
|----------------------|-------------|
| <i>Insignificant</i> | Low loss    |
| <i>Minor</i>         | Medium loss |
| <i>Moderate</i>      | High loss   |
| <i>Major</i>         | Major Loss  |
| <i>Catastrophic</i>  | Huge Loss   |

- Step 5** Determine the level of risk from the following risk table:

| Likelihood            | Consequences         |              |                 |              |                     |
|-----------------------|----------------------|--------------|-----------------|--------------|---------------------|
|                       | <i>Insignificant</i> | <i>Minor</i> | <i>Moderate</i> | <i>Major</i> | <i>Catastrophic</i> |
| <i>Almost Certain</i> | S                    | S            |                 |              |                     |
| <i>Likely</i>         | M                    | S            | S               |              |                     |
| <i>Moderate</i>       | L                    | M            | S               |              |                     |
| <i>Unlikely</i>       | L                    | L            | M               | S            |                     |
| <i>Rare</i>           | L                    | L            | M               | S            | S                   |

- H** = High risk: planning required at senior levels
- S** = Significant risk: senior management attention needed
- M** = Moderate risk: management responsibility must be specified
- L** = Low risk: manage by routine procedures

- Step 6** Develop an action plan that prioritises risks for further action to reduce/control risks that are too high and/or are unacceptable. Staff, contractors and suppliers who are affected by the risk management action plans should be made aware of the risk treatment action. In most cases, senior management should endorse the action plans.

## APPENDIX B

### EXAMPLES OF FRAUD/CORRUPTION PREVENTION CONTROLS

The following are some examples for guidance.

#### 1 To Reduce or Control Likelihood

- Segregate incompatible duties (e.g.: issuing invoices and banking receipts)
- Require an authorisation check
- Monitor with regular reporting (verbal or written as appropriate)
- Properly document procedures
- Include inspection and process controls
- Robust tendering and contracting procedures
- Checklists as reminders
- Testing and sampling for reliability and accuracy
- Audit and compliance programs
- Reshape contract conditions
- Include structured training and other education programs
- Formal reviews of requirements, specifications and operations
- Project management with comparison against plans
- Quality assurance, management and standards
- Rotating staff and shifts where feasible and economical
- Improving physical security of all premises
- creation of climate that promotes ethical behaviour
- management encourages sound working practices
- enforcement of disciplinary guidelines
- setting standards of conduct for suppliers and contractors
- immediate action on internal/external audit reports to rectify control weaknesses
- strong internal review/audit presence
- setting achievable targets and budgets and stringently review results
- review of large and unusual payments
- performing test checking, confirmation and verification procedures
- regularly reviewing accounting and administrative controls
- ensuring staff in high risk areas take regular leave
- ensuring all expenditure is authorised before delivery
- taking swift and decisive action on all fraud/corruption situations
- ensuring staff are fully aware of their rights and obligations in all matters that relate to this strategy document

#### 2 Reduce or Control Consequences

- Contingency planning
- Insuring against potential losses
- Contractual conditions and arrangements
- Separation or relocation of the activity and/or resource
- Disaster recovery plans

#### 3 Examples of ineffective controls and poor internal control practices that increase exposure to fraud and/or corruption

- Supervisors not communicating adequately
- Exercising authority and delegations without checking documentation
- Signing blank forms in advance of use
- Signing off documents without checking for accuracy and reasonableness

## APPENDIX C

### SOME POSSIBLE FRAUD AND CORRUPTION SYMPTOMS

Some symptoms are listed here for awareness purposes as having higher risk potential.

***These items do not necessarily mean that fraud or corruption is present!***

#### Employee Related

- employees suffering financial hardship or apparently living beyond their means
- close relationships developed between employees and customers/creditors (risk of favouritism)
- close relationships between employees and organisations/individuals providing goods and SHIREs
- regulatory officers with close personal relationship with organisation/individual under review
- employees working excessive hours or not taking holidays (to prevent another officer relieving)
- senior staff conducting less senior work (e.g.: purchasing, ordering and receiving) without good reason
- excessive control of all records by one officer (e.g.: keeping vital records away from the workplace)
- heavy gambling habits, signs of alcohol, drug abuse or other personal problems
- excessive secretiveness or marked character changes
- unusual working hours on a regular basis
- very poor morale and/or refusal to comply with normal rules and practices
- regular unexplained unusual working hours (possible pilfering or unauthorised personal use of equipment)
- excessive overtime without apparent need
- large backlogs in high risk areas without management scrutiny

#### Transaction Related

- favouritism in allocating licenses/permits
- collusion in joint ventures or tendering
- insufficient checking of delivery dockets and/or other key source documentation
- purchase order splitting to avoid higher delegated approval
- excessive credit notes, refunds or client account adjustments
- frequent inventory shortages
- accepting offers from customers/suppliers not to pay for personal purchases
- different suppliers with same addresses and/or supplier delivery does not match order or is incomplete
- supplier advised of order change without proper approval and documentation
- cheques or statements given to staff for handing to suppliers and/or cheques made out to "cash"
- excessive levels of waived late payment charges
- terminated employees still appearing on payroll listings
- absence of controls and audit trails
- missing supporting documentation required to complete an application or request
- cash takings not reconciling with receipts issued
- failure to properly follow petty cash procedures
- forest compartment allocation to harvesters and/or log allocation and delivery to sawmills
- harvest removals from forest with and without authority
- harvest product segregation, downgrading and/or increased defect assessment

**Computer Related**

- computer access not restricted by password and/or insufficient physical security over computers
- records of computer hardware and software not continually maintained
- sharing of passwords and infrequent change of passwords and/or inappropriate levels of computer access
- inadequate data integrity controls (e.g.: no transaction reports, edit reports, reconciliations)
- ineffective change controls (e.g.: unauthorised software program changes and inadequate testing of changes)
- introducing viruses to the system that may affect system availability, response and/or corrupt data
- unauthorised use of computer resources (e.g.: to run personal business or gain privileged access to systems)
- inadequate job segregation (e.g.: between development and operational functions)



**CONSENT CALENDAR**

**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

| ITEM                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | D | W |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|
| <b><u>INFRASTRUCTURE AND SERVICES</u></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |   |   |
| <p><b><u>OM113003-8 COMMUNITY REFERENCE GROUP - COLAC ROAD HIERARCHY AND HEAVY VEHICLE TRUCK ROUTE FOR COLAC TOWNSHIP</u></b></p> <p>Department: Infrastructure</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council:</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. Appoints a Community Reference Group to include community members, a Council representative and Council Officers for the Road Hierarchy and Heavy Vehicle Truck Route Study for Colac Township and endorses Officers advertising for appointment of members of this group;</i></b></li> <li><b><i>2. Appoints a Councillor representative, Cr.....on the Community Reference Group and that the Councillor representative be involved in the selection of the appropriate community representatives for recommendation to Council;</i></b></li> <li><b><i>3. Be presented with a further report to formalise the Community Reference Group members once members have been through a selection process.</i></b></li> </ol> |   |   |

**Recommendation**

***That recommendations to items listed in the Consent Calendar, with the exception of items ....., be adopted.***

**MOVED** .....

**SECONDED** .....



OM113003-8

**COMMUNITY REFERENCE GROUP - COLAC ROAD  
HIERARCHY AND HEAVY VEHICLE TRUCK ROUTE FOR  
COLAC TOWNSHIP**

|             |                           |           |           |
|-------------|---------------------------|-----------|-----------|
| AUTHOR:     | Neil Allen                | ENDORSED: | Rob Small |
| DEPARTMENT: | Infrastructure & Services | FILE REF: | GEN       |

**Purpose**

The purpose of the report is to seek Council endorsement for establishment of a Community Reference Group for the Colac Road Hierarchy and Heavy Vehicle Truck Route.

**Declaration of Interests**

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

**Background**

Consultants Aurecon have been appointed to *Contract No. 1010, The Provision of Consultancy Services for Road Hierarchy and Heavy Truck Route for Colac Township*, to undertake a study to develop a proposal for the Road Hierarchy and Heavy Vehicle Truck Route for Colac township. As part of the consultancy brief, a Community Reference Group is required to be established to assist with the implementation of this project. Officers are in the process of preparing and calling for submissions.

It is anticipated that this study will generate a significant amount of response from the local community regarding concerns in relation to the location of a suitable heavy vehicle route through Colac. In line with the project brief requirements, this project should have input from the Community Reference Group to assist with the determination of the suitable heavy vehicle route.

A Project Steering Group has been formed to work with the consultant to implement this project. The group consists of the following:

- Chief Executive Officer – Mr Rob Small;
- General Manager Infrastructure and Services – Mr Neil Allen; and
- Manager Planning and Building – Mr Doug McNeill.

The role of the Project Steering Group will be to assist the consultant, oversee the work and work with the Community Reference Group to ensure that this project addresses the concerns raised by the Community Reference Group and Community.

It is proposed that the establishment of a Community Reference Group would include a Council representative, Council Officers and the community representatives and be Chaired by the Project Manager.

**Council Plan / Other Strategies / Policy**

**Physical Infrastructure and Assets**

Council will provide and maintain Council infrastructure and assets that meet community needs now and in the future.

The strategy states;

“To ensure infrastructure development, renewal and maintenance plans address current and forecast community needs.”

### **Issues / Options**

The planning for the Heavy Vehicle Truck Route through Colac will be a matter of great interest to the community. In recognition of this, the consultants will develop a comprehensive community engagement strategy that includes a range of engagement options including a local Community Reference Group to provide input and advice to the Project Steering Group on the development of the project.

The Community Consultation Strategy will also include media releases, community bulletins, community workshops and stakeholder meetings. In order to progress this project, Expressions of Interest (Eoi) to join the Community Reference Group will need to be called and assessed against the Selection Criteria and call for members to be appointed to the Community Reference Group. A further report will be provided back to Council for endorsement of the Community Reference Group members. It is proposed that the Eoi process will be advertised in the Colac Herald along with a media release to draw the public's attention to the opportunity to nominate for membership of the group.

The Terms of Reference Community Reference Group will be attached to a nomination form describing the Selection Criteria. The Selection Criteria proposed is as follows:

1. Geographical distribution;
2. Residential/Commercial interests;
3. Transport and Heavy Vehicle interest;
4. Individual/Interest group; and
5. Expertise/Reasons for wishing to participate.

It is anticipated that nominations for the Community Reference Group will be assessed by Officers in conjunction with a Councillor Representative prior to seeking Council endorsement. It is proposed that the Community Reference Group be based on 10 members being selected. Based on the submissions received, this number may be adjusted depending on expertise and experience, however, it is suggested that 10 community members would be a workable size group and ensure a good cross section of people in the community are included.

### **Proposal**

It is proposed that Council endorse the forming of a Community Reference Group for membership to advise on the determination of Heavy Vehicle Truck Route for Colac and to appoint a Council representative to assist with the determination of members for this Reference Group and ongoing liaison.

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

There are no financial implications in this proposal other than some minor catering costs that may be required for meetings. The Community Reference Group will, however, require staff resources and this has been accommodated within the overall project costings.

### **Risk Management & Compliance Issues**

There is a risk that if the Community Reference Group is not endorsed, the community may form the view that Council is not satisfactorily engaging the community in this project. There is also a risk that persons unsuccessful in being appointed to the Community Reference Group will feel disappointed that not having a role. This is unfortunate but it is considered that a workable group should be limited to in the order of 10 community members if appropriate.

### **Environmental and Climate Change Considerations**

There are environmental or climate change impacts under this proposal.

### **Community Engagement**

The community engagement strategy will follow the recommendations of the Colac Otway Shire Council Community Engagement Policy of January 2010, which details five levels of engagement – inform, consult, involve, collaborate and empower.

While the general public will be informed and consulted on this project, the Community Reference Group will be involved in the process. Under Council's Community Engagement Policy, this is a high level engagement where officers will work directly with the group to ensure that public concerns and aspirations are understood and reflected, where appropriate, in the outcomes of the process. The general public will be informed and consulted through a comprehensive community engagement strategy that will include media releases and some workshops and stakeholder meetings.

### **Implementation**

Providing Council endorses the Community Reference Group, advertisements will be placed in the newspapers calling for members.

### **Conclusion**

The Community Reference Group is a vital part of Council's efforts to engage the public in the process of determining the most suitable alignment for heavy vehicles travelling through and around Colac. A public EoI process will hopefully attract suitable community members for appointment based on selection criteria that ensures a true cross section of interest within the local community and the transport industry.

### **Attachments**

1. Nomination Form and Terms of Reference

### **Recommendation(s)**

#### ***That Council:***

1. ***Appoints a Community Reference Group to include community members, a Council representative and Council Officers for the Road Hierarchy and Heavy Vehicle Truck Route Study for Colac Township and endorses Officers advertising for appointment of members of this group;***
2. ***Appoints a Councillor representative, Cr.....on the Community Reference Group and that the Councillor representative be involved in the selection of the appropriate community representatives for recommendation to Council;***
3. ***Be presented with a further report to formalise the Community Reference Group members once members have been through a selection process.***

~~~~~\ ~~~~~




NOMINATION FORM

COLAC ROAD HIERARCHY AND HEAVY VEHICLE TRUCK ROUTE FOR COLAC TOWNSHIP COMMUNITY REFERENCE GROUP

Name: _____

Phone No: _____

Postal Address: _____

Fax No: _____

Email Address: _____

Reasons for applying to be a member on the Colac Road Hierarchy and Heavy Vehicle Truck Route for Colac Township Community Reference Group

Expertise/Skills:

(Please tick the appropriate box – you may tick more than one box)

- Located in or near Colac
- Residential/Commercial Interest
- Transport and Heavy Vehicle Interest
- Individual/Interest Group
- Other

Details of Expertise and/or Skills

(with reference to boxes ticked above)

Organisations/Local networks of which you are a member and positions held:

Signature: _____

SELECTION CRITERIA

In appointing members to the Community Reference Group the Shire will be seeking a diversity of representation which may include the following characteristics:

- Geographical distribution;
- Residential/Commercial interests;
- Transport and Heavy Vehicle interest;
- Individual/Interest group; and
- Expertise/Reasons for wishing to participate.

It will also be desirable if appointees have skills in one or more of the following areas:

- Ability to consider a wide range of strategic road use and planning issues in an open minded and independent way.
- Verbal communication and listening skills.
- Ability to positively contribute in a group environment.
- Capacity to innovate and think imaginatively.

TERMS OF REFERENCE

The Terms of Reference for the ***Colac Road Hierarchy and Heavy Vehicle Truck Route for Colac Township*** Community Reference Group are as follows:

1. Establishment of the Reference Group

The Reference Group is established as part of the ***Colac Road Hierarchy and Heavy Vehicle Truck Route for Colac Township*** Community Reference Group. The Group will remain in existence for the duration of the Study (approximately 6 – 9 months) and will cease upon presentation of the final report to Council for adoption.

2. Responsibilities of the Reference Group

The primary responsibility of the Community Reference Group will be to provide comment and feedback to the Project Team throughout the study. The Reference Group will not have a decision making role.

The Reference Group will also be responsible to assist in feeding information to and educating the wider community on the project.

3. Appointment of Members

The Reference Group will comprise approximately ten members, who will be shortlisted by the Project Team in accordance with the Selection Criteria on the Nomination Form, and then selected by Council at an Ordinary Meeting.

4. Reference Group Procedures

- The meetings will be held in Colac at a time and venue agreed by the Group, taking into account the availability of members and officers.
- The Project Manager shall act as chairperson at the meetings of the Group.
- An agenda for each meeting will be prepared by a council officer and forwarded to Group members at least four (4) days prior to a meeting.

Please return this form to Mrs Leanne Brooker, Executive Officer Infrastructure & Services, Colac Otway Shire, PO Box 283, Colac, 3250 by 4 May 2011.

Should you require any further information on the **Colac Road Hierarchy and Heavy Vehicle Truck Route for Colac Township** or the Community Reference Group, then please contact Neil Allen, General Manager Infrastructure & Services, phone 5232 9481 or neil.allen@colacotway.vic.gov.au.

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

| ITEM | D | W |
|---|---|---|
| <p><u>SUSTAINABLE PLANNING AND DEVELOPMENT</u></p> <p><u>OM113003-9 PLANNING SCHEME AMENDMENTS TO UPDATE THE EROSION MANAGEMENT OVERLAY MAPPING AND SCHEDULE</u></p> <p>Department: Sustainable Planning and Development</p> <p><u>Recommendation(s)</u></p> <p><i>That Council requests authorisation from the Minister for Planning to:</i></p> <ol style="list-style-type: none"> <i>1. Reduce the spatial extent of the Erosion Management Overlay maps to align with updated mapping provided through the Council's EMO Review.</i> <i>2. Prepare and exhibit an amendment to the Erosion Management Overlay – Schedule 1 and introduce the EMO to minor additional areas in line with updated mapping provided through the Council's EMO Review.</i> | | |
| <p><u>OM113003-10 STATE GOVERNMENT CHANGES TO LEGISLATION CONCERNING WIND ENERGY FACILITIES</u></p> <p>Department: Sustainable Planning and Development</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. Note the legislative changes gazetted by the State Government on 15 March 2011 relating to wind energy facilities.</i> <i>2. Engage with the G21 and Great South Coast Regional Council groupings in relation to the issue.</i> <i>3. Write to the State Government and Municipal Association of Victoria (MAV) to express concern at the likely resource impacts on local government of the transfer of all decision making powers for wind energy facilities to local government.</i> | | |

Recommendation

That recommendations to items listed in the Consent Calendar, with the exception of items, be adopted.

MOVED

SECONDED

OM113003-9

**PLANNING SCHEME AMENDMENTS TO UPDATE THE
EROSION MANAGEMENT OVERLAY MAPPING AND
SCHEDULE**

| | | | |
|-------------|------------------------------------|-----------|--|
| AUTHOR: | Don Lewis | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | Gen00451 Planning Scheme/Amendment C54 |

Purpose

To seek a resolution of Council to request the Minister for Planning to:

- Prepare a Section 20(4) planning scheme amendment to reduce the spatial extent of the existing Erosion Management Overlay maps to align with updated mapping for select areas of the municipality; and
- Seek authorisation to prepare and exhibit an amendment to the Colac Otway Planning Scheme to amend Schedule 1 to the Erosion Management Overlay (EMO) and apply the EMO to minor additional areas to align with updated mapping provided for select areas of the municipality.

Declaration of Interests

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

Background

The Colac Otway Planning Scheme currently includes an Erosion Management Overlay (EMO) and accompanying schedule. The overlay and schedule were revised as part of Amendment C8 to the Colac Otway Planning Scheme which was gazetted on 28 September 2006. Amendment C8 included many additional areas of the Shire in the EMO that are potentially subject to landslip but were not previously included in the overlay. Amendment C8 expanded the coverage of the EMO (see **Attachment 1**), introduced a schedule that exempted certain buildings and works from the need for a planning permit and inserted a local policy to guide decision making.

Since the expansion of the EMO it has become apparent that planning permits are often required for subdivision and buildings and works where the risk of land slide is minimal or non-existent. As such the EMO triggers unnecessary planning permit applications in these areas and triggers the need for land owners to unnecessarily engage consultants to prepare geo-technical assessments.

Since 2006 multiple attempts have been made to improve the accuracy of the information that was used to identify areas susceptible to landslip and to reflect this in amended planning scheme maps.

In 2008 Colac Otway Shire, in partnership with the Corangamite Catchment Management Authority (CCMA) and the Department of Primary Industries (DPI), undertook a review of the EMO in six key areas (Colac/Elliminyt, Birregurra, Gellibrand, Barwon Downs, Forrest and Apollo Bay-Marengo/Skenes Creek). The study was limited to these discrete areas due to the availability of funding and the expensive nature of geotechnical research and investigation. The review included changes to the EMO mapping, schedule and accompanying guidelines. Although this mapping reduced the overall spatial extent of the

EMO, the largest degree of change occurred within the six selected areas given this was where the effort had been put into 'ground truthing' the data. The more refined mapping also contained numerous isolated 'islands' and 'holes' which do not exist in the blanket coverage maps currently in the Planning Scheme.

In May 2008 an officer report was considered by Council proposing that Council proceed with a planning scheme amendment to incorporate the CCMA Review into the planning scheme (proposed amendment C54). Whilst Council supported the officer recommendation, officers encountered difficulties when attempting to translate the new (and more accurate) EMO mapping into planning scheme maps. The 'holes' and 'islands' in the mapping were not considered acceptable from a practical point of view because of the difficulty Council and land owners would have in determining whether a permit was required for any particular development proposal. Over an extended period, officers engaged with representatives of DPCD, DPI, CCMA and other Shires with similar landslip potential, but was unable to get advice on how to resolve this issue.

In 2010, Colac Otway Shire was involved in the '*National Disaster Mitigation Plan: Landslide Mapping and Susceptibility Project*', which aimed at improving the landslide inventories of multiple councils in the Corangamite region. While new data and different modelling techniques were applied, they failed to provide improved susceptibility maps for Colac Otway Shire.

After much consideration Colac Otway Shire opted to revisit the partially refined EMO produced in the 2008 CCMA EMO Review. A.S. Miner Geotechnical Consulting Engineers was engaged to remove the isolated 'islands' and 'holes' in the overlay and to provide a more practical and useable mapping methodology. The outcomes from this review are considered more credible than previous reviews due to the employment of more traditional methods of delineating and refining the EMO boundaries. As a result a more suitable EMO boundary data layer has been created for inclusion in the Colac Otway Planning Scheme.

As the new EMO maps will provide for a reduction in planning controls, the proposal to introduce amended EMO mapping may be a candidate for a 'fast-track' Section 20(4) Amendment in which the Planning Minister would prepare, adopt and approve the amendment without the normal notification and exhibition requirements. Through consultation with officers of DPCD it is understood that the Minister may support this approach where the mapping is being removed. It would ensure that the changes are implemented in a short time frame, bringing forward the benefits of the EMO coverage reduction.

Officers are therefore proposing to undertake two amendments. The first would remove the EMO to accord with the latest mapping and the second would exhibit the additional minor areas to be included in the EMO and the revised schedule.

If the Section 20(4) Amendment process is not supported for the mapping reduction, it is proposed that Council will seek authorisation to exhibit a planning scheme amendment to amend the EMO maps subject to the normal amendment process.

Council Plan / Other Strategies / Policy Land Use and Development

Council will engage, plan and make decisions about land use and development that takes into account the regulatory role of Council, its diverse geography, social, community, economic and environmental impacts for current and future generations.

The proposed amendments would be consistent with the strategy in this section to: "*Ensure all Council land use plans and strategies are current and responsive*", and the specific action

to “Regularly update and improve the Colac Otway Planning Scheme through Planning Scheme amendments”.

The proposed amendments also fulfil the action at Clause 21.06 (General Implementation) of the Planning Scheme which is to:

“Revise the Erosion Management Overlay following completion of the Department of Primary Industries and Corangamite Catchment Management Authority review.”

Issues / Options

As noted earlier, Council, in consultation with A.S. Miner Geotechnical Consulting Engineers, has reviewed the EMO mapping currently in the Colac Otway Planning Scheme to reflect the most accurate information available relating to the extent of land at risk of land slip within the Shire. Attachments 1 and 2 to this report demonstrate the changes in coverage of the overlay from the current and proposed EMO maps.

The revised mapping will result in some areas of low risk of land slip being removed from the EMO. By implementing these changes to the EMO maps the proposed amendment will:

- Significantly reduce the number of planning permits triggered by the EMO.
- Reduce the amount of time and finances consumed by Council and applicants during the processing of unnecessary permits and geotechnical reports.
- Provide greater consistency and certainty for users and council planners using the planning scheme.

The changes to the EMO schedule will enhance the certainty and clarity of the schedule through the provision of:

- Clear definitions for professional and geotechnical terms.
- Permit application requirements.
- Minor changes to current exemptions for a range of building and works from the need for a planning permit.
- Insertion of independent review provisions for high risk sites.
- Clearer decision guidelines that reference specific elements required to be addressed in a geotechnical assessment.
- Standard permit conditions.
- A reference document list.

There are two options for Council:

Option 1

Seek to:

- Incorporate the revised EMO mapping into the planning scheme (where control is being reduced) under the Section 20(4) amendment process; and
- Amend the proposed schedule to the EMO and introduce the EMO to minor additional areas through the normal amendment process.

This is the recommended option as the mapping has undergone significant technical development and is considered an improvement on prior mapping projects. The mapping is a highly technical exercise and Council would not have the financial capacity to investigate individual properties should submissions be lodged seeking the EMO to be further reduced (ie removed from their property). The amendment reduces the level of planning control and therefore notice should not be required. Landholders of properties that are to be added into

the EMO mapping will be notified through a separate amendment subject to the usual notification and exhibition process. The proposed schedule has been prepared as part of the EMO review project and is supported by the CCMA, DPI and A.S. Miner Geotechnical Engineering Consultants. This would be subject to the normal public notice requirements along with the additional mapped areas.

If the request for a Section 20(4) amendment is unsuccessful then it is recommended that the abovementioned changes to the planning scheme be made through the normal amendment process. Should Council not support the option of a Section 20(4) amendment, it could choose to exhibit all of the proposed changes as one single amendment, however this is not the preferred option for the reasons outlined above.

Option 2

Not endorse the revised EMO mapping and proposed schedule to the EMO and not proceed with the amendments.

This option is not recommended as the current EMO mapping includes areas that are at low risk of land slip and trigger the need for a planning permit unnecessarily and exclude sites which are subject to a higher risk of land slip. To ensure the EMO applies to appropriate risk locations and not areas of low risk, it is necessary for Council to implement the revised mapping through a planning scheme amendment. Not proceeding with an amendment to modify the schedule to the EMO will mean that current processes will not be improved to achieve best practice.

Proposal

It is proposed that Council requests the Minister for Planning to either prepare a Section 20(4) Amendment which removes the need for public notice, or in the event this request should be unsuccessful, seek authorisation from the Minister to prepare and exhibit an amendment, to the Colac Otway Planning Scheme to:

- Modify the existing Erosion Management Overlay maps to align with updated mapping provided for select areas of the municipality, where the level of control is being reduced.

In addition, it is proposed that Council request authorisation from the Minister for Planning to prepare and exhibit a separate amendment to:

- Amend the Schedule to the Erosion Management Overlay and introduce the EMO to minor additional areas.

Financial and Other Resource Implications

The amendments will be undertaken in accordance with the operational budget for strategic planning.

Both amendments should have the effect of reducing the number of planning permit applications, although the extent that this will occur is dependent on whether developments require a permit under other overlays.

The amendment to remove the EMO from selected areas should reduce the financial cost to persons proposing new development by eliminating the need for unnecessary geo-technical assessments. The provision of exemptions for some subdivisions, building and works through the amendment to the EMO Schedule 1 will also have a similar affect.

Risk Management & Compliance Issues

The objectives of planning in Victoria as outlined in the *Planning and Environment Act 1987* include:

- Section 4(1)(a) to provide for the fair, orderly, economic and sustainable use, and development of land;
- Section 4(1)(b) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria; and
- Section 4(1)(f), by facilitating development in accordance with these objectives.

A.S. Miner Geotechnical Engineering Consultants has provided revised EMO mapping to Council which is considered to be the most accurate mapping currently available. To ensure the above “objectives of planning in Victoria” are met and erosion management issues are considered and responded to in assessing planning permit applications, it is necessary to amend the EMO as recommended in this report.

Environmental and Climate Change Considerations

The amendments will not alter the manner in which environmental issues are considered when assessing planning permit applications triggered by the EMO, except that the clarified wording of the schedule will place greater emphasis on the applicant demonstrating that the risk of landslide has been appropriately identified.

Community Engagement

The community engagement strategy will follow the recommendations of the Colac Otway Shire Council Community Engagement Policy of January 2010, which details five levels of engagement – inform, consult, involve, collaborate and empower.

Community consultation for the proposed amendment will also be governed by the statutory requirements of the Planning and Environment Act.

The method of engagement selected for the proposal to reduce the spatial extent of the existing Erosion Management Overlay maps is ‘inform’. If the request for the authorisation of Section 20(4) amendment is successful, the proposed amendment will be exempt from the usual amendment preparation, public notification and exhibition processes.

The method of community engagement selected for the proposal to modify the EMO Schedule and apply the EMO mapping to minor additional sites would be ‘inform’ and ‘consult’, as it will be subject to the usual amendment preparation, public notification and exhibition processes. Notices will not be sent to individually affected landowners due to the vast number of land holders affected by the proposed amendment. Public notices will however, be made in the Colac Herald, Apollo Bay News Sheet, other local publications and in the Government Gazette as provided for by the Planning and Environment Act.

Implementation

The proposal will be implemented by submitting a request to the Minister for Planning seeking his authorisation to prepare the amendment to reduce the spatial extent of the existing Erosion Management Overlay maps, and for it to be the subject of a Section 20(4) Amendment process, and for a separate amendment to be prepared and exhibited to modify the Erosion Management Overlay Schedule and apply the EMO mapping to minor additional sites.

Conclusion

The proposed amendments result from the initial review of the EMO undertaken by the Colac Otway Shire, CCMA and DPI in 2008, which has since been refined by A.S. Miner Geotechnical Consulting Engineers. The revised EMO mapping more accurately reflects the

extent of landslip risk within the Shire and assists Council in the delivery of more effective planning and management of land affected by land slip. The amendments will provide clearer guidance for proposals in areas at risk of landslip, streamline decision making and provide greater certainty for landowners.

Attachments

Nil

Recommendation(s)

That Council requests authorisation from the Minister for Planning to:

- 1. Reduce the spatial extent of the Erosion Management Overlay maps to align with updated mapping provided through the Council's EMO Review.***
- 2. Prepare and exhibit an amendment to the Erosion Management Overlay – Schedule 1 and introduce the EMO to minor additional areas in line with updated mapping provided through the Council's EMO Review.***

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**OM113003-10 STATE GOVERNMENT CHANGES TO LEGISLATION  
CONCERNING WIND ENERGY FACILITIES**

|             |                                    |           |                               |
|-------------|------------------------------------|-----------|-------------------------------|
| AUTHOR:     | Doug McNeill                       | ENDORSED: | Jack Green                    |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | GEN00450/Planning Scheme VC78 |

**Purpose**

This report aims to advise Council of the legislative changes introduced by the Victorian Government this month relating to wind energy facilities (wind farms), and to make comment on the potential resource impacts on local government as a result of these changes.

**Declaration of Interests**

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

**Background**

On 3 March 2011 the Minister for Planning announced his intention to make local government the responsible authority for all wind energy facility applications in Victoria. This had been a policy platform prior to the November 2010 state election, and sought to respond to concerns raised by some rural communities about wind farm proposals in those locations.

Amendment VC78 was subsequently gazetted on 15 March 2011 to amend the Victorian Planning Provisions and all planning schemes in Victoria to remove the Minister's decision making powers regarding wind energy facilities of 30 megawatts or greater. This makes councils the responsible authority for all planning permit applications for the use and development of land for the purpose of a wind energy facility. Most proposals for wind energy facilities had previously been subject to a decision by the State Government rather than Local Councils under provisions which made the Planning Minister the responsible authority for facilities greater than 30 megawatts.

Amendment VC78 also made other changes to strengthen wind farm policy by promoting greater consideration of local amenity impacts, introducing additional application requirements, updating the New Zealand wind farm noise standard and introducing new guidelines – '*Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria (March 2011)*'.

In particular, amendment VC78 amended:

- Clause 19.01 of the State Planning Policy Framework to promote greater consideration of the effects of a Wind energy facility proposal on the local community.
- Clause 52.32 - Wind energy facility to:
  - include an additional application requirement for:
    - a plan showing all dwellings within two kilometres of a proposed turbine
    - a concept plan showing associated transmission infrastructure, electricity utility works and access roads.
  - replace the 1998 New Zealand Standard - NZS6808 with the new 2010 version.

- introduce transitional arrangements that exempt pre-existing planning permits for a Wind energy facility from any obligation under the new provisions forming part of this amendment for a 12 month period.
- Clause 61.01 to remove the Minister's decision-making powers regarding wind energy facilities, making the council the responsible authority for all planning permit applications for the use and development of land for the purpose of a Wind energy facility.
- Clause 81.01 to introduce the *Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria, March 2011* as an incorporated document and referencing the updated document in Clauses 19.01 and 52.32.

The Government has advised that measures will be implemented to support a successful transition of the responsibilities (although details are as yet unknown), and that DPCD will work with local government, the Municipal Association of Victoria and other agencies to support the transition and assist ongoing implementation. It has been further advised that expert advice will be available to councils, and in cases where a proposal straddles local government boundaries or presents particularly complex issues beyond the technical expertise or resource capacity of a council, the option to refer a project to the Minister for Planning is available.

Officers attended a Wind Farms Working Group of the MAV on 11 March 2011 where a State Government representative attended to answer questions on the new legislation. An outcome of the discussions was an agreement that the CEOs of Councils on the working group would attend regular meetings with the Department of Planning and Community Development (DPCD) to progress discussion on areas of on-going concern to Councils such as support to be provided for Councils to undertake enforcement relating to wind energy facilities.

### **Council Plan / Other Strategies / Policy Land Use and Development**

Council will engage, plan and make decisions about land use and development that takes into account the regulatory role of Council, its diverse geography, social, community, economic and environmental impacts for current and future generations.

### **Issues / Options**

The changes introduced by the Victorian Government will have significant impacts on local councils. The decision to make local government responsible for all wind farm applications in the state will transfer significant responsibilities to councils for the assessment and processing of wind farm proposals, and impact most significantly on those councils which have experienced a high demand for wind energy facility applications (eg. south-west Victoria).

Wind farm applications are enormously technical in nature due to the significant array of issues that are raised, including impacts on flora and fauna, flicker, noise and visual impact on the landscape. Invariably, a range of technical reports are commissioned by proponents, and often an Environmental Effects Statement (EES) is required prior to the planning application being made. Application requirements and decision guidelines are specified at Clause 52.32 of the Scheme. Until the recent legislative change through Amendment VC78, officers of DPCD have had the responsibility of administering the planning processes associated with wind farms, and this has been quite resource intensive for the Department. With Councils becoming responsible for all new proposals, planning officers at the council level will now bear this burden directly.

With no matching resources currently being offered to Councils, the change has potential to reduce capacity within planning departments relating to processing of other applications. Whilst Colac Otway Shire has only had one wind farm application in the past five years, at Mt Gellibrand, there is potential in the future for other proposals. It is recognised however that the impact in this Shire will be less than others further to the west.

Council planners do not have expertise in wind farms, and yet under the changes they will be given the responsibility for determining them. The benefit of State Government having the decision making power has been that officers in DPCD who deal with these applications on a regular basis develop skills and expertise in relation to the technical issues. Council planners will often not have this technical capacity, and smaller rural Councils will have limited financial capacity to out-source technical expertise to assist them in the processing of applications.

There is a view that electricity supply, and associated issues such as climate change and green energy alternatives to coal, ought to be determined at a state, or indeed a national level. Deferring these decisions to a local level is a backwards step. Placing the responsibility on local government will slow applications down and make the process of obtaining permits for wind energy projects more time consuming and difficult for applicants, and potentially constrain the development of the wind farm energy industry, and the potential impact in reducing the State's carbon emissions.

Wind farm applications have proven to be divisive issues in local communities. While in principle it may seem that decision-making at a local government level will give more opportunities for community input, in practice, local government is not adequately resourced to manage such large, complex and potentially controversial applications.

An option for Council is to write to the State Government and MAV advising of its concerns relating to this issue, and ask that the MAV advocate on its behalf to the State Government. It is a further option that Council continue to liaise with the G21 and Great South Coast organisations to pursue this issue.

### **Proposal**

It is proposed that Council notes the recent legislative changes introduced for wind farms through Amendment VC78, and advocates its concerns to the State Government and MAV through the MAV, the G21 and GSC forums.

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

Whilst there are few proposals for wind farms in the Colac Otway Shire, as noted above, the transfer of responsibility for Councils to determine all wind farm applications has potential to undermine the capacity of Council's planning department at such time as new wind farm proposals are received.

### **Risk Management & Compliance Issues**

There are no risk management or compliance issues arising from this report.

### **Environmental and Climate Change Considerations**

As noted above, the changes in decision making powers for local government could have the unintended effect of limiting the wind energy industry due to increased time and cost related to approvals processes.

### **Community Engagement**

There is no community engagement proposed by this report.

**Implementation**

Should Council adopt the officer recommendation, officers will write to the State Government and MAV as described above, and liaise with the G21 and GSC in regard to the issue.

**Conclusion**

The recent changes by State Government relating to wind energy facilities has potential resource implications for councils. It is recommended that Council advocate its concerns on the issue to the State Government and through the MAV and other forums.

**Attachments**

Nil

**Recommendation(s)*****That Council:***

- 1. Notes the legislative changes gazetted by the State Government on 15 March 2011 relating to wind energy facilities.***
- 2. Engages with the G21 and Great South Coast Regional Council groupings in relation to the issue.***
- 3. Writes to the State Government and Municipal Association of Victoria (MAV) to express concern at the likely resource impacts on local government of the transfer of all decision making powers for wind energy facilities to local government.***

~~~~~) ~~~~~

CONSENT CALENDAR

OFFICERS' REPORT

D = Discussion
W = Withdrawal

| ITEM | D | W |
|--|---|---|
| <u>GENERAL BUSINESS</u> | | |
| <u>OM113003-11 ASSEMBLY OF COUNCILLORS</u> | | |
| Department: General Business | | |
| <u>Recommendation(s)</u> | | |
| <i>That Council notes the Assembly of Councillors reports for:</i> | | |
| <ul style="list-style-type: none"> • <i>Councillor Briefing Session - 27 January 2011</i> • <i>Botanic Gardens Advisory Committee Meeting - 10 February 2011</i> • <i>Municipal Emergency Management Planning Committee - 17 February 2011</i> • <i>Councillor Briefing Session - 23 February 2011</i> • <i>Councillor Workshop – Extractive Industry Application - 320 Mooleric Road, Birregurra - 3 March 2011</i> • <i>Lake Colac Coordinating Committee - 8 March 2011</i> • <i>Councillor Workshop - 9 March 2011</i> • <i>Councillor Workshop – Budget - 16 March 2011</i> | | |

Recommendation

That recommendations to items listed in the Consent Calendar, with the exception of items, be adopted.

MOVED

SECONDED

OM113003-11 ASSEMBLY OF COUNCILLORS

| | | | |
|-------------|---------------|-----------|-----------|
| AUTHOR: | Rhonda Deigan | ENDORSED: | Rob Small |
| DEPARTMENT: | Executive | FILE REF: | GEN00460 |

Changes to the *Local Government Act 1989* and Regulations have redefined Assemblies of Councillors to include advisory committee meetings attended by at least one Councillor and planned/scheduled meetings involving at least half the Councillors and an officer.

It is now a requirement that the record of an assembly is to be reported to the next practicable Council meeting and be included in the minutes of that meeting, instead of being made available for public inspection.

The following Assemblies of Councillors have been held:

- Councillor Briefing Session - 27 January 2011
- Botanic Gardens Advisory Committee Meeting - 10 February 2011
- Municipal Emergency Management Planning Committee - 17 February 2011
- Councillor Briefing Session - 23 February 2011
- Councillor Workshop – Extractive Industry Application
- 320 Mooleric Road, Birregurra - 3 March 2011
- Lake Colac Coordinating Committee - 8 March 2011
- Councillor Workshop - 9 March 2011
- Councillor Workshop – Budget - 16 March 2011

Attachments

1. Councillor Briefing Session January 2011
2. Assembly of Councillors Botanic Gardens Advisory Committee
3. Municipal Emergency Management Planning Committee - 17 February 2011
4. Councillor Briefing Session - 23 February 2011
5. Councillor Workshop - 3 March 2011
6. Lake Colac Coordinating Committee Meeting - 8 March 2011
7. Councillor Workshop - 9 March 2011
8. Councillor Budget Workshop - 16 March 2011

Recommendation(s)

That Council notes the Assembly of Councillors reports for:

- ***Councillor Briefing Session*** - ***27 January 2011***
- ***Botanic Gardens Advisory Committee Meeting*** - ***10 February 2011***
- ***Municipal Emergency Management Planning Committee*** - ***17 February 2011***
- ***Councillor Briefing Session*** - ***23 February 2011***
- ***Councillor Workshop – Extractive Industry Application***
- 320 Mooleric Road, Birregurra - ***3 March 2011***
- ***Lake Colac Coordinating Committee*** - ***8 March 2011***
- ***Councillor Workshop*** - ***9 March 2011***
- ***Councillor Workshop – Budget*** - ***16 March 2011***



Assembly of Councillors Record

This Form **MUST** be completed by the attending Council Officer and returned **IMMEDIATELY** to Document Management Co-ordinator for filing. A copy of the completed form must be provided to the Executive Officer to the CEO, Mayor & Councillors for reporting at the next Ordinary Council Meeting. **{See over for Explanation/Guide Notes}**

Assembly Details:

Date: 27/1/11

Time: 2.30 pm

Assembly Location: COPACC Meeting Rooms, Colac

(some e.g's. COPACC, Colac Otway Shire Offices, 2 - 6 Rae Street, Colac, Shire Offices – Nelson Street, Apollo Bay

In Attendance:

Councillors: Cr Brian Crook/ Cr Lyn Russell/ Cr Stephen Hart/ Cr Geoff Higgins
(2.07pm – 3.37pm) / Cr Frank Buchanan

Officer/s: Rob Small/ Rick Morrow/ Neil Allen/Jack Green/ Rhonda Deigan/
Stewart Anderson

Matter/s Discussed: Councillor reports from other meetings, Council Meeting Agenda, general business, Municipal Emergency Management Plan & Neighbourhood Safer Plan Update

(some e.g's. Discussion s with property owners and/or residents, Planning Permit Application No. xxxx re proposed development at No. xx Pascoe Street, Apollo Bay, Council Plan steering committee with Councillors and officers.)

Conflict of Interest Disclosures: (refer page 5)

| | |
|------------------|---|
| Councillors: | Cr Stephen Hart/Cr Stuart Hart |
| Officer/s: | Nil |
| Left meeting at: | Crs Stephen Hart & Stuart Hart left the meeting at 3.06pm and returned at 3.11pm. |

Completed by: Rhonda Deigan



Assembly of Councillors Record

This Form MUST be completed by the attending Council Officer and returned IMMEDIATELY to Document Management Co-ordinator for filing. A copy of the completed form must be provided to the Executive Officer to the CEO, Mayor & Councillors for reporting at the next Ordinary Council Meeting. (See over for Explanation/Guide Notes).

Assembly Details:

Date: 10.12.11
Time: 7.35 am/pm

Assembly Location: Colac Botanic Cafe
(some e.g.'s. COPACC, Colac Otway Shire Offices, 2 - 6 Rae Street, Colac, Shire Offices - Nelson Street, Apollo Bay)

In Attendance:

Councillors: Anthony - Cr Chris Smith

Officer/s: Neil Allen
L. Towers

Matter/s Discussed: Botanic Gardens Advisory Committee Meeting

(some e.g.'s. Discussion s with property owners and/or residents, Planning Permit Application No. xxx re proposed development at No. xx Pascoe Street, Apollo Bay, Council Plan steering committee with Councillors and officers.)

Conflict of Interest Disclosures: (refer page 5)

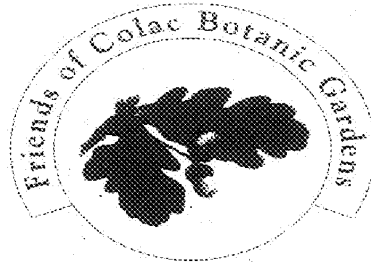
Councillors: ~~All~~

Officer/s:

Left meeting at: 8.30pm

Completed by: Neil Allen

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Quercus Robur (English Oak)

MINUTES OF MEETING HELD AT COLAC BOTANIC CAFÉ THURSDAY February 10, 2011

Meeting opened at 7.35pm. Committee member Denise Green in the chair

Present: Acting Chair: D. Green (DG)
Secretary: H Paatsch (HP)
Treasurer: Chris Bell

F Doak (FD) J McMahon (JMCM) A Mercer (AM) M Eaton (ME) L Simpson (LS)

In Attendance: Neil Allen (Manager Infrastructure, COS), L Towers (Certificated Gardener)

Apologies: R Scanlan, P Maunsell, A Mercer, Cr. Chris Smith

MINUTES OF PREVIOUS MEETING:

Confirmed LS, 2nd J McM

BUSINESS ARISING

- Toadstools. CB has painted them and is waiting for Ros Scanlan to paint the spots.
- Onsite meeting with Neil Allen. Neil reported that the meeting had taken place and as a result, preliminary work has begun re. organizing an external access door to the Botanic Café meeting room. Relevant bodies (Heritage Vic. and Café lessees) will be consulted and quotes sought for the work. Neil reported that preliminary discussions appear to be favourable. He will keep the Executive informed.
- Tender documents are being prepared for Master Plan expressions of interest. Neil has asked for feedback from the Friends; any comments to be forwarded to him before mid. next week.

CORRESPONDENCE

Received on motion of ME, 2nd LS

Business Arising

Friends were delighted with the beautiful card of appreciation received from Mark Robinson and the Gardens team following the Friends' donation of \$500.00. Laurence reported that he has purchased replacement plants, but has difficulty finding a variegated daphne.

TREASURER'S REPORT

Credit Balance : \$5,053.91

No accounts for payment Moved CB 2nd J McM

GARDENERS REPORT

Laurence reported that the recent rain has caused much weed growth. Ivy is a particular problem. John Hawker from Heritage Victoria visited the gardens today and met with Mark Robinson, Mick Cosgriff and Laurence. John expressed concern with some of the proposed pathway development, particularly in respect to the use of treated pine for the steps.

Friends expressed concern that there have been some alterations that have appeared "out of nowhere". Generally there was support for John Hawker's comments and ideas, including the idea of some dry stone walling at the lookout site.

HP to contact John and ask for a meeting with Friends.

POTTING REPORT

J McM reported that the potters continue to work steadily – not a lot of propagating, but potting up etc. The weather has been good and the stall has been well-stocked over the period.

Sales \$181.90

The Autumn Plant Sale will be held on Saturday April 2nd.

GENERAL BUSINESS

- J McM will order a Friends stamp from Blanes so that we can identify the books in our library. She will also prepare a list of the books which we already have.
- Neil presented the document for the Consultancy for Colac Botanic Gardens Master Plan. Friends have been asked to comment – any suggested changes to be communicated to Neil before next Wednesday Feb. 16th.
- 150th. Celebrations. DG suggested that we should seriously think about how we wish to celebrate this important milestone in 2015. Amongst her suggestions were: commissioning of a History of the Gardens; Teddy Bears Picnic. Colac Players to perform (perhaps the Magic Faraway Tree?) Friends were asked to start thinking of ideas and bring them to the next meeting. HP to ask Jodi Fincham to meeting to discuss possible Shire involvement.
- Mary E has been watering the plants over Summer.

RAFFLE won by FD and DG (2 prizes!)

Meeting closed 8.30 pm

NEXT MEETING: Thursday March 12, 2011, at 7.30 pm, Botanic Café



Assembly of Councillors Record

This Form MUST be completed by the attending Council Officer and returned IMMEDIATELY to Document Management Co-ordinator for filing. A copy of the completed form must be provided to the Executive Officer to the CEO, Mayor & Councillors for reporting at the next Ordinary Council Meeting. {See over for Explanation/Guide Notes}

Assembly Details:

Date: 17 / 2 / 2011

Time: 1:30 pm till 3:00 pm

Assembly Location: COPACC Meeting Room 2

(some e.g's. COPACC, Colac Otway Shire Offices, 2 - 6 Rae Street, Colac, Shire Offices – Nelson Street, Apollo Bay

In Attendance:

Councillors: Stuart Hart

Officer/s: Jack Green
Stewart Anderson
Wendie Fox
Greg Anderton
Greg Fletcher
Mark Gunning
Jodie Fincham

Matter/s Discussed: Agenda attached

(some e.g's. Discussion s with property owners and/or residents, Planning Permit Application No. xxxx re proposed development at No. xx Pascoe Street, Apollo Bay, Council Plan steering committee with Councillors and officers.)

Conflict of Interest Disclosures: (refer page 5)

Councillors: ...Nil...../...../...../.....


...../...../...../.....

Officer/s: ...Nil...../...../...../.....

...../...../...../.....

Left meeting at:

Completed by: Wendie Fox

|  Municipal Emergency Management Planning Committee | |
|--|--|
| Agenda | |
| Thursday 17 February 2011
1:30pm – 3:00pm
Meeting Room 2 – COPACC, Rae St Colac | |
| 1. | ATTENDEES: |
| | Agenda topics |
| 2. | APOLOGIES: Peter Burns (Parks Vic), Christine Elliott (Red Cross), Lorraine McGlynn (CAH) |
| 3. | CONFIRMATION OF MINUTES FROM 18 November 2010 MEETING: |
| 4. | BUSINESS ARISING FROM PREVIOUS MINUTES <ul style="list-style-type: none"> 1. Investigate possible use of new library as MECC back up site. Wendie F. 2. Investigate status of the emergency power generator. Stewart A. 3. Joint MECC / ICC investigation. Mark G. |
| 5. | CORRESPONDENCE
Inwards: <ul style="list-style-type: none"> 1. Council election of Cr Stuart Hart as MEMPC representative. 2. Appointment of Matt Donaldson, Team Manager Ambulance Victoria, Colac as MEMPC representative. 3. Emergency Management Plan Lavers Hill P-12 College. Outwards |
| 6. | AGENCY REPORTS All |
| 7. | SUB COMMITTEE UPDATES <ul style="list-style-type: none"> • MFMP Sub Committee • Events Sub Committee • CERM Sub Committee Stephanie Ryan
Jodie Fincham
Wendie Fox |
| 8. | GENERAL BUSINESS <ul style="list-style-type: none"> • Events Sub-Committee TOR endorsement • Emergency Management Support Officer Recruitment • Vulnerable People Jodie Fincham
Jack Green
B Darcy DHS |
| 9. | CERM REVIEW <ul style="list-style-type: none"> • Flooding • Storm Surge • Sever Weather • Landslide |
| 10. | ITEMS FOR FUTURE MEETINGS |

16/03/11



Assembly of Councillors Record

This Form **MUST** be completed by the attending Council Officer and returned **IMMEDIATELY** to Document Management Co-ordinator for filing. A copy of the completed form must be provided to the Executive Officer to the CEO, Mayor & Councillors for reporting at the next Ordinary Council Meeting. **{See over for Explanation/Guide Notes}**

Assembly Details:

Date: 23/2/11

Time: 11.00am

Assembly Location: Senior Citizens Centre, Apollo Bay

(some e.g's. COPACC, Colac Otway Shire Offices, 2 - 6 Rae Street, Colac, Shire Offices – Nelson Street, Apollo Bay)

In Attendance:

Councillors: Cr Brian Crook/ Cr Lyn Russell/ Cr Stephen Hart/ Cr Geoff Higgins/
Cr Frank Buchanan

Officer/s: Rob Small/ Colin Hayman/ Neil Allen/Jack Green/ Rhonda Deigan/
Doug McNeill/Don Lewis

Matter/s Discussed: Councillor reports from other meetings, Council Meeting Agenda, general business, Apollo Bay Settlement Boundary & Urban Design Presentation

(some e.g's. Discussion s with property owners and/or residents, Planning Permit Application No. xxxx re proposed development at No. xx Pascoe Street, Apollo Bay, Council Plan steering committee with Councillors and officers.)

Conflict of Interest Disclosures: (refer page 5)

Councillors: Nil

Officer/s: Nil

Left meeting at: NA

Completed by: Rhonda Deigan



Agenda

Councillor Workshop

Thursday, 3 March 2011
COPACC Meeting Room 2
9.00 am to 10.07am
CEO's Office
10.07am – 10.55am

ATTENDEES:

Cr Crook (Mayor), Cr Buchanan, Cr Stephen Hart, Cr Stuart Hart,
Cr Smith (left meeting at 10.07am), Cr Higgins, Cr Russell (left meeting
at 9.07am)
Rob Small (CEO)
Colin Hayman (GM, Corporate & Community Services)
Jack Green (GM, Sustainable Planning & Development)
Neil Allen (GM, Infrastructure & Services)
Doug McNeill (Manager, Planning & Building)
Anne Sorensen (Statutory Planning Coordinator)

Agenda Topics

| | | |
|---------------------------|--|--|
| | Agenda Topics | |
| 9.00 am | Declaration of Interest
Cr Lyn Russell – Indirect Interest – left meeting
at 9.07am | |
| 9.00 am – 10.55 am | Extractive Industry Application - 320 Mooleric
Road, Birregurra | |



Colac Otway
SHIRE

Lake Colac Coordinating Committee

DATE 8 March 2011
VENUE COPACC Rehearsal Room
TIME 1.00pm

| ITEMS & ACTIONS | RESPONSIBLE OFFICER | ACTION DUE DATE |
|--|---------------------|-----------------|
| <p>1. ATTENDEES:</p> <p>Cr Chris Smith (Councillor COS)
Stewart Anderson (Manager Environment COS)
Mick Cosgriff (Economic Development Officer/Lake Colac Project Officer COS)
Helen Paatsch (Friends of Botanic Gardens)
Glenn Rippon (Colac Anglers Club)
Rod Amos (Field & Game Aust. Colac Branch)
Glenn Connor (Friends of Deans Creek)
David McKenzie (Lake Alliance Colac)
Peter Borwick (Lake Colac Rowing Club)
John Clarke (Parks Victoria)
Gene Gardiner (Corangamite Catchment Management Authority)
John Martin (Rural Landholder, Eastern Shoreline)
Jill Madden (Shoreline Landholder / Friends of Deans Creek)</p> <p>2. APOLOGIES:</p> <p>Cr Geoff Higgins (Councillor COS)
Gail Maddern (Alvie Tree Planters)
Rob Small (CEO COS)
Darryl Langdon (Colac Yacht Club)
Mike Barrow (Manager Economic Development COS)
Steve McDougall (Department of Sustainability and Environment)</p> <p><u>Moved: John Martin, Seconded: Glenn Rippon</u></p> <p>3. Confirmation of the Minutes from the Meeting of 16 December 2010</p> <p><u>Moved: Helen Paatsch, Seconded: David McKenzie</u></p> | | |

| ITEMS & ACTIONS | RESPONSIBLE OFFICER | ACTION DUE DATE |
|---|--|---------------------|
| <p>4. Business arising from previous meeting.</p> <ul style="list-style-type: none"> The posts are still in the lake and are still buoyed so that any craft can see them. There are potentially 2 other posts on the eastern shoreline. The rowing club members who have been removing the posts will look for them when they are out on the lake. The old Brochure that was developed by Joel Kimber has not been found and so a new one is to be developed. <p>5. Environment Report</p> <p>Water Levels
The last levels are:</p> <ul style="list-style-type: none"> 27/9/2010 115.4 19/10/2010 115.5 19/1/2011 115.57 m AHD <p>A graph was shown indicating the water levels over the last 20 years. Lake is now at similar levels to 2007. The dry lake working group is set to meet again shortly and whilst there is little to discuss the lake is not out of its dry cycle as yet and so the group will continue to meet just in case.</p> <p>Posts</p> <ul style="list-style-type: none"> A number of posts were installed to help with carp removal in 2007. All but two of the posts have been removed and these posts are buoyed. A larger boat is required to remove these posts and this will be done asap. It was mentioned that steel droppers will on the Eastern shoreline. <p>Carp Removal</p> <ul style="list-style-type: none"> Levels are currently being monitored in the Creeks Currently there is no evidence to suggest spawning. The trap not functioning and is to be removed this week. If water levels continue to rise then the carp in the lake will be very hard to remove. Looking into getting a carp expert from South Australia to come and visit. <p>Sediment Study</p> <ul style="list-style-type: none"> The DSE Project being undertaken in conjunction with the University of Ballarat. Study was initially expected to be completed by August 2010 however delays due to cultural heritage issues and wet conditions. All samples have been sent to the lab in Werribee. The final report is being developed. It has been noted that the researcher from Ballarat Uni is happy to come and present to the committee once the final report is signed off by the Multi Agency Steering Committee. | <p>MC to provide draft brochure for next meeting</p> <p>Boats removing posts to search for these posts and remove if possible.</p> | <p>14 June 2011</p> |

| ITEMS & ACTIONS | RESPONSIBLE OFFICER | ACTION DUE DATE |
|--|---------------------|-----------------|
| <p>Revegetation and Weed Control
 Barongarook Creek Restoration Planting</p> <ul style="list-style-type: none"> • Over 8000 seedlings have been planted with school and community groups along creek. • Further planting was undertaken due to ongoing rainfall. • Plantings growing well. • Ongoing weed control being undertaken <p>The Foreshore</p> <ul style="list-style-type: none"> • MOU has been developed between Council and Rotary • Over 7000 seedlings planted and over 180 cubic metres of mulch spread between plants by Rotary working bee days. Further mulching and planting required and a plaque is to be erected. • Weed works will continue along pathway in conjunction with Rotary efforts as well as the removal of several Ash trees and continued herbaceous growth <p>Clean Up Australia Day
 SATURDAY</p> <ul style="list-style-type: none"> • Approx 18 volunteers helped spread 50 cubic metres of mulch around the lakeside walkway. This continued the successful collaboration between the Shire and Rotary with over 7000 sedges, lilies and grasses planted to date and mulch spread over 3 quarters of the revegetation site. <p>SUNDAY</p> <ul style="list-style-type: none"> • Although the event was heavily advertised across various media and fliers were distributed to houses along the water front the turnout was disappointing with volunteers consisting mainly of Council and Greening Australia staff. Having said this the small group proved successful in removing approx 20 cubic metres of rubbish from the environment. • Sites included Meredith Park, Lake Colac Foreshore, Barongarook Creek, Dean's Creek and Lake Corangamite Bathing Boxes. • There is potentially a need to look at other ways of doing Clean Up Australia Day as this format appears to be losing it's 'Buzz' | | |
| <p>6. Capital Works Update
 CHMP</p> <ul style="list-style-type: none"> • MC provided update on progress of CHMP. The sites where the test pitting is to be conducted was identified. It was also identified that whilst test pitting is not taking place at some of the other sites initially indicated these sites had been included in the CHMP and had appropriate due diligence undertaken to ensure that test pitting was not required. • It was noted that it is not possible to undertake an overall CHMP for the area under Colac Otway Shire's Management as had been initially anticipated. Future projects will potentially require further CHMPs to be undertaken. | | |

| ITEMS & ACTIONS | RESPONSIBLE OFFICER | ACTION DUE DATE |
|---|--|-----------------|
| <ul style="list-style-type: none"> • JM and CS sought further clarification in relation to previous disturbance and that this needs to be more thoroughly investigated prior to committing to a full CHMP. • JC suggested that COS investigate employing someone who is knowledgeable about Cultural Heritage and the legislation. <p>Botanic Gardens Pathway</p> <ul style="list-style-type: none"> • MC provided an explanation of the delay in construction and the relevant changes to the designs. <p>Lions Park Upgrade</p> <ul style="list-style-type: none"> • The toilets have been rendered. Further works to include pathways new shelters and BBQs, new signage and the car park is to be re-sheeted. Some trees will be removed. <p>Lake Colac Master Plan</p> <ul style="list-style-type: none"> • The group were presented with a list of actions from the Lake Colac Master Plan for review. These actions are to be removed prior to the next meeting. | | |
| <p>7. General business</p> <p>DMc questioned whether anyone was monitoring the water quality. CMA are currently undertaking usual monitoring.</p> <p>JM noted that the CMA will be releasing a report in relation to the 2003 Review of Water Systems in the region.</p> <p>The need for a water quality subcommittee (as has been in the past) was raised, however much of this work is now being completed by the CMA.</p> <p>HP questioned whether landowners further up Barongarook Creek are taking more water than usual as water flows have almost stopped. SA was unsure and noted that Water Licences were a matter for Southern Rural Water.</p> <p>HP asked if the Angling Club building could be rendered. GR not sure, this issue has not been raised before.</p> <p>HP noted that the Botanic Gardens will be celebrating its 150th in 2015.</p> <p>JM asked if repopulating the lake can be investigated. it was noted that the DPI are the lead agency for this action and GR noted that an application had been made. Several varieties are being investigated as possible however Bass are currently the only fish likely to be put into the lake.</p> <p>The presence of large schools of small fish at Meredith Park was noted. these fish have been analysed and have been found to be Mosquito Fish, not small carp as had been suspected.</p> | <p>All to review document prior to next meeting</p> <p>GG to present report to next meeting.</p> | |

| ITEMS & ACTIONS | RESPONSIBLE OFFICER | ACTION DUE DATE |
|---|---------------------|-----------------|
| <p>DMc questioned CS as to the developments surrounding input of more water from elsewhere into the Lake. Investigations are continuing. The question was put to JC regarding PV involvement. It was stated that PV are responsible for the lake bed, however due to a lack of resources not much action can be taken. CS thanked JC for input into the committee during his tenure as it was JCs last meeting prior to leaving PV.</p> | | |
| <p>7. ITEMS FOR FUTURE MEETINGS</p> | | |
| <p>Next Meeting 14 June</p> | | |

Time Meeting Concluded:2.50 pm



Councillor Workshop

Wednesday, 9 March 2011
COPACC Meeting Room
9.00 am to 3.55 pm

Agenda

ATTENDEES:

Cr Crook (Mayor), Cr Buchanan (9.00am to 3.00pm), Cr Stephen Hart, Cr Stuart Hart (9.00am to 12.45pm), Cr Smith (9.00am to 12.20pm), Cr Higgins (9.00am to 12.45pm), Cr Russell (9.00am to 12.20pm)
Rob Small (CEO)
Colin Hayman (GM, Corporate & Community Services)
Jack Green (GM, Sustainable Planning & Development)
Neil Allen (GM, Infrastructure & Services)

Part:

Doug McNeill
Brett Exelby
Anne Sorensen
Tony Hedley – Vic Roads

| Agenda Topics | | |
|--------------------|---|-------------------------|
| 9.00 am | Declaration of Interest
Cr Lyn Russell – Planning Committee Agenda – item 5
Cr Stephen Hart – Listing of Great Ocean Road as a Road of National Heritage | |
| 9.00am – 9.05am | Notice to hold a Special Council Meeting on 10 March 2011 to consider a change in meeting date for March Ordinary Council meeting. Cr Stephen Hart left the meeting at 9.01 and returned at 9.04am during discussion on Great Ocean Road. | |
| 9.05 am – 9.35 am | Planning Committee Briefing Session
Citing a conflict of interest, Cr Russell left the meeting at 9.30am and returned at 9.35am. | |
| 9.35 am – 10.00 am | Revised EMO Mapping | Doug McNeill |
| 10.00am – 10.15am | Other Issues | |
| 10.30 am – 12.20pm | Planning Committee Meeting | |
| 12.20 pm – 1.00 pm | Lunch | |
| 1.00 pm – 1.45 pm | Vic Roads – Princes Highway Update | Tony Hedley – Vic Roads |
| 1.45 pm – 3.00 pm | Central Business Distric & Colac Entrances Briefing | Doug McNeill |
| 3.00 pm – 3.55 pm | Budget | Brett Exelby |



Agenda

Councillor Workshop

Wednesday 16 March 2011
COPACC
12.30pm – 3.15pm

ATTENDEES:

Cr Crook (Mayor), Cr Buchanan, Cr Stephen Hart, Cr Stuart Hart,
Cr Higgins, Cr Russell

Rob Small (CEO)
Colin Hayman (GM, Corporate & Community Services)
Jack Green (GM, Sustainable Planning & Development)
Neil Allen (GM, Infrastructure & Services)
Brett Exelby (Manager Finance & Customer Services)

Apologies:
Nil

Agenda Topics

| | | |
|------------------|---|--|
| 12.30pm | Declaration of Interest
Officers Colin Hayman & Neil Allen | |
| 12.30pm – 2.30pm | Colac Otway Shire 2011-2012 Budget | |
| 2.30pm – 3.15pm | Confidential Item | |

CONSENT CALENDAR

OFFICERS' REPORT

D = Discussion

W = Withdrawal

| ITEM | D | W |
|--|---|---|
| <p><u>NOTICES OF MOTION</u></p> <p><u>OM113003-12 NOTICE OF MOTION 165-1011
GEELONG OTWAY TOURISM</u></p> <p>Department: Notices of Motion</p> <p><u>Recommendation</u></p> <p><i>That Council consider the contents of this Notice of Motion.</i></p> | | |
| <p><u>OM113003-13 NOTICE OF MOTION 166-1011
CORANGAMITE REGIONAL LIBRARY
CORPORATION (CRLC)</u></p> <p>Department: Notices of Motion</p> <p><u>Recommendation</u></p> <p><i>That Council consider the contents of this Notice of Motion.</i></p> | | |

Recommendation

That recommendations to items listed in the Consent Calendar, with the exception of items, be adopted.

MOVED

SECONDED

OM113003-12 NOTICE OF MOTION 165-1011 GEELONG OTWAY TOURISM (CR STEPHEN HART)

TAKE NOTICE that it is my intention to move at the Ordinary Council Meeting of the Colac Otway Shire to be held on 30 March 2011:

Council notes that the current Memorandum of Understanding (MOU) between Colac Otway Shire Council and Geelong Otways Tourism expires on 30 June 2011. Council is committed to genuine consultation with the community, including with tourism operators in the municipality. Accordingly, Council resolves to:

- 1. *Invite comment from business operators, local tourism groups and any other interested residents and / or ratepayers on -*
 - a) *What should be included in a revised MOU with Geelong Otways Tourism, and*
 - b) *What Council's relationship should be with Geelong Otways Tourism, if any, in light of the current Regional Tourism Restructure.*
- 2. *When this matter is considered, comment is to be invited as to whether Council should continue with the current requirement that a business operator must be a member of Geelong Otways Tourism in order to exhibit leaflets in Council's Visitor Information Centres or whether that policy should be discontinued.*
- 3. *Council's Chief Executive Officer must ensure that this process of consultation occurs before any decision is taken to continue with Council's association with Geelong Otways Tourism beyond 30 June 2011 and the actual decision is to be decided by a resolution of Council.*

Recommendation

That Council consider the contents of this Notice of Motion.

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**OM113003-13 NOTICE OF MOTION 166-1011 CORANGAMITE REGIONAL LIBRARY CORPORATION (CRLC) (CR STEPHEN HART)**

TAKE NOTICE that it is my intention to move at the Ordinary Council Meeting of the Colac Otway Shire to be held on 30 March 2011:

1. *Colac Otway Shire Council notes that the Warrnambool Council, a member of the Corangamite Regional Library Corporation (CRLC), has been re-considering its ongoing involvement with the CRLC.*
2. *Colac Otway Shire Council is committed to remaining a member of the CRLC until at least 30 June 2013.*
3. *Council asks the Chief Executive Officer to review Council's future arrangements for the provisions of library services. This review is to include whether Council should be involved with an alternative Regional Library Corporation, such as Geelong Regional Library Corporation, after 30 June 2013. The Chief Executive Officer is to ensure that the process includes proper and ongoing community consultation.*

**Recommendation**

***That Council consider the contents of this Notice of Motion.***

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IN COMMITTEE

Recommendation

That pursuant to the provisions of Section 89(2) of the Local Government Act, the meeting be closed to the public and Council move "In-Committee" in order to deal with:

| SUBJECT | REASON | SECTION OF ACT |
|---|---|----------------------------|
| Confidential Items for Consideration | this matter may prejudice the Council or any person | Section 89 (2) (h) |
| Terms of Reference - Colac Community Library and Learning Centre Joint Use Advisory Committee | this matter deals with contractual matters; AND this matter may prejudice the Council or any person | Section 89 (2) (d) (h) |
| Contract approval (MAV Tender RS8017)
Contract 1032 – Provision Of Recruitment Services | this matter deals with contractual matters | Section 89 (2) (d) |
| Contract No. 1015 – Casual Staff Recruitment | this matter deals with contractual matters | Section 89 (2) (d) |
| Report from Delegate to Other Bodies - Audit Committee Meeting | this matter deals with personnel matters; AND this matter deals with contractual matters; AND this matter may prejudice the Council or any person | Section 89 (2) (a) (d) (h) |
| Councillor Code of Conduct | this matter deals with personnel matters; AND this matter may prejudice the Council or any person | Section 89 (2) (a) (h) |
| Otway Community College | this matter deals with personnel matters; AND this matter may prejudice the Council or any person | Section 89 (2) (a) (h) |