



**ORDINARY COUNCIL MEETING**

# **AGENDA**

**WEDNESDAY 27 FEBRUARY 2019**

**AT 4PM**

**APOLLO BAY SENIOR CITIZENS' CENTRE**

**Next Council Meeting: 27 March 2019**

# COLAC OTWAY SHIRE ORDINARY COUNCIL MEETING

27 FEBRUARY 2019

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## COLAC OTWAY SHIRE ORDINARY COUNCIL MEETING

NOTICE is hereby given that the next **ORDINARY COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL** will be held at APOLLO BAY SENIOR CITIZENS' CENTRE on 27 February 2019 at 4pm.

### AGENDA

#### **1. THE MEETING IS DECLARED OPEN**

##### **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 AND LEAVE OF ABSENCE**

#### **4. WELCOME & ACKNOWLEDGEMENT OF COUNTRY**

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

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

All Council and Committee meetings are audio recorded, with the exception of matters identified as confidential items in the Agenda. This includes the public participation sections of the meetings.

Audio recordings of meetings are taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy.

In some circumstances a recording will be disclosed to a third party. Those circumstances include, but are not limited to, circumstances, such as where Council is compelled to disclose an audio recording because it is required by law, such as the Freedom of Information Act 1982, or by court order, warrant, or subpoena or to assist in an investigation undertaken by the Ombudsman or the Independent Broad-based Anti-corruption Commission.

Council will not use or disclose the recordings for any other purpose. It is an offence to make an unauthorised recording of the meeting.

## **5. QUESTION TIME**

A maximum of 30 minutes is allowed for question time. To ensure that each member of the gallery has the opportunity to ask questions, it may be necessary to allow a maximum of two questions from each person in the first instance. Once everyone has had an opportunity to ask their initial questions, and if time permits, the Mayor will invite further questions.

Please remember, you must ask a question. If you do not ask a question you will be asked to sit down and the next person will be invited to ask a question. Question time 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.

## **6. TABLING OF RESPONSES TO QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETINGS**

These responses will not be read out but will be included in the minutes of this meeting.

## **7. PETITIONS/JOINT LETTERS**

Nil

## **8. DECLARATIONS OF INTEREST**

A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken.

Councillors are also encouraged to declare circumstances where there may be a perceived conflict of interest.

## **9. CONFIRMATION OF MINUTES**

- **Ordinary Council Meeting held on 30 January 2019.**

### **Recommendation**

***That Council confirm the above minutes.***



ORDINARY COUNCIL MEETING

# PETITION RESPONSE - PETITION TO PROTECT THE GREAT AUSTRALIAN BIGHT - GREAT AUSTRALIAN BIGHT ALLIANCE

OM192702-1

<b>LOCATION / ADDRESS</b>	Great Australian Bight	<b>GENERAL MANAGER</b>	Ian Seuren
<b>OFFICER</b>	Dora Novak	<b>DIVISION</b>	Development & Community Services
<b>TRIM FILE</b>	F18/6789	<b>CONFIDENTIAL</b>	No
<b>ATTACHMENTS</b>	Nil		
<b>PURPOSE</b>	The purpose of the report is to provide a response to the petition received by Council requesting that Council oppose plans for oil exploration and drilling in the Great Australian Bight.		

## 1. LOCATION PLAN / AERIAL PHOTO



## 2. EXECUTIVE SUMMARY

The petition is requesting Council to pass the following motions:

1. To join other Councils to protect the Great Australian Bight and oppose oil exploration and drilling in the Great Australian Bight;
2. That Council writes to the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA), the Victorian State Government and the Federal Government requesting they place a moratorium on oil exploration in the Bight; and
3. That Council writes to Equinor advising it of its position and requesting it to withdraw its drilling plans for the region.

The petition is 111 pages long and has been signed by 1436 people. The National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) is the regulatory authority that must assess and accept an environment plan from Equinor for the proposed exploratory drilling before it commences. A leaked draft of Equinor's Oil Pollution Emergency Plan models a worst-case scenario for an oil spill and identifies an area of potential impact from Western Australia to northern NSW (including Surf Coast Shire's coastline). The information contained in the OPEP is one of the reasons for the broad community opposition to Equinor's plans to explore for oil in the Bight.

There is currently no oil production occurring in the Great Australian Bight. If exploration or oil extraction commenced and there was a significant spill, the depth of drilling, ocean conditions, remote location and other factors would likely make stopping the spill very difficult and time consuming. Given the potentially enormous impacts to the Australian coastal environment and communities (including directly on our own shire) that would occur from a significant spill, it is reasonable for Council to oppose oil drilling in the Great Australian Bight in-principle.

Council has no regulatory authority on this matter. The desired outcome of no oil drilling in the Great Australian Bight will be more likely if other relevant communities and authorities are aware of Council's in-principle position. Therefore, actions to communicate and advocate Council's position and to consider its level of advocacy further during the environmental plan public consultation period are recommended.

## 3. RECOMMENDATION

***That Council:***

1. ***Determines that in-principle it opposes plans to drill for oil in the Great Australian Bight.***
2. ***Communicates its opposition to Equinor, the National Offshore Petroleum Safety and Environmental Management Authority, relevant state and federal ministers, local state and federal members of parliament, and Councils along the Victorian coast.***
3. ***Advises the author of the petition of this resolution.***

## 4. BACKGROUND / KEY INFORMATION

### BACKGROUND

A petition was received and noted by Council at its 30 January 2019 Ordinary Meeting that calls upon Council to join other Councils to formally oppose oil exploration and drilling in the Great Australian Bight. There are three key requests in the petition, that Council:

- Joins other Councils to protect the Great Australian Bight and oppose oil exploration and drilling in the Great Australian Bight;
- Writes to the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA), the Victorian State Government and the Federal Government requesting they place a moratorium on oil exploration in the Bight;
- Writes to Equinor advising it of its position and requesting it to withdraw its drilling plans for the region.

The petition is 111 pages long and has been signed by 1436 people.

### KEY INFORMATION

#### Equinor and its Great Australian Bight exploration permits

Equinor is an international energy company (formerly Statoil) based in Norway that operates in more than 30 countries worldwide. Equinor's website states that the company engages in exploration, development and production of oil and gas, as well as wind and solar power. The company sells crude oil and is a major supplier of natural gas, with activities in processing, refining and trading. Equinor has been operating in Australia since 2013. Equinor is the current operator and owner of two exploration permits in the Ceduna sub-basin in the Great Australian Bight – EPP39 and EPP40. The permits cover approximately 12,000 square kilometres.

#### Regulation of Oil Exploration in Australia – Environment Plan Development

NOPSEMA is an independent statutory authority established under the *Offshore Petroleum Greenhouse Gas Storage Act 2006*. NOPSEMA is the Australian regulatory agency for health and safety, environmental management, structural and well integrity for offshore petroleum facilities and activities in Commonwealth waters. By law no offshore petroleum activity can commence until NOPSEMA has assessed and accepted an environment plan for that activity. NOPSEMA will only accept an environment plan once it has determined that the plan meets all the requirements of the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009*. Under the environment plan, the titleholder must identify the petroleum activity's impacts on, and risks to, the receiving environment and the proposed control measures to reduce the identified environmental impacts and risks of the activity, including emergency situations.

#### Public Consultation – Equinor Environment Plan

NOPSEMA has advised that regulatory changes are proposed in 2019 to require publication of environment plans before they are submitted to and assessed by NOPSEMA. Although these changes are not yet in effect, NOPSEMA has confirmed that they have agreed to a request from Equinor to facilitate a four week public comment period (expected in the first quarter of 2019) on Equinor's draft environment plan before it is formally submitted for assessment.

### Community and Council Advocacy

The petition to Council reflects broad community opposition to oil exploration in the Great Australian Bight. Organisations actively campaigning to stop oil exploration in the Bight include Patagonia, Greenpeace Australia and the Great Australian Bight Alliance (includes partners the Mirning Traditional Owners, Wilderness Society South Australia, Sea Shepherd Australia, Surfrider Foundation Australia and the Australian Marine Conservation Society).

Various South Australian Councils have passed resolutions expressing concern about oil and gas exploration in the Great Australian Bight, including Onkaparinga Council and City of Port Lincoln, which have passed resolutions opposing offshore petroleum exploration and drilling in the Bight.

In Victoria, Moyne Shire Council passed a resolution in July 2018 acknowledging concerns regarding deep sea oil drilling in the Bight and committing to various actions including writing to Equinor to request full consultation and seeking regular updates from Equinor and NOPSEMA in relation to Equinor's application, with particular emphasis on oil spill risk and risk mitigation strategies. More recently Surf Coast Shire Council passed a resolution in December 2018 stating its in-principle opposition to plans to drill for oil in the Great Australian Bight and communicates their opposition to Equinor, the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA), relevant state and federal ministers, local state and federal members of parliament, and Councils along the Victorian coast.

### Risk of an oil spill

The biggest concern raised consistently by community members and advocacy groups regarding oil exploration in the Great Australian Bight are the risks associated with an oil spill, as occurred with the explosion of BP's Deepwater Horizon well in the Gulf of Mexico in 2010. Two documents are often referenced when the extent of the risk of oil spill is discussed – the Well Operations Management Plan that BP had developed as former owner and operator of Exploration Permits EPP39 and EPP40 and a July 2018 version of Equinor's Oil Pollution Emergency Plan (Stromlo 1 – Exploration Drilling Program) (OPEP) leaked to Greenpeace Australia. Greenpeace has released the OPEP publicly on its website.

There is understandable concern about the information contained in the OPEP, in particular the extensive area identified as potentially being at risk of an oil spill. The OPEP models a 'worst-case discharge' scenario for a loss of well control and subsea oil release identified the time estimated to mobilise a second rig and drill a relief well (102 days according to the OPEP). The OPEP identifies the risk area extending from the southern coast of Western Australia to New South Wales and including Tasmania. The OPEP also includes modelling for the area covered by the slick of fresh oil, with drift of slick generally towards the east, including 'potentially high concentrations of surface oil' near various South Australian locations, Port Fairy in Victoria and King Island north of Tasmania. Maximum shoreline loading of weathered oil covers an extensive area from Albany in Western Australia to Port Macquarie in New South Wales. In Victoria, the highest shoreline loadings are east of Port Fairy to Wilsons Promontory, including the Colac Otway Shire coastline.

Equinor is quoted on the ABC news website stating that the leaked document was part of an unfinished environment plan and was 'based on an extremely unlikely worst-case event'. Even if unlikely, the consequences of a significant oil spill occurring for 102 days, would have catastrophic and long lasting impacts on the environment, community and economy over an extensive length of the Australian coast. The vast proportion of the Southern Australian coast is in pristine condition with rich and unique biodiversity of international significance.

Tourism and fishing industries worth billions of dollars annually are well established and many thousands of Australians live along the southern coast (tourism along the Great Ocean Road alone is estimated at \$1.3 billion annually). Furthermore, if a spill was to occur it would be practically very difficult, if not impossible, for an effective clean-up to occur along much of the remote and rugged areas of the coast.

#### Oil exploration and climate change

Greenhouse gas emissions from burning oil and other fossil fuels are considered the key contributor to global climate change. Scientists around the world are urging that emissions must be reduced to avoid dangerous climate change. Council's commitment to environmental sustainability, greenhouse emissions reduction and adaptation planning work to build resilience to the impacts of climate change is evidenced by its Council-endorsed 2020 Carbon Neutral Target and Colac Otway Shire Council Climate Adaptation Plan. Council's environmental leadership commitment to drive the use of renewable energy directly aims to reduce greenhouse gas emissions across the shire. Opposing further investment into large scale oil production that would lead to further greenhouse gas emissions is consistent with Council's environmental leadership commitments.

## ***FURTHER SUPPORTING INFORMATION***

### **5. COMMUNITY CONSULTATION & ENGAGEMENT**

Equinor and NOPSEMA have advised that Equinor's draft environment plan will be released for public comment in the first quarter of 2019. The comment period will be four weeks. Interested community members can sign up to notifications from NOPSEMA to ensure they are aware when Equinor has released its draft plan.

### **6. ANALYSIS**

#### **ALIGNMENT TO COUNCIL PLAN OR COUNCIL POLICY**

##### THEME 2: OUR PLACES

"Our places are well-planned. We work with local and government partners to plan healthy, safe environments which promote community life and enhance well-being."

"It is important that Council operations are undertaken in consideration of the natural environment and where possible take action to help improve to protect, enhance and restore the environmental values of the region."

##### THEME 4: OUR LEADERSHIP & MANAGEMENT

"We will work together with our community to create a sustainable future."

#### **ENVIRONMENTAL IMPLICATIONS**

The Great Australian Bight and other segments of Australia's southern coast are a unique and internationally significant environment. It is largely remote, rugged and pristine. It is home to iconic marine species and supports Australia's largest commercial fishery.

The tourism industry is underpinned by the natural values of the coast. All these values are at risk should a significant oil spill occur.

#### **SOCIAL & CULTURAL IMPLICATIONS**

There is broad community opposition to oil exploration in the Great Australian Bight with advocacy campaigns at local, state and national level. The petitioners are keen for Council to support community advocacy on this issue, as Council has done in the past on issues like unconventional gas exploration and mining.

#### **ECONOMIC IMPLICATIONS**

Economic impacts of any oil spill impacting our coastline from oil exploration and drilling in the Great Australian Bight are potentially enormous and could prove catastrophic to our tourism and fishing industries.

## **LEGAL & RISK IMPLICATIONS**

Council has no regulatory authority in relation to offshore petroleum activity, including oil exploration in the Great Australian Bight. Council does however have commitments in the Council Plan 2017-2021 to environmental leadership, including driving the use of renewable energy, as well as commitments to support key industry sectors such as tourism and commercial fishing and to ensure that the community is involved and informed in Council decision-making.

## **RESOURCE IMPLICATIONS (FINANCIAL ETC)**

Officer time to implement the resolution is available in the approved operational budget.

## **7. IMPLEMENTATION STRATEGY**

### **DETAILS**

If Council supports the recommendation in this report and determines that in-principle it opposes plans to drill for oil in the Great Australian Bight, letters will be sent to the relevant agencies and key stakeholders to advise them of Council's position.

### **COMMUNICATION**

Council will communicate its opposition to oil drilling in the Great Australian Bight to Equinor, the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA), local state and federal members of parliament, and all other potentially impacted Councils along the Victorian coast. The lead petitioner will also be advised of Council's resolution. Council's resolution will also be communicated through standard channels including local media and social media.

### **TIMELINE**

March 2019: Letters will be sent to all the parties listed above stating that in-principle Council opposes plans to drill for oil in the Great Australian Bight.

## **8. OFFICER DIRECT OR INDIRECT INTEREST**

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



ORDINARY COUNCIL MEETING

## PETITION RESPONSE – PETITION TO RESOLVE FERAL CAT PROBLEM IN MURRAY SQUARE, APOLLO BAY

OM192702-2

<b>LOCATION / ADDRESS</b>	Murray Square, Apollo Bay	<b>GENERAL MANAGER</b>	Ian Seuren
<b>OFFICER</b>	Stewart Anderson	<b>DIVISION</b>	Development & Community Services
<b>TRIM FILE</b>	F18/6789	<b>CONFIDENTIAL</b>	No
<b>ATTACHMENTS</b>	Nil		
<b>PURPOSE</b>	The purpose of this report is to provide a response to the petition received by Council in relation to a feral cat problem in Murray Square, Apollo Bay.		

### 1. LOCATION PLAN / AERIAL PHOTO





## 2. EXECUTIVE SUMMARY

The issue of feral cats is a national problem that is extremely difficult to manage. The feral cats cause a number of problems including but not limited to attacking domestic animals and killing native wildlife. Council works with our community to try to manage problems in localised areas. Council has worked with residents to trap feral cats in the Murray Square area in the past and will do so again. It appears that a local resident continues to feed the cats even though they have been advised not to on a number of occasions.

Council Officers will re-iterate the importance of the resident ceasing this activity. To reduce the numbers of feral cats in this area in an expedient manner, a trapping plan will need to be developed in partnership with members of the local community. This plan will need to be developed and implemented carefully to ensure that any cats that are trapped are treated humanely.

## 3. RECOMMENDATION

*That Council:*

- 1. Supports the development of a local feral cat trapping plan for the Murray Square area of Apollo Bay.*
- 2. Advises the author of the petition of this resolution.*

## 4. BACKGROUND / KEY INFORMATION

### BACKGROUND

A petition signed by 38 community members seeking Council's support to resolve a feral cat problem in the Murray Square area of Apollo Bay was tabled at the Ordinary Meeting of Council held on 30 January 2019. The feral cats cause the local residents a number of problems, including but not limited to, attacking domestic animals and killing native wildlife.

The issue of feral cats is a national problem that is extremely difficult to manage. Council works with our community to try to manage problems in localised areas where the numbers of cats are causing a nuisance for local residents. In the past, Council has worked with residents in the Murray Square area to trap a number of cats and this seemed to help, but now it appears the number of feral cats in the area has increased again and as a result further action is required.

### KEY INFORMATION

Council Officers are aware that a local resident is feeding stray cats and as a result there is a concentration of feral cats in the Murray Square area. Council Officers have spoken to the individual about the need for them to stop feeding the stray cats, however it appears they are continuing to do so.

Regardless, Council Officers will continue to try and get the resident believed to be feeding the cats to stop doing so. Unfortunately this is not guaranteed to solve the problem, so Council Officers will also work with other residents in the area to develop a strategy to trap feral cats in an effort to reduce the numbers in the short term. This plan will need to be developed carefully because of the numbers of cats involved and the need to ensure that any cats that caught are handled humanely.

## ***FURTHER SUPPORTING INFORMATION***

### **5. COMMUNITY CONSULTATION & ENGAGEMENT**

Council has worked with members of the community in the Murray Street area previously to help reduce the numbers of feral cats. If Council endorses the recommendation in this report, a meeting will be held with local residents to agree on a means of trapping the cats in a humane manner. This will help reduce the numbers in the short term, however in order to stop the numbers from increasing further efforts will be made to educate the local resident believed to be feeding the cats about the problems it is causing for other residents in the area.

### **6. ANALYSIS**

#### **ALIGNMENT TO COUNCIL PLAN OR COUNCIL POLICY**

##### THEME 2: OUR PLACES

“Our places are well-planned. We work with local and government partners to plan healthy, safe environments which promote community life and enhance well-being.”

##### THEME 4: OUR LEADERSHIP & MANAGEMENT

“We will work together with our community to create a sustainable future.”

#### **ENVIRONMENTAL IMPLICATIONS**

There are no significant environmental implications related to the recommendation in this report. Reducing the number of feral cats in Apollo Bay will help protect native wildlife in the area.

#### **SOCIAL & CULTURAL IMPLICATIONS**

There are no social and cultural implications related to the recommendation in this report.

#### **ECONOMIC IMPLICATIONS**

There are no economic implications related to the recommendation in this report.

#### **LEGAL & RISK IMPLICATIONS**

There are no legal or risk implications related to the recommendation in this report.

#### **RESOURCE IMPLICATIONS (FINANCIAL ETC)**

There are no significant resource implications related to the recommendation in this report, although it may require Council’s Compliance Officers to make more trips to Apollo Bay to pick up cats that are trapped by local residents to ensure the animals are treated humanely.

## 7. IMPLEMENTATION STRATEGY

### DETAILS

If Council endorses the recommendation in this report a meeting will be held with local residents to agree on a means of trapping the cats in a humane manner. This will help reduce the numbers in the short term, but in order to stop the numbers from going back up further efforts will be made to educate the local resident believed to be feeding the cats about the problems it is causing for other residents in the area.

### COMMUNICATION

We will respond to the lead petitioner to advise them of Council's decision. Assuming Council supports the recommendation in this report, information will be sent to residents in the Murray Street area explaining how the trapping can be undertaken in a strategic and human manner. Further efforts will also be made to educate local residents of the problems associated with feral cats and the importance of not feeding them.

### TIMELINE

March 2019: Correspondence to be sent to the lead petitioner.

March 2019: Strategic Trapping Plan will be developed and explained to local residents.

March 2019: Further information will be provided to residents about the problems caused by feeding feral cats.

April 2019: Trapping plan commenced and monitoring undertaken to determine effectiveness.

May 2019: Progress update provided to local residents on the success of the program.

## 8. OFFICER DIRECT OR INDIRECT INTEREST

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

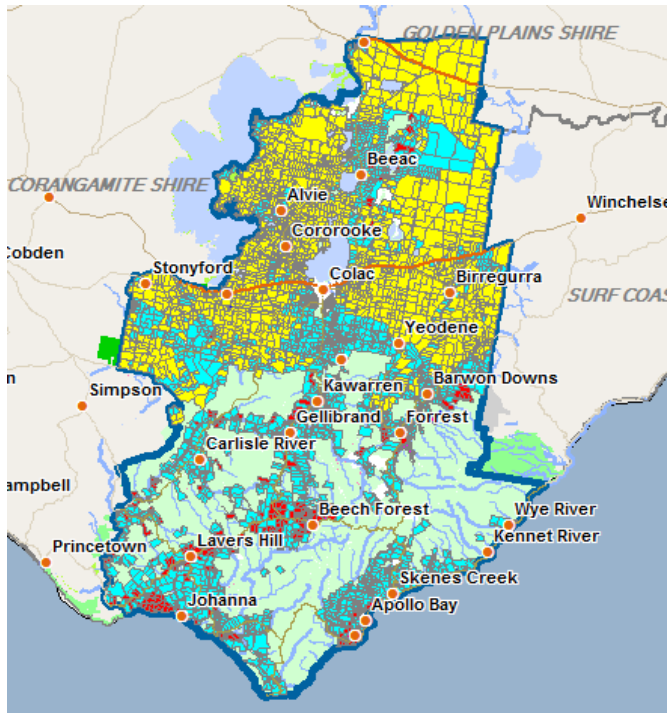
# ORDINARY COUNCIL MEETING

## 2018/2019 MID YEAR BUDGET REVIEW AND \$500K RECURRENT SAVINGS COMMITMENT UPDATE

OM192702-3

<b>LOCATION / ADDRESS</b>	Whole of Municipality	<b>GENERAL MANAGER</b>	Errol Lawrence
<b>OFFICER</b>	Errol Lawrence	<b>DIVISION</b>	Corporate Services
<b>TRIM FILE</b>	F18/7487	<b>CONFIDENTIAL</b>	No
<b>ATTACHMENTS</b>	Nil		
<b>PURPOSE</b>	To detail for Council the 2018/2019 Mid Year Budget Review and the \$500k recurrent savings and propose reallocation of surplus funds.		

### 1. LOCATION PLAN / AERIAL PHOTO



## 2. EXECUTIVE SUMMARY

Council's Finance Department has reviewed with individual managers the 2018/19 budget. The mid-year forecast is showing a favourable movement of \$320k. Management consider this to be a conservative forecast, primarily due to the fact individual Managers are still working through the new Work Order and General Ledger structure with the Finance team. Once there is a stronger confidence in, and understanding of, the new structure Managers will be better placed to make forecast decisions.

A summary of the known variances have been provided in Table 1 of this report.

As a result of this favourable outcome, Management have also provided a list of projects that Council may consider implementing in the 2018/19 financial year. Almost all of these projects have been proposed for the 2019/20 draft budget, but would deliver immediate efficiency gains, cost savings or immediately alleviate occupational health and safety concerns.

Additionally, in response to the target of identifying \$500k of recurrent savings within the 2018/19 budget, a total of \$381k has been identified to this point. This is discussed separately from the mid-year review in this report. Please note this is additional to the \$320k identified in the mid-year budget review.

Since the announcement of the 'City Deal' the \$200k from the Unallocated Surplus Reserve, allocated for the Skenes Creek to Apollo Bay Coastal Trail, may no longer be required for that purpose. It is proposed that this amount remain in the Unallocated Surplus Reserve until the City Deal outcomes are better known for future possible allocation of Council.

## 3. RECOMMENDATION

*That Council:*

- 1. Notes the results of the 2018/2019 mid-year budget review, being a net surplus of \$320,572.00.*
- 2. Given the favourable variance of the review, being \$320,572.00 surplus compared to the adopted budget, authorise this amount to be used towards funding the projects listed in Table 2 of this report, in the 2018/19 financial year. Table 2 totals \$510,728.00.*
- 3. Acknowledge the recurrent saving realised year to date of \$381,500.00 towards the \$500,000.00 recurrent savings commitment, detailed in Table 3 of this report.*
- 4. Authorise \$190,156.00 of the recurrent savings realised to fund the balance of the projects listed in Table 2.*
- 5. Acknowledge that the \$200,000.00 allocated from the Unallocated Surplus Reserve towards the Apollo Bay to Skenes Creek Trail project in the 2018/2019 budget may no longer be required, and authorise that the \$200,000.00 remain in the Reserve for future consideration once City Deal outcomes are better known.*

## 4. BACKGROUND / KEY INFORMATION

### BACKGROUND

The 2018/19 Council budget was adopted in June 2018. In addition, Council officers were tasked with identifying \$500k of recurrent savings to be delivered within the 2018/19 Council budget.

In developing a draft budget for Council's consideration, officers undergo a rigorous process of setting assumptions in relation to the cost of delivering the services Council sets out in its Council Plan and the anticipated income levels to fund these services. Given this process, the task of identifying \$500k of recurrent savings, without impacting service levels, has been extremely challenging and is based on the assumption that unnecessary costs ("Fat") have been included in the prepared budget, which would be inconsistent with Best Value principles.

Given the budget development process requires assumptions to be made up to 18 months into the future, it is necessary to undertake periodic reviews, as circumstances inevitably change over time. A mid-year review was conducted, providing an opportunity to investigate trends and predict forecasts with greater reliability, taking into account the financial and operational environment since adoption of the budget.

The budget review process was also an important opportunity for staff to familiarise themselves with the new Work Order and General Ledger structure following the GL rebuild project that went live in December 2018.

This review process has several aims:

- To increase the reliability and relevance of the forecasted figures for 2018/2019.
- To respond to identified trends and emerging issues.
- To identify any transaction allocation issues following the General Ledger rebuild.
- To enhance understanding and confidence in the new Work Order and General Ledger structure.
- To obtain an update on the status of the potential recurrent savings previously identified.

### KEY INFORMATION

During the month of January the entire management team undertook a detailed review of all income, expenditure and projects on a line-by-line basis. This will enable greater reliability in the forecast results for the remainder of the financial year, as well as identifying required reallocation of transactions and refinement to the General Ledger following the GL rebuild.

Early indications are that the budget will predominately be delivered as planned, although there has been some material savings and costs identified throughout the organisation. The net operational savings identified within this review is approximately \$320k, which is the result of unanticipated revenue and cost savings, being partially offset by unanticipated costs.

A summary of the forecast movements, by service, is provided in Table 1.

**Table 1**

<b>Service Area</b>	<b>Sum of Costs / (Savings)</b>
<b>Accounting Services</b>	<b>(\$245,947)</b>
2016-17 Major Project - Finance Uplift Project	(\$126,813)
2017-18 Major Project - GL & WO Rebuild	(\$32,886)
2017-18 Major Project - Revenue recognition & Lease Accounting Review	(\$12,760)
Operations - Investment income, staff, contractors	(\$73,488)
<b>Building Control</b>	<b>(\$12,902)</b>
Employee costs - Due to vacancy during the year	(\$12,902)
<b>Corporate Governance</b>	<b>(\$20,200)</b>
Budget for the new Local Government Act	(\$16,500)
Materials	(\$3,700)
<b>Development &amp; Community Services Management</b>	<b>(\$6,871)</b>
Operations - Employee Costs, Utilities, Materials	(\$6,871)
<b>Planning, Building and Health Management</b>	<b>\$10,000</b>
Employee Costs	\$10,000
<b>Public Health</b>	<b>\$40,000</b>
Statutory Fees and charges - Higher income received YTD	(\$20,000)
Contractors - Reflect use of contractors to fill EHO/Co-ordinator positions	\$60,000
<b>Public Relations</b>	<b>(\$15,000)</b>
Savings from mail out efficiencies	(\$15,000)
<b>Revenue Services</b>	<b>(\$29,487)</b>
Operations - Land information certificates, Employee Costs	(\$29,487)
<b>Strategic Planning</b>	<b>\$299,626</b>
Assuming vacancy in strategic planning position until year end. Backfill covered by contractors.	(\$4,362)
Consultants	\$10,000
Due to on-going vacant Band 6 position	(\$42,492)
Employee Costs	\$12,000
Legal costs associated with the Mooleric Road VCAT hearing and Barham River Road Hotel Panel hearing	\$150,000
Costs associated with backfill of staff vacancies	\$174,480
<b>Property &amp; Rates Operations</b>	<b>(\$339,791)</b>
Fees for Supplementary	(\$11,250)
General Valuations	(\$76,770)
Mt Gellibrand Windfarm	(\$216,771)
SRO Grant - Coverage for revaluation administration	(\$35,000)
<b>Grand Total</b>	<b>(\$320,572)</b>

Although refinement and reallocation of transactions will be ongoing for the remainder of the 2018/19 financial year, the Finance team received reasonably positive feedback and co-operation from all departments in regards to the current state of the new Work Order and General Ledger structure.

There is still some apprehension across the organisation regarding the information displayed within the new Work Order and General Ledger structure. Due to this apprehension, officers were wary of identifying some permanent savings that they felt required further investigation. This was particularly the case in the more complex areas of Service & Operations and Capital Works.

Given this positive result of \$320k, Management would like to propose that the Business Cases in table 2 be considered for funding in 2018/19. It is considered that these Business Cases will deliver efficiency gains and cost savings or alleviate immediate occupational health and safety concerns. Also, in delivering Business Cases that relate to 2019/20, will allow Council more flexibility in relation to the amount of Business Cases it may choose to include in the 2019/20 budget.

**Table 2**

<b>Business Case</b>	<b>2019/20 BC No.</b>	<b>Estimated Cost</b>
Docusign Implementations	BC-161	\$55,000.00
MePACS - Mobile Duress Alarms	BC-38	\$13,728.00
K9 Cube for Animal Management	BC-143	\$17,000.00
Former Colac High School Site - Master Plan and Business Case	BC-33	\$50,000.00
Great Ocean Road - Centenary of the Commencement of Construction	BC-70	\$25,000.00
Book Easy Online Booking System	BC-27	\$10,000.00
Colac Civic Precinct Plan (including COPACC Master Plan – Start-up phase	BC-129	\$20,000.00
Birregurra, Alvie & Apollo Bay Transfer Station Signage and Site Upgrade	BC-42	\$15,000.00
Replacement of Emulsion Tank Pound Rd Depot	BC-46	\$50,000.00
15,000L Onsite Fuel Tank Apollo Bay Depot	BC-95	\$30,000.00
Services & Operations Mechanical Workshop Upgrades	BC-22	\$50,000.00
Revised Erosion Management Overlay Mapping	BC-92	\$80,000.00
Development of Public Toilet Strategy – Notice of Motion 24/10/2018	NOM	\$25,000.00
Colac Aerodrome – Land Purchase	BC-133	\$70,000.00
<b>Total</b>		<b>\$510,728.00</b>

#### **\$500k - Recurrent Savings Update**

While some one-off savings have been identified (refer Table 1), the task of identifying \$500k of recurrent savings within the existing budget is proving to be quite challenging. As summarised in Table 3, Management have been able to identify \$381k of recurrent savings they are confident will be realised.

Although the amount realised is \$119k short of the initial \$500k commitment, it should be highlighted that some of the items realised for 2018/19 will be for less than a full 12 months, or no savings realised until 2019/2020. When a full 12 months is realised the savings are expected to total \$446k. The items with an increased saving over 2018/2019 have been identified at the bottom of the list in Table 3.

The major saving that will **not** be realised is the \$70k relating to Waste Haulage. On further investigation the current contract restricts Council from making changes. Also, given Council are in the process of going out to Tender for this service any saving on this item would have been a 'one off'.



**Table 3****Recurrent Savings**

<b>Description</b>	<b>Initial Estimate</b>	<b>Revised Estimates</b>	<b>Update 19 Feb 2019</b>
Increased revenue in Arts and Leisure via programs such as Learn to Swim and Memberships	\$20,000	\$12,000	\$12,000
Reduction of the discretionary fund in Arts and Leisure	\$5,000	\$5,000	\$5,000
Changes to Service & Operations Dept.	\$35,000	\$21,000	\$21,000
Relocation of Council Briefings and staff meetings to the former library annexe rather than using COPACC.	\$20,000	\$0	\$0
New Cleaning Contract	\$81,000	\$50,000	\$50,000
Fuel Tax Credits	\$76,000	\$38,000	\$38,000
Fuel Saving	\$20,000	\$14,000	\$14,000
Savings due to solar installation at Bluewater	\$10,000	\$25,000	\$25,000
Waste Management Cartage		\$70,000	\$0
Increase revenue from 24/7 gym operation generating additional memberships.		\$50,000	\$50,000
Apollo Bay Data Link	\$30,000	\$15,000	\$0
Savings on Postage		\$0	\$0
Shire Website	\$90,000	\$5,000	\$5,000
CE Admin Budget		\$4,000	\$4,000
Business Improvement support		\$89,000	\$89,000
Increased building services fees	\$37,000	\$37,000	\$37,000
Street lighting energy efficiencies	\$13,500	\$13,500	\$13,500
School crossing supervisors	\$18,000	\$18,000	\$18,000
Energy audit implementation	\$45,000	\$30,000	\$0
<b>Total 2018/2019</b>	<b>\$500,500</b>	<b>\$496,500</b>	<b>\$381,500</b>
Apollo Bay Data Link			\$20,000
Shire Website			\$10,000
Energy Audit Implementation			\$35,000
<b>Total 2019/2020</b>			<b>\$446,000</b>

As is normal practice, Management will continue to review operational budgets with the view to identify any further one-off or recurrent savings.

## ***FURTHER SUPPORTING INFORMATION***

### **5. COMMUNITY CONSULTATION & ENGAGEMENT**

Not applicable

### **6. ANALYSIS**

#### **ALIGNMENT TO COUNCIL PLAN OR COUNCIL POLICY**

Monitoring of Council's Annual Budget aligns with the proposed Strategic Theme of the Council Plan of "Our Leadership & Management". It is an essential part of our leadership and management for Council to strive for excellence in financial management and council services, and always looking for better ways to do things.

#### **ENVIRONMENTAL IMPLICATIONS**

Not applicable

#### **SOCIAL & CULTURAL IMPLICATIONS**

Not applicable

#### **ECONOMIC IMPLICATIONS**

Not applicable

#### **LEGAL & RISK IMPLICATIONS**

Not applicable

#### **RESOURCE IMPLICATIONS (FINANCIAL ETC)**

Management and delivery of the Annual Budget has ongoing implications in relation to the allocation of Council's limited resources. The detail contained within this report provides a summary to Council of the variations to the adopted budget.

### **7. IMPLEMENTATION STRATEGY**

#### **DETAILS**

Council officers will update management reports to reflect the current forecast result.

#### **COMMUNICATION**

Not applicable

## **TIMELINE**

Not applicable

## **8. OFFICER DIRECT OR INDIRECT INTEREST**

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

ORDINARY COUNCIL MEETING

# CENTRAL RESERVE RENAMING CONSULTATION

OM192702-4

<b>LOCATION / ADDRESS</b>	Gravesend Street, Colac	<b>GENERAL MANAGER</b>	Tony McGann
<b>OFFICER</b>	Paul Jane	<b>DIVISION</b>	Infrastructure & Leisure Services
<b>TRIM FILE</b>	F18/7487	<b>CONFIDENTIAL</b>	No
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"> <li>1. Draft Memorial and Plaques Policy</li> <li>2. Draft Temporary Naming of Sporting Reserves Policy</li> <li>3. Draft Operational Policy - Recreation Reserve Advertising signage guideline</li> <li>4. Central Reserve Naming 2018 - 2019</li> </ol>		
<b>PURPOSE</b>	To provide Council results of a recent community engagement surrounding the naming of Central Reserve Colac and its associated infrastructure and recommend policies that enable feedback themes.		

## 1. LOCATION PLAN / AERIAL PHOTO



## 2. EXECUTIVE SUMMARY

Council at its September 2018 meeting resolved by way of a Notice of Motion to investigate community sentiment regarding the possible renaming of Central Reserve Colac and/or components of the reserve.

The community engagement considered naming options for the reserve or parts thereof, that considers Colac's Indigenous, European or sporting heritage. The engagement also considered the potential naming after commercial interests to provide a revenue option for the reserve.

The engagement was open for comment over a six week period and attracted 153 survey responses. In addition to the survey, specific stakeholders were engaged and invited to make a formal submission.

The engagement found that:

- There is support for considering commercial naming rights for Central Reserve
- There is support for considering the naming of structures in honour of sport administrators or sporting excellence
- There is little support to change the Central Reserve name

## 3. RECOMMENDATION

*That Council:*

1. ***Thank the community for their submissions surrounding Central Reserve and associated infrastructure naming.***
2. ***Seek public feedback for a period of six weeks in line with Council's Community Engagement Policy on the proposed and attached:***
  - 2.1 ***Temporary Naming of Sporting Reserves Policy;***
  - 2.2 ***Memorial and Plaques Policy;***
  - 2.3 ***Recreation Reserve Advertising Signage Guideline.***

## 4. BACKGROUND / KEY INFORMATION

### BACKGROUND

Council at its September 2018 meeting resolved:

*That Council:*

1. *In accordance with Council's Community Engagement Policy 2013, seek community feedback on:*
  - a) *The naming of the Central Reserve precinct.*

- b) *The naming of any new or existing buildings at the Central Reserve precinct.*
  - c) *The possibility of allowing the naming rights of the Central Reserve precinct to be used as a potential revenue source for Council and/or user groups.*
  - d) *That points 1a, 1b and 1c be conducted in accordance with Council's Naming of Roads, Localities and Features policy, and the State Government's guidelines for geographic names.*
2. *In relation point 1, gives consideration to:*
- a) *Indigenous historical names and places with Colac Otway Shire staff to engage with the local Indigenous community in relation to this point.*
  - b) *Local European historical names and places.*
  - c) *Local sporting administrators or those who have achieved sporting excellence.*
  - d) *Other significant local sporting interests.*
  - e) *Leaving the facility as named, Central Reserve.*
3. *Retains the existing name of the Central Reserve precinct and associated structures until Council determines otherwise.*
4. *Officers present the community feedback in a report to an Ordinary Council Meeting.*
5. *Commences community consultation enacting this Notice of Motion no later than 29 October 2018.*
6. *Endorses this Notice of Motion to take precedence over previous resolutions in relation to this matter.*

## **KEY INFORMATION**

A community survey was undertaken from Monday 26 November 2018 and closed on Friday 4 January 2019 and received 153 responses. A summary of the responses is detailed below rounded to the nearest percentile.

### **Respondent profile**

#### **Gender distribution**

- Male 49%, Female 49%, Unspecified 2%

#### **Age distribution top three**

- 45 – 54 years 25%, 35 – 44 years 22%, 25 – 34 years 23%

#### **Residence**

- Colac 70%, Colac Surrounds 12%, Within Colac Otway Shire 7%, Outside Municipality 10%

### Question 1

If Central Reserve is renamed, which of the following categories of naming would you welcome?

Retain existing name	57%
Local sporting administrators or those that have achieved excellence	19%
Indigenous historical names and places	18%
European historical names and places	5%
Other responses - in addition to the above selection	31%
The majority of other answers reflected commercial naming	

#### Conclusion

The majority of the survey results seek to retain the existing name.

### Question 2

If structures (e.g. buildings) within Central Reserve are renamed, which of the following categories of naming would you welcome?

Local Sporting Administrators or those that have achieved excellence	42%
Retain existing name	34%
Indigenous historical names and places	18%
European historical names and places	5%
Other responses - in addition to the above selection	22%
The majority of other answers reflected commercial naming	

#### Conclusion

There was support for the renaming of structures with the reserve in honour of administrators and/or those that have achieved sporting excellence.

### Question 3

Do you approve of the selling of temporary naming rights of Central Reserve or parts of it, to create a revenue opportunity for either Council or user groups?

Strongly Approve	27%
Approve	22%
Neither Approve or Disapprove	22%
Disapprove	13%
Strongly Disapprove	16%

#### Conclusion

The use of temporary naming rights received strong support and was also reflected in open script responses. 29 % of respondents did not support the commercialisation of reserve naming.

### Submissions

Four submissions were received by Council and are noted below:

### **Central Reserve Advisory Committee**

The Central Reserve Advisory committee considered the issue at its November 7, 2018 meeting and resolved the following:

- That the reserve be continued to be referred to as Central Reserve
- That the committee is open to discussions on naming individual structures within the precinct
- That the committee is consulted prior to any decisions on the matter

### **Colac Football Netball Club**

The Colac Football Netball Club expressed support for commercial naming rights to be available at the reserve.

### **Australian Lamb Colac Pty Ltd**

Australian Lamb Colac Pty Ltd has expressed support for commercial naming rights to be available at the reserve.

### **The Colac and District Dog Obedience Club Inc.**

The Dog Obedience Club considered the naming of Central Reserve and/or buildings or parts of the reserve at a recent meeting and resolved the following:

- That the Central Reserve precinct stays as named.
- That parts of the precinct can in the future be named after Indigenous, Peoples of Note, or for or not for profit.

## **PROPOSAL**

In order to respond to the community feedback, it is proposed that a set of policies and guidelines are developed which can be applied to all sporting reserves across Colac Otway Shire.

Those policies and guidelines specifically being:

- **Temporary Naming of Sporting Reserves Policy** – This policy provides the framework for how temporary commercial naming will be considered.
- **Memorial and Plaques Policy** – This policy provides the framework on how structures can be named after individuals.
- **Recreation Reserve Advertising Signage Guideline** – This guideline provides the framework on how recreation reserves may be signposted and adds additional information to that prescribed within the planning scheme.

The current council policy – Naming of Roads, Localities and Features – provides the mechanism to change the Central Reserve name should a submission come forward. The Memorial and Plaques Policy would supersede the Plaques and Memorials in Colac Botanic Gardens Policy.



## **FURTHER SUPPORTING INFORMATION**

### **5. COMMUNITY CONSULTATION & ENGAGEMENT**

The following community consultation was undertaken:

- Online Survey
- Media release via Council's web page
- Social media posts
- Central Reserve Advisory Committee meeting

### **6. ANALYSIS**

#### **ALIGNMENT TO COUNCIL PLAN OR COUNCIL POLICY**

The proposed policies and guidelines are in line with the OUR PROSPERITY theme. We work together to improve the prosperity of our people, businesses and community partners by working to promote our beautiful shire as an attractive place to live, work, invest and visit. Of particular significance is the future opportunity of – recognition and protection of the heritage of the area's history.

#### **ENVIRONMENTAL IMPLICATIONS**

None that are evident

#### **SOCIAL & CULTURAL IMPLICATIONS**

The naming of reserves and structures presents an opportunity to promote the regions heritage and the achievements of its people.

#### **ECONOMIC IMPLICATIONS**

None that are evident

#### **LEGAL & RISK IMPLICATIONS**

The proposed policies are consistent with the *Geographic Place Names Act 1998*. *Base names will be retained in all circumstances within proposed policies.*

#### **RESOURCE IMPLICATIONS (FINANCIAL ETC)**

None that are evident

## 7. IMPLEMENTATION STRATEGY

### DETAILS

The implementation of the proposed policies are subject to a community consultation period and subsequent consideration by Council.

### COMMUNICATION

The draft policies and guidelines will be released in line with council community engagement policy for a period of 6 weeks. At the conclusion of this period they will be presented back to council for formal adoption. Sporting ground tenants will be advised directly of the proposal and encouraged to review the proposed policy and guidelines.

### TIMELINE

It is projected that the policies will be considered formally by Council within 2 months of the commencement of the community consultation.

## 8. OFFICER DIRECT OR INDIRECT INTEREST

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



# Council Policy

## MEMORIAL AND PLAQUES POLICY

### PURPOSE

The purpose of this policy is to provide a framework for the approval, installation and management of all plaques or memorials installed within the Colac Otway Shire.

### SCOPE

All plaques or memorials installed within the Colac Otway Shire on lands that are owned or managed by the Colac Otway Shire including

- Buildings
- Street Scapes
- Open Space

### DEFINITIONS

**Memorial** - An object established in memory of a person, association, anniversary or event and includes a monument.

**Open Space** - Open space refers to all land owned and/or managed by Council that is zoned Public Park and Recreation Zone or Public Conservation Resource Zone and is available for public access.

**Plaque** flat tablet of metal, stone or other material which includes text or images which commemorate a person, event or historical information relative to the location or a new public artwork of significance.

**Public Place** - Public Place refers to road reserves, Municipal Buildings, streetscapes and other council lands that are owned and/or managed by Council.

### REFERENCES

Colac Otway Shire - Planning Scheme

### GUIDELINES/POLICY DETAILS

1. Existing plaques and memorials will generally be retained. If the existing site is inappropriate, maintenance costs prohibitive or the condition of the plaque or memorial is poor, those originally involved in its placement should, where practical, be consulted before re-siting or removal. Replacement plaques or memorials of different style or form may also be considered.
2. Council does not encourage the installation of plaques and memorials in open space and only events or people of outstanding significance may be commemorated by a plaque or memorial. Subjects for plaques and memorials will be limited to the following :

- a. an individual or Association that has contributed significantly to the cultural, political or social aspects of the Colac Otway Shires development;
  - b. an individual or association strongly linked to the Colac Otway Shire and its history;
  - c. a significant anniversary of an event unique to the history and development of the locality;
  - d. historical or other information relevant to the site/location of the plaque.
  - e. A public artwork of significance.
3. Recognition of significant contributions for open space infrastructure can be acknowledged by way of a small plaque mounted to the infrastructure. Plaques recognising individual in memorial should not exceed 10cm x 6cm
4. Plaques and memorials shall be designed in consideration of the general character of the area and sited so as not to intrude upon or damage the structure or natural environment or otherwise create a public risk. Their construction should require little maintenance and should be resistant to vandalism.
5. While an approved plaque or memorial will be located at the designated site for a period of not less than ten years, Council maintains the right to remove or relocate it should the site be redeveloped or significantly changed in character. Council does not guarantee the retention of any plaque or memorial nor accept responsibility for its maintenance and upkeep.
6. Council infrastructure such as sporting pavilions are eligible to be named in honour of an individual who has significantly contributed to that sporting clubs and or sites development. The naming of council building assets shall be subject to the community consultation outline in the Councils Naming of Roads, Localities and Features policy.
7. Plaques and memorials must be consistent with Council's strategic and urban design objectives for the proposed site.

Approval of applications adhering to the above conditions shall be the responsibility of the General Manager Infrastructure and Leisure Services.

#### RELATED DOCUMENTS

**Landscaping Sponsorship**

**Plaques and Memorials in Colac Botanic Gardens**

**Naming of Roads, Localities and Features policy**

**Plaques and memorials application form – To be developed on approval**

Policy owner		Division	
Adopted by council		Policy Number	
File Number		Review date	



# Council Policy

## TEMPORARY NAMING OF SPORTING RESERVE S

### PURPOSE

To provide the framework to enable the temporarily renaming of sports grounds on Council owned and/or managed reserves in connection with sponsorship naming rights.

### SCOPE

The policy relates to all Council owned and managed sports grounds.

### DEFINITIONS

**Base Name** - is a consistent name over the feature's lifespan, particularly when the private sponsorship name may change.

**Sports Grounds** – Council managed lands where structured sport is played

### REFERENCES

- Council Policy – Naming of Roads, Localities and Features
- Statutory requirements for naming roads, features and localities 2016 - Department of Environment, Land, Water and Planning

### GUIDELINES/POLICY DETAILS

Sporting clubs may apply for the temporary renaming of a sports ground, in connection with sponsorship naming rights. This temporary name shall only be referred to by the approved 'sponsored name' in club, association, competition or league promotions and marketing. Council's name for the reserve "the base name" is to be used in all other public documents e.g. Council reports, engineering / road plans, directories, web-sites etc.

All of the following conditions must be adhered to for the temporary renaming to be considered:

1. Naming rights are limited to sports grounds only.
2. The Naming Rights Sponsor should be the applicant tenant's top tier sponsor.
3. The term of the sponsorship is limited to the term of the club's licence/lease agreement over the sports ground.
4. The proposed name of the sports ground should not be offensive or discriminatory in any way.
5. Funds raised are allocated to sports development or facility development, and are specifically not permitted to be allocated to player payments.
6. All tenants that use the renamed sports ground during the period of the sponsorship share in the proceeds.
7. The proposed sponsor is not associated with alcohol, cigarettes (including tobacco products) or gambling.

8. The sports ground is referred to by the approved 'sponsored name' in club, association, competition or league promotions and marketing only.
9. Any signage installed must meet Council's Recreation Reserve Advertising guidelines and be approved by Council.
10. The terms of the temporary renaming of a sports ground may be reviewed by Council at any time.
11. Where a facility has multiple tenants within a season, written agreement between the tenants for the sponsorship to occur must be provided to Council.
12. All costs relating to the sponsorship and adhering to this procedure are to be borne by the applicant tenant
13. The applicant tenant must indemnify Council against any loss should Council revoke the approval of the temporary renaming of the sports ground.
14. Sporting clubs will be required to acquit for sponsorship income generated by the temporary renaming of a sports ground to show that the conditions listed above are being met. Council may also ask a sporting club to confirm that other relevant guidelines and policies are being met in connection with the temporary renaming agreement.

Approval of applications adhering to the above conditions shall be the responsibility of the General Manager Infrastructure and Leisure Services.

#### 15. RELATED DOCUMENTS

- Temporary Naming of Sporting Reserves application form – to be developed on approval

#### FILE MANAGEMENT

Policy owner		Division	
Adopted by council		Policy Number	
File Number		Review date	





# Operational Policy

## RECREATION RESERVE ADVERTISING SIGNAGE GUIDELINE

### PURPOSE

To establish guidelines for approval of advertising and sponsorship signage at Council sporting reserves that ensure:

- Signage installation is of an acceptable and safe standard.
- Installation is in line with adopted policies and planning regulations.
- Consistency in approvals to community groups displaying their sponsors advertising signs.
- Clubs are not denied the opportunity to derive a reasonable income from reserve signage.
- Facilities continue to be accessible and safe for use by all sections of the community.
- The visual amenity of sporting reserves and open space is maintained.

### SCOPE

The policy relates to all Council owned and managed reserves and associated facilities including sports grounds, pavilions, toilets, buildings and club infrastructure (including scoreboards, coaches boxes and fencing). The zoning designation of these areas is Public Park and Recreation Zone (PPRZ)

### DEFINITIONS

**Public Park and Recreation Zone** – Areas reserved within the planning scheme for public recreation and open space.

### REFERENCES

Colac Otway Planning Scheme

### GUIDELINES/POLICY DETAILS

The Colac Otway Shire, as an asset manager of many public reserves, has the responsibility to ensure that there is a consistent approach to signage and to ensure that signage is safely erected, maintained and does not detract from the visual amenity of the reserve.

Under the Colac Otway Shire planning scheme signs are exempt from permits on a showground, on a motor racing track or on a major sports and recreation facility, provided the sign's display cannot be seen from nearby land.

In line with the planning scheme and in recognition of Council's role as asset manager signs will be permitted when they conform to the criteria set out in this Policy in addition to the Colac Otway Planning Scheme.

1. Freestanding signs for sponsor advertising will not be permitted except where there is no oval fencing or extenuating circumstances can be demonstrated.
2. For sports ovals signage placed on oval fencing must not cover more than 50% of the internal circumference and must have a three metre gap every 20 metres to allow access to the oval by passive users of the reserve.

3. Signage on the external circumference of the fence will only be allowed directly in front of social facilities and must not be visible beyond the reserve.
4. Signage on coaches' boxes or player shelters will be permitted provided it does not cover more than 50% of the internal surface of the shelter and must not be visible beyond the reserve.
5. Signage on scoreboards will be permitted provided it does not detract from the main purpose of the structure nor cover more than 25% of the surface of the scoreboard and must not be visible beyond the reserve.
6. Signage on cricket practice nets is limited to two (2) signs per net being no greater than 1 metre x 1 metre per sign. Consideration must be given to the practice net footings as signage increases the wind loading on the fencing.
7. For tennis, netball and other fenced court facilities, signage should face inwards towards the playing area. Signage should be installed so that top edge of the signage is less than 1.8 metres off the court surface. Signage on tennis court fencing is limited to two (2) signs per court being no greater than 1 metre x 1 metre per sign. Consideration must be given to the fence footings as signage increases the wind loading on the fencing.
8. Clubs must be able to remove all signs on request to deliver a clean venue for Council managed or controlled events within 7 days upon request.
9. Signs must not be painted directly onto the walls or the roof of any facility, building or structure on the reserve.
10. The signs must be appropriate for a public reserve and not in anyway be offensive or discriminate on grounds of race, gender or religion.
11. All signs must acknowledge the name of the club being sponsored.
12. Signs must be oriented to display inward to the reserve users and not positioned to be viewed by passing traffic or people beyond the reserve. Sporting clubs are not entitled to enter into commercial agreements to alter venue names or install signage pertaining to the naming of a reserve on a permanent basis.
13. Clubs must keep a signage register and undertake regular inspections to ensure that the signage does not represent a risk to reserve users.
14. Clubs shall be liable for any cost incurred by Council in making good any signage that represents an immediate threat to reserve users
15. Signage rights are aligned with tenancy arrangements, where multiple tenants exist rights shall be distributed equally by agreement.
16. Clubs engaging in ambush marketing activities will have signage rights removed.

#### RELATED DOCUMENTS

- **Temporary Naming Policy**
- **Memorial and Plaques Policy**

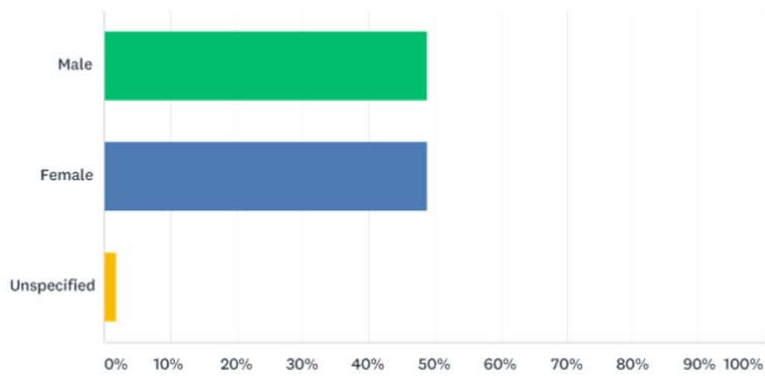
Policy owner		Division	
Adopted by executive		Policy Number	
File Number		Review date	



Central Reserve Naming Survey

Q1 What is your gender?

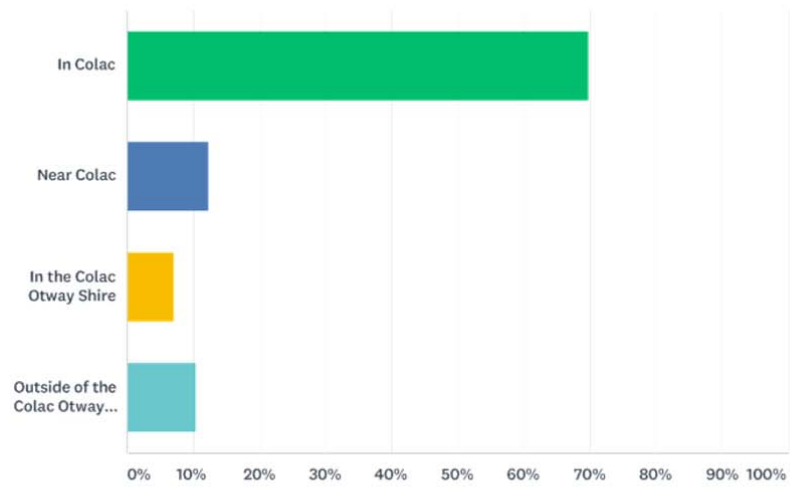
Answered: 153 Skipped: 0



ANSWER CHOICES	RESPONSES	
Male	49.02%	75
Female	49.02%	75
Unspecified	1.96%	3
TOTAL		153

## Q2 Where do you live most of the time?

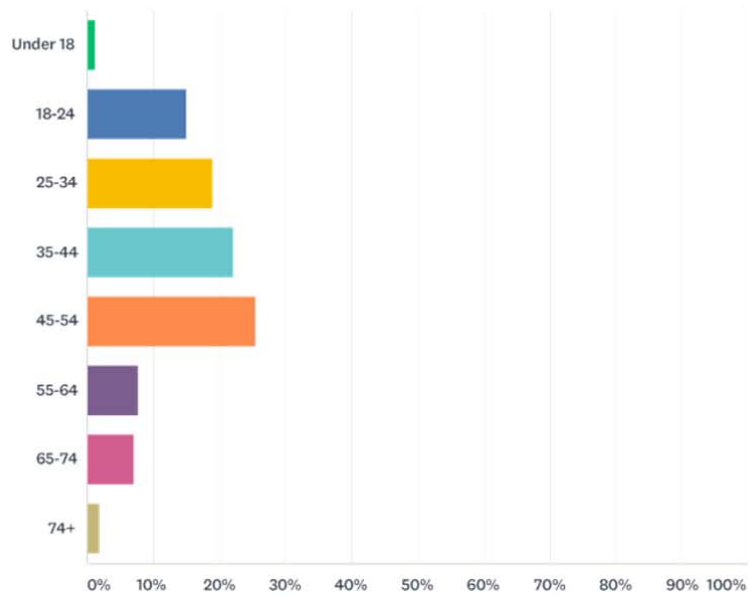
Answered: 153 Skipped: 0



ANSWER CHOICES	RESPONSES	
In Colac	69.93%	107
Near Colac	12.42%	19
In the Colac Otway Shire	7.19%	11
Outside of the Colac Otway Shire	10.46%	16
<b>TOTAL</b>		<b>153</b>

### Q3 What is your age?

Answered: 153 Skipped: 0

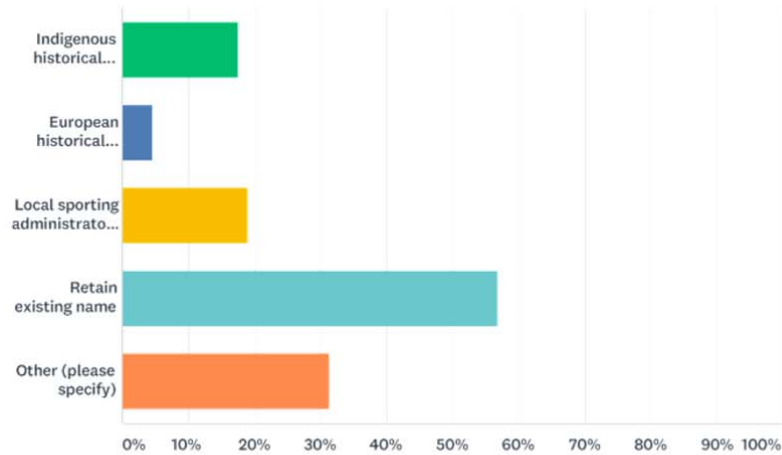


ANSWER CHOICES	RESPONSES	
Under 18	1.31%	2
18-24	15.03%	23
25-34	18.95%	29
35-44	22.22%	34
45-54	25.49%	39
55-64	7.84%	12
65-74	7.19%	11
74+	1.96%	3
<b>TOTAL</b>		<b>153</b>

# Central Reserve Naming Survey

Q4 If Central Reserve is renamed, which of the following categories of naming would you welcome (please choose as many categories as apply)

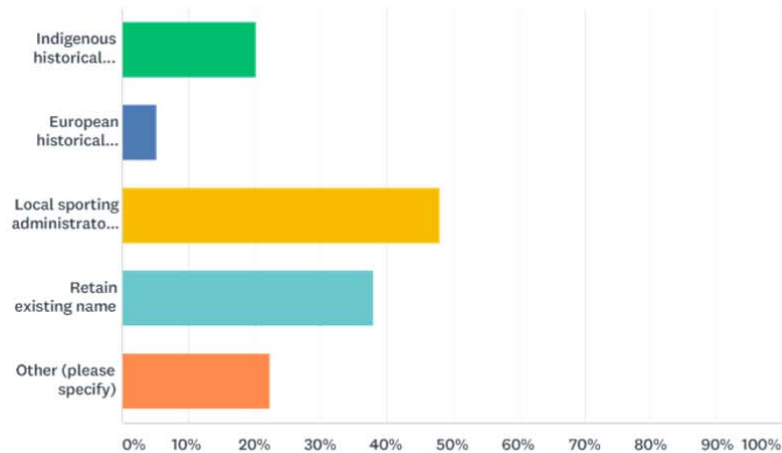
Answered: 153 Skipped: 0



ANSWER CHOICES	RESPONSES	
Indigenous historical names and places	17.65%	27
European historical names and places	4.58%	7
Local sporting administrators or those who have achieved excellence	18.95%	29
Retain existing name	56.86%	87
Other (please specify)	31.37%	48
Total Respondents: 153		

Q5 If structures (e.g. buildings) within Central Reserve are renamed, which of the following categories of naming would you welcome (please choose as many categories as apply)

Answered: 152 Skipped: 1

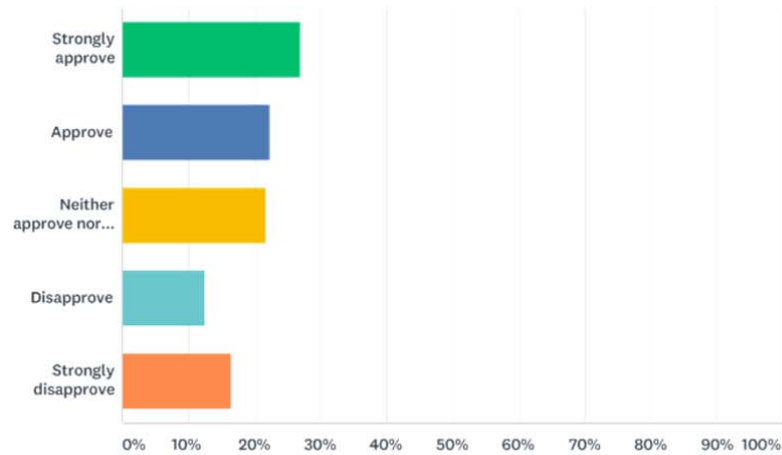


ANSWER CHOICES	RESPONSES	
Indigenous historical names and places	20.39%	31
European historical names and places	5.26%	8
Local sporting administrators or those who have achieved excellence	48.03%	73
Retain existing name	38.16%	58
Other (please specify)	22.37%	34
Total Respondents: 152		

# Central Reserve Naming Survey

Q6 Do you approve of the selling of temporary naming rights of Central Reserve or parts of it, to create a revenue opportunity for either Council or user groups?

Answered: 152 Skipped: 1



ANSWER CHOICES	RESPONSES	
Strongly approve	26.97%	41
Approve	22.37%	34
Neither approve nor disapprove	21.71%	33
Disapprove	12.50%	19
Strongly disapprove	16.45%	25
TOTAL		152

Central Reserve Naming Survey

Q7 Do you have any suggested names for the reserve or structures you would like considered?

Answered: 103 Skipped: 50

7 / 7

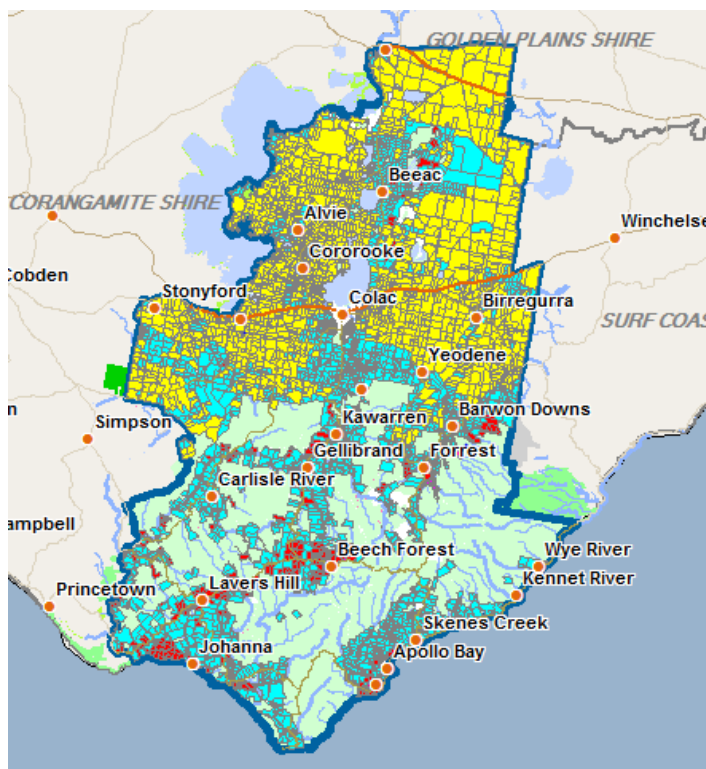
ORDINARY COUNCIL MEETING

# REVIEW OF COUNCIL POLICY 16.5 - DEBTOR MANAGEMENT AND DEBT RECOVERY

OM192702-5

<b>LOCATION / ADDRESS</b>	Whole of municipality	<b>GENERAL MANAGER</b>	Errol Lawrence
<b>OFFICER</b>	Jason Clissold	<b>DIVISION</b>	Corporate Services
<b>TRIM FILE</b>	F18/6814	<b>CONFIDENTIAL</b>	No
<b>ATTACHMENTS</b>	1. Proposed Council Policy 16.5 Debtor Management and Debt Recovery - February 2019		
<b>PURPOSE</b>	To present Council Policy 16.5 - Debtor Management and Debt Recovery to Council for review and adoption.		

## 1. LOCATION PLAN / AERIAL PHOTO





## 2. EXECUTIVE SUMMARY

Council Policy 16.5 – Debtor Management and Debt Recovery is due for review and a number of amendments have been recommended. It is considered these recommendations will result in ease of understanding, improved efficiency and reduced risk of financial loss to Council.

Significant information has been provided in the body of this report to demonstrate both the formal and informal concessions that are afforded to ratepayers who are late in paying their rates.

Overall, there are eight key amendments proposed to the Policy. The intent of the policy remains unchanged with many of the proposed amendments relating to title changes, presentation and reference. The key amendments recommended by officers are:

1. Inclusion of a paragraph highlighting that invoicing customers is not Council's preferred method of receiving payment as it has a high transactional cost.
2. The default action to charge sundry debtors penalty interest has been removed, instead now being an option for Management when deemed appropriate.
3. Specifying that the Debt Owner is the 'Manager' of the Department and Unit, rather than just the Department and Unit as a whole.
4. Provision of service to a customer will be ceased once a debt is unpaid after 60 days, rather than 90. This should minimise Council's exposure to bad debts.
5. Clarification of when a sundry debt will be sent to Debt Collection has been included.
6. Inclusion in section 4.9 of 'Where a debtor is deemed to no longer have the capacity to pay their debts, the Chief Executive is able to approve proceedings under the Bankruptcy Act 1986, after considering the circumstances of the case.'
7. Authority to write off debts has been updated to:
  - a. Less than \$1,000 – Debt Owner and Manager Financial Services
  - b. \$1,000 to \$5,000 – Relevant General Manager
  - c. Greater than \$5,000 – Chief Executive
8. Section 5.1 has been updated to provide further clarification of the Debt Recovery process relating to Rates. In particular:
  - a. Details on when notices and reminders will be issued;
  - b. Council's process where financial hardship is a concern;
  - c. Council's relationship with credit reference authorities; and
  - d. Options available under S.181 of the Local Government Act 1989 and Bankruptcy Act 1966 to recover debts that remain unpaid, subsequent to a judgement being obtained from the Magistrates Court.

It must be noted that the scope of this policy applies to the management of general debtors and ratepayers and does not apply to those experiencing financial hardship, which are managed according to Council Policy 11.4 – Assistance to Rates Debtors in Hardship.

## 3. RECOMMENDATION

***That Council adopt the proposed amendments to Council Policy 16.5 – Debtor Management and Debt Recovery.***

## 4. BACKGROUND / KEY INFORMATION

### BACKGROUND

Council Policy 16.5 – Debtor Management and Debt Recovery was first adopted by Council in January 2015 and is due for review. The purpose of the policy is to define Council's Policy for responsibly managing and recovering outstanding debt to minimise the level of bad debt and outstanding charges against properties.

The policy has operated reasonably well in its current form and the recommended amendments relate to updating current information, clarifying particular processes and improving controls to reduce the risk of non-payment.

### KEY INFORMATION

Council officers consider that the proposed policy is consistent with the 'Sound Financial Management Principles' detailed in Section 136 of the Local Government Act.

The challenge of adopting this policy is to find the balance between giving customers and ratepayers' sufficient opportunity to pay their outstanding debt, whilst not disadvantaging those customers and ratepayers who settle their debts in a timely manner to avoid penalty.

Unfortunately, statistics show that the longer a debt remains outstanding the more likely it is to become uncollectable, or in the case of a rate debt, to incur a charge against the property.

The intent of the policy remains unchanged with many of the proposed amendments relating to title changes, presentation and reference. The key amendments recommended by officers are:

1. Inclusion of a paragraph highlighting that invoicing customers is not Council's preferred method of receiving payment as it has a high transactional cost.
2. The default action to charge sundry debtors penalty interest has been removed, instead now being an option for Management when deemed appropriate.
3. Specifying that the Debt Owner is the 'Manager' of the Department and Unit, rather than just the Department and Unit as a whole.
4. Provision of service to a customer will be ceased once a debt is unpaid after 60 days, rather than 90. This should minimise Council's exposure to bad debts.
5. Clarification of when a sundry debt will be sent to Debt Collection has been included.
6. Inclusion in section 4.9 of 'Where a debtor is deemed to no longer have the capacity to pay their debts, the Chief Executive is able to approve proceedings under the Bankruptcy Act 1986, after considering the circumstances of the case.'
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  - a. Details on when notices and reminders will be issued;
  - b. Council's process where financial hardship is a concern;
  - c. Council's relationship with credit reference authorities; and

- d. Options available under S.181 of the Local Government Act 1989 and Bankruptcy Act 1966 to recover debts that remain unpaid, subsequent to a judgement being obtained from the Magistrates Court.

Some information that may be helpful for Council to consider is:

## **PENALTY INTEREST**

Rates balances not paid by the due date are liable to be charged penalty interest (pursuant to section 172(1) of the Local Government Act 1989 states that 'A Council may require a person to pay interest on any amounts of rates and charges').

The current penalty interest rate is 10% per annum. The penalty interest rate is set by the State government as provided for by section 172(2)(a) of the Act, which states '*The Interest is to be calculated at the rate fixed under section 2 of the Penalty Interest Rates Act 1983 that applied on the first day of July immediately before the due date for the payment.*'

Accordingly, it is not an option for Council to charge an amount less than that indicated in the 'Penalty Interest Rates Act 1983'. Council has received legal advice confirming this interpretation of section 172(2)(a) of the Local Government Act 1989.

Under section 172(3) of the Local Government Act 1989 however, '*A Council may exempt any person from paying the whole or part of any interest either generally or specifically.*' Council also received legal advice with regard to section 172(3) as follows:

*To be clear, s 172(3) does not confer on Council the power to fix an interest rate different from that prescribed by s 172(2)(a). If (under s 172(1)) Council decides to charge interest for late payment of rates or charges it must calculate the interest at the rate fixed under s 2 of the Penalty Interest Rates Act 1983. As much is clear from s 172(2)(a) of the LGA, as explained in the previous advice.*

*That said, what s 172(3) does permit Council to do is exempt a person from paying all or part of the interest that would otherwise be payable. That is, it does not confer a power to set a lower interest rate. We accept, however, that it can be used in a way that has the practical effect of achieving a lower rate.*

*The power to exempt can be exercised in respect of 'any person'. Having regard to the language of s 172(1) – and Part 8 of the LGA more generally – there appears to be no impediment to Council exercising the power in respect of all ratepayers. Like any exercise of power, though, there would need to be an intelligible public policy justification for exercising the power in this way.*

*If Council chose to exempt every ratepayer from a portion of the interest that would otherwise be payable, it would have the indirect effect of applying a different interest rate than the one fixed under s 172(2).*

It should be clearly noted, that to apply s 172(3) generally across all interest bearing debts would result in an enormous amount of manual calculation and administrative work on behalf of Council's finance officers.

Council officers are very much aware of the sensitivities involved in collecting outstanding debts and while this is not widely publicised, officers do seek to assist ratepayers in paying their rates and other debts, and to minimise interest by offering the following:

### **Flexible Payment Arrangements and Options**

Council offers ratepayers the opportunity to pay via instalments, lump sum payment or a payment by arrangement. These can be paid at Customer Assist, BPay, online and Direct Debit

### **Allowing Time for Late Payments to be Made Before Adding Interest**

Officers always allow additional time for late payment to be made before adding interest. For lump sum payments due on 15 February, we allow late payments to be made up to 28 February before adding interest. Final instalment payments (due on 31 May) are allowed an additional two weeks to pay before interest is added.

These concessions are not publicised or made as common knowledge because debtors should be encouraged to pay by the due date.

### **Accepting any Genuine Payment Arrangement**

Officers recognise ratepayers have other expenses that are more important to them than rates and are prepared to accept any genuine payment arrangement offered.

### **Not Charging Interest on Overdue Quarterly Instalments**

Interest is not charged on 2<sup>nd</sup> and 3<sup>rd</sup> quarterly instalments that are not paid by the due dates. Officers take the view that a missed instalment can be paid by the next instalment. Interest is however charged on any balance unpaid after the 4<sup>th</sup> quarterly instalment is due, as this would mean the account has not been paid in full despite the ratepayer having been allowed 9 months to pay via the instalment due date (being 31 May). This is consistent with the approach taken for “arrangement” payers, who are not charged interest on current year rates before 31 May.

Again, these concessions are not publicised or made as common knowledge because debtors should be encouraged to pay by the due date.

### **Allowing Late Lump Sum Payers Additional Time to Pay**

Lump sum payers that have not paid in full by 15 February are offered additional time to pay by being put on the quarterly instalment option. This extends the payment due date to 31 May and as interest is not charged on late 2<sup>nd</sup> and 3<sup>rd</sup> instalment (as advised above), no further interest is added for the current years rates unless there is an outstanding balance after 31 May.

### **Hardship Assistance**

Council has a “Rates debtors in Hardship Policy”, which allows officers to waive accrued interest and put an embargo on future penalty interest for an agreed period of time. This allows all payments made by the ratepayer to pay off rates “principal” instead of interest and is aimed at assisting the ratepayer to “catch up”.

### **REFERRAL TO DEBT COLLECTOR**

Referral of accounts to our debt collector is a last resort that is taken where none of the above options have been taken by the ratepayer.

The debt collection process commences in March and is as follows:

- Final Notices are issued to unpaid lump sum payment accounts that have *not made an arrangement or contacted Council*.
- Ratepayers that do not respond to the Final Notice are then sent a text/email/letter advising them the account will be sent to debt collectors if not paid within seven days or an arrangement made.
- Ratepayers who do not respond to the text/email/letter are then referred to the debt collector, who sends a Letter of Demand, again requesting payment or an arrangement to be made.

- Ratepayers who do not respond to the Letter of Demand are then sent a text/email advising legal action will be commenced unless payment of an arrangement is made immediately (Council allows 3 days for a response)
- If there is still no response, a complaint is then prepared and lodged with the Magistrates Court and a summons served on the ratepayer.

Legal action is stopped after the Summons is served, if the ratepayer makes payment or makes a suitable payment arrangement.

It should also be noted that any legal or collection costs incurred by Council in administering a debt are also payable by the debtor and, if remain unpaid, will accumulate interest.

The ratepayer receives up to four opportunities between March and May to contact Council before legal action is commenced.

In undertaking this process, officers endeavour to proceed with the steps promptly to encourage early payment of the debt in order to:

- minimise interest charged to the ratepayer, and
- to finalise as many accounts as possible within the current financial year (i.e. by 30 June)

This approach has resulted in Council collecting approximately 98% of rates levied each year (most Councils collect between 96-98%). In the current rate capped environment, it is considered important that Council collects as much of the levied revenue as possible to minimise reliance on overdraft funds to operate and maximise investment revenue.

## ***FURTHER SUPPORTING INFORMATION***

### **5. COMMUNITY CONSULTATION & ENGAGEMENT**

Not required

### **6. ANALYSIS**

#### **ALIGNMENT TO COUNCIL PLAN OR COUNCIL POLICY**

Reviewing current finance related policies aligns with the Strategic Theme of the Council Plan of “Our Leadership & Management” and Goal #1 ‘Effectively manage financial resources’, Goal #2 ‘Openness and accountability in decision making’ and Goal #4 ‘Provide value for money services for our community’. It is an essential part of our leadership and management for Council to review policies that provide guidance in financial management.

#### **ENVIRONMENTAL IMPLICATIONS**

No environmental implications of this report.

#### **SOCIAL & CULTURAL IMPLICATIONS**

Allowing ratepayers to accumulate a large debt against their property may be considered a social issue.

#### **ECONOMIC IMPLICATIONS**

There are no Economic Implications of this Policy

#### **LEGAL & RISK IMPLICATIONS**

The levying and collection of rates is detailed in Part 8 of the Local Government Act. Specifically Division 1 – Declaration of Rates and Charged and Division 2 – Payment of Rates and Charges.

#### **RESOURCE IMPLICATIONS (FINANCIAL ETC)**

This policy will have an impact on the level of staff resources depending on the level of intervention contained within the final policy. The longer it takes to recover a debt the more officer time is required to administer the debtor account.

It is reasonable to expect that a consequence of relaxing current debtor management and recovery practises would result in a decrease in the level of revenue collected and increase levels of bad debt and charges against properties.

### **7. IMPLEMENTATION STRATEGY**

#### **DETAILS**

This is a current Council Policy and implementation will be limited to any amendments.

## **COMMUNICATION**

The relevant internal stakeholders will be informed of any amendments to this policy once it has been adopted.

## **TIMELINE**

Any amendments to the policy will be implemented immediately upon adoption by Council.

## **8. OFFICER DIRECT OR INDIRECT INTEREST**

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

## COUNCIL POLICY

<b>Council Policy Title:</b>	<b>Debtor Management and Debt Recovery</b>
<b>Council Policy ref. no:</b>	16.5
<b>Responsible Department:</b>	Corporate & Community Services
<b>Date of adoption/review:</b>	28 January 2015

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## 1. PURPOSE

To define Council's Policy for the management and recovery of outstanding debts.

## 2 SCOPE

This policy covers:

- All debts;
- Some aspects of invoicing;
- The initial establishment of a debt;
- Follow up actions to collect outstanding debts;
- Creation of a provision for doubtful debts;
- Write off of bad debts

### 2.1 EXCLUSIONS

This Policy does not override any government legislation or regulation in relation to specific types of debtors. In particular, the Local Government Act clearly establishes the law that applies to the declaration of rates, payment of rates, interest on outstanding rates and the collection of overdue rates.

### 2.2 INCLUSIONS

This Policy includes but is not limited to:

- Rates (as defined in section 5)
- Facility Hire Fees
- Lease Fees
- Unpaid Grants
- Fire Hazard Clearance Charges
- Local Laws
- Service Fees
- Fines and Infringements
- Permits and Notices
- Saleyards Fees
- Blue Water Fitness Centre Fees
- Port of Apollo Bay Fees
- Special Charge Schemes
- Waste Management
- Private Works

## 3 OBJECTIVES

The Policy Objectives are:

- To ensure that the collection of debts is undertaken equitably (that is, fairly and impartially), consistently, efficiently, effectively and in accordance with good governance);

- To encourage any person, organisation or company having difficulty in paying an outstanding debt to contact Council and make arrangements for a payment plan to pay the debt in a reasonable and manageable timeframe; and
- To ensure that the collection of debt is consistent with the *Local Government Act* and Regulations, Accounting Standards and recognised financial practices.

#### 4 GENERAL PRINCIPLES APPLICABLE TO ALL DEBTS

The general principles described in Section 4 of the Policy are applicable to all debts and debtors but they also need to be considered in conjunction with Section 5 which outlines specific requirements in relation to debt types.

Council acknowledges the high administration costs of managing debtors and will only consider invoicing customers when more efficient receipting options are not practical, i.e. point of sale, payment in advance, etc.

##### 4.1 PAYMENT TERMS

Council's payment terms are 30 days unless specific regulations apply or unless Section 5 of this Policy applies.

##### 4.2 INVOICING

A debt is created when the service is provided or when the invoice is created; whichever occurs first. (Note: Income is recognised in Council's financial accounts when the service has been provided, generally when the invoice has been raised, or when cash is received).

##### 4.3 REQUEST FOR CREDIT

The prospective 'Debt Owner' (refer Section 6.1) is able to request credit to be extended only after having determined that other, more efficient, receipting methods are not practical and that the customer is worthy of credit.

Council's Policy is to allow all Council Officers the opportunity to refuse offering credit where a poor credit history exists.

##### 4.4 REMINDER NOTICES

If payment of the invoice has not been received within 14 days after the payment due by date, a reminder notice shall be sent out by Finance (except as described in Section 5).

The reminder notice shall request payment within 14 days and advise of any penalties that may apply to non-payment. The reminder notice shall encourage the debtor to contact Council to discuss any concerns with the debt or reasons why the invoice has not been paid.

Reminder phone call, and other debt follow up procedures may be employed by the debt owner or Finance.

If payment has not been received within 14 days of the reminder notice, a final notice shall be sent. The final notice shall request payment within 7 days. The final notice may include any interest penalties that may apply.

A final notice shall not be sent to Aged & Disability Debtors and in relation to unpaid Grants. However, further reminder notices should continue to be sent. A record shall be kept of all attempts to contact the debtor, whether successful or unsuccessful.

Deleted: APPLICATIONS

Deleted: Customers with previous Bad Debts or a disallowed Credit Application will be held with the Council Revenue Officers.

Deleted: ¶  
DIFFERENT CREDIT TERMS MAY BE OFFERED FOR EACH DEBTOR CLASS OR GROUP DUE TO THE UNIQUE ENVIRONMENTS IN WHICH A DEBTOR CLASS MIGHT OPERATE. UNLESS SPECIFICALLY DESCRIBED, THIS POLICY SHALL APPLY. ¶  
A CREDIT APPLICATION MUST BE COMPLETED BY THE PROSPECTIVE CLIENT FOR ANY WORKS OR SERVICES ESTIMATED TO EXCEED \$1000 (EXCLUDING GOVERNMENT DEPARTMENTS & UTILITIES). CREDIT APPROVAL (OR RECOMMENDATION FOR CONDITIONS APPLICABLE TO CREDIT) MUST BE OBTAINED FROM THE MANAGER FINANCE & CUSTOMER SERVICE PRIOR TO THE COMMENCEMENT OF WORKS/SERVICES. ¶

If payment is not received in the required timeframe after the final notice the debtor may be referred to debt collection agency (see Section 4.9).

#### 4.5 PAYMENT ARRANGEMENTS

Any person, organisation or company who is having difficulty in paying the debt is encouraged to contact Council and make a personal payment arrangement to pay off the debt in a reasonable and manageable timeframe.

Finance will consider requests for a Personal Payment Arrangement and may agree upon a plan (for example, a personal payment arrangement to make a weekly payment of an agreed amount until the debt is paid in full).

Only Finance can authorise payment arrangements with the exception of Local Laws fines. In some instances, Customer Service may make payment arrangements in relation to Rates but only in accordance with guidelines provided by the Revenue Co-Ordinator.

Deleted: and Property

Details of the payment arrangement must be recorded and payments monitored. Any defaults (that is, payment not made by the agreed date) shall be followed up by Finance (except as described in Section 5) and a new payment arrangement may be made.

Failure to adhere to a payment arrangement shall result in Council commencing Debt Collection procedures unless the debt is governed by other regulations that prohibit debt collection.

#### 4.6 INTEREST PENALTIES

- Council shall charge interest on unpaid rates and charges in accordance with Section 172 of the Local Government Act.
- The penalty interest percentage rate is fixed under Section 2 of the Penalty Interest Rates Act as applied on the first day of July.
- The penalty interest percentage rate may be applied to sundry debtors in accordance with Section 172 of the Local Government Act.
- If interest is to be applied to a sundry debt, it is to be under instruction from the Debt Owner, and the approval of the Manager Financial Services shall also be obtained.

Deleted: <#>Unless prohibited under specific legislation or excluded in Section 6 of this policy, Council shall charge penalty interest on sundry debtors that are overdue by more than 60(90) days.†

Deleted: relevant Manager

#### 4.7 CONTINUATION OF THE PROVISION OF SERVICES WHERE A DEBT IS OVERDUE

In the case where the service is discretionary (for example facility hire charge or service fee) and is not governed by specific regulation the relevant Department or Unit must not continue to supply service where debts are more than 60 days old and no payment arrangement has been agreed.

Deleted: 9

In these circumstances Executive approval is required to continue provision of services.

However, in a number of cases Council must continue to supply services regardless of outstanding debts, this is often dictated by specific regulations or funding agreements (for example Home and Community Care).

#### 4.8 FINANCIAL HARDSHIP

Under Sections 180 and 171A of the Local Government Act, the Victorian Parliament has given local Councils the authority to:

- Defer payment of rates and charges due to hardship (S170); and
- Waive rates and charges and interest due to financial hardship (S171A).

Council has developed the "Rates Hardship Policy" for the purpose of defining Council's interpretation and application of Sections 170 and 171A of the Local Government Act.

This Debt Management and Recovery Policy recognises that the principles of the Rates Hardship Policy are also applicable to Sundry Debtors, in particular Home and Community Care.

#### 4.9 DEBT RECOVERY

Unless there is specific regulation or other requirements set out in Section 5 or unless a personal payment plan has been agreed, Council shall refer a debt that is overdue by 90 days or more to a debt collection agency.

The debtor shall be liable for all legal costs incurred by Council in the debt collection process.

Finance shall advise the relevant department of the intention to refer the debt to a debt collection agency.

For debt recovery action not to be taken, the approval of the Debt Owner, and the Manager Financial Services is required.

**Deleted:** relevant Manager

If no payment has been received after the initial treatment by the agency then the Finance Department shall determine if it is financially beneficial to pursue legal recovery.

For Sundry Debtors Council may instruct the agency or the agency's solicitors or its own solicitors to take all or some of the following steps to collect the debt:

**Deleted:** Generally, only sundry Debts over \$500 shall be referred to the debt collection agency. In the case of debts under \$500, the debt shall be written off in accordance with Sections 5.12 and 5.13 and the debtor shall be advised that they are no longer eligible to receive the service until such time as the debt is paid (with the exception of Home and Community Care).¶

1. Debt Collection agency final notice shall be issued.
2. Field Call to Debtor
3. Application shall be made to the Magistrates Court for a Complaint to be issued.
4. Pre-Judgment warning letter shall be sent.
5. Application shall be made to Magistrates Court for Judgment
6. Pre-Warrant warning letter sent
7. Application shall be made to the Magistrates Court for a Warrant to be issued.
8. Matter referred to Supreme Court – if required.

Where a debtor is deemed to no longer have the capacity to pay their debts, the Chief Executive is able to authorise notification to the debtor of Council's intention to proceeding under the Bankruptcy Act 1986, after considering the circumstances of the case. The final decision to initiate formal bankruptcy proceedings will remain with Council.

#### 4.10 PROVISION FOR DOUBTFUL DEBTS

Section 4.10 does not apply to Rates (see 5.1).

A provision for doubtful debts is a liability recognised to reflect debt that is likely never to be collected and hence is expected to be written off in future periods.

#### 4.11 BAD DEBTS

Section 4.11 does not apply to Rates (see 5.1)

After all avenues to collect the debt have been exhausted approval may be sought to write off a bad debt (see 4.12)

**Deleted:** If debts are over one year old with no payment plans in place, they shall be considered bad debts; after analysis of the debts as detailed in the Provision for Doubtful Debts.¶

All approved write offs shall be recorded in the nominated accounts under the Finance Department.

Following this process credit rating agencies will be notified, which will permanently impact the debtors ability to gain credit in future.

**Deleted:** Finance shall refer all bad debts over one year old to the relevant Director for approval.¶



If a debt is written off and a client seeks to have further service provided at a future date, the written off debt shall be reinstated and the client shall be required to pay the debt prior to the provision of further services (subject to provisions in Section 5).

#### 4.12 APPROVAL DELEGATION LIMITS TO WRITE OFF BAD DEBTS AND/OR PENALTY INTEREST

A bad debt of up to \$1,000 may be written off by the Manager Financial Services, in consultation with the Debt Owner.

Deleted: 2

A bad debt greater than \$1,000 and less than \$5,000 may be written off by the relevant General Manager.

Deleted: 2

Deleted: Director

A bad debt greater than \$5,000 may be written off by Council Executive.

Penalty interest associated with Sundry Debtors and Rates Debtors may be written off or waived by the Manager Financial Services or the relevant General Manager in accordance with the above mentioned limits.

Deleted: Director

#### 4.13 CORRECTION OF INVOICING AND RATING ERRORS

In the event that it is discovered that an error has been made and a Rate Payer or Debtor has been incorrectly undercharged, Council shall correct the error immediately for future billing periods and invoices and Council shall not attempt to apply the correct fee or charge retrospectively.

In the event that it is discovered that an error has been made and a Rate Payer or Debtor has been incorrectly overcharged, council shall correct the error immediately for current and future billing periods and invoices and Council shall apply the correct fee or charge retrospectively only for the financial year in which the error was discovered. Upon written application from the Rate Payer or Debtor who has been incorrectly overcharged, the General Manager Corporate Services shall consider the merits of the matter and the General Manager may apply the correct fee or charge retrospectively (for example in the case where an error which had previously been brought to Council's attention and not corrected).

Deleted: Director

Deleted: Director

### 5 REQUIREMENTS IN RELATION TO SPECIFIC TYPES OF DEBTORS

#### 5.1 RATES

Deleted: (REFER DEFINITION)

Section 180 and Section 181 of the Local Government Acts outlines Council's powers in relation to overdue rates and charges. A Rate Notice is sent in early – mid August each year.

Deleted: on or around mid-July

Rates are payable, either :-

- in full by 15 February each year ('lump sum' option) or
- in 4 separate instalments due 30 September, 30 November, 28 February and 31 May ('Instalment' option), or
- by "arrangement", where the ratepayer makes a payment arrangement that is acceptable to the Revenue Co-ordinator to pay by any number of part payments throughout the financial year. If paying by this option, the ratepayer must ensure the full amount of rates for the year is paid by 31 May.

#### Reminder Notices

A FINAL notice shall be sent out by the second week in March each year to all lump sum option payers who have outstanding balances. The Reminder Notice will include unpaid amounts from previous periods and the interest payable, and will state that payment must be made within no less than 14 days.

Deleted: reminder

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Deleted: by the second week in March each year

Deleted: . Each reminder notice

" 'Lump sum' option payers with balances still outstanding in April shall be sent a further reminder to pay the rates in not less than seven days, failing which the debt will be referred to a debt collection agency.

**Deleted:** For Rates being to be paid via the 'in full

**Deleted:** receive

**Deleted:** letter

If the ratepayer opts to pay by the 'Instalment' option, a notice for the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Instalments will be sent to the ratepayer.

**Deleted:** ¶

A notice is placed in the local newspaper on or around 1 week before the first instalment and each subsequent instalment are due

A Final Notice for outstanding Instalment payments is sent out in mid-June stating the payment must be made within no less than 14 days.

**Deleted:** In the case of the 4<sup>th</sup> instalment the payment must be made on or around, but not later than, 30 June.¶

Ratepayers paying by 'arrangement' need to ensure their regular payment amounts are sufficient to cover their outstanding rates by 31 May each year, as they will not receive regular statements of their account.

The reminder advice may be in the form of a letter, email or text, depending on what contact details are recorded in the rates database.

Where it seems the debtor's contact details are no longer relevant, all reasonable action will be taken to locate new contact details. This may involve referring the debt to a debt collection agency that has more advance search capabilities than Council.

### Debt Recovery

Once referred to a debt collection agency, the agency will send a Letter of Demand to the debtor requiring payment in no less than seven days or the making of a payment arrangement that is acceptable to Council's Revenue Co-ordinator.

If payment or an acceptable payment arrangement is not made within the specified time, the debt collection agency may be instructed to proceed with preparing a Complaint to be lodged with the Magistrate's Court (or the Supreme Court if relevant).

Before deciding to proceed with lodging a Complaint with the Magistrates Court, Council officers will consider if the debtor is eligible for assistance under Council's 'Assistance to Rates Debtors in Financial Hardship Policy' (refer section 4.8 of this policy)

As debt collection can result in costs in excess of \$1,000, it must be assessed if it is financially beneficial to pursue legal recovery.

Legal costs charged will be in accordance with the Magistrates Court's Schedule of Fees and Charges.

**Deleted:** Council may instruct the agency or the agency's solicitors or its own solicitors to take the following steps to collect the debt.¶

<#>Debt Collection agency final notice shall be issued.¶

<#>Solicitor's letter may be sent to Pensioners and those Rate Payers who have defaulted on a personal payment plan or agreement.¶

<#>Application shall be made to the Magistrates Court for a Complaint to be issued.¶

<#>Pre-Judgment warning letter shall be sent to Rate Payer.¶

<#>Application shall be made to Magistrates Court for Judgment.¶

<#>Pre-Warrant warning letter sent to Rates Debtor¶

Once a Complaint has been lodged with the Magistrates Court, Council officers will seek to resolve the Complaint as expeditiously as possible, taking into consideration the history and circumstances pertaining to the debt.

The full cost of any action undertaken is passed onto the Rate Payer and becomes a charge against the property in accordance with the provisions of the Local Government Act 1989.

**Deleted:** <#>Application shall be made to the Magistrates Court for a Warrant to be issued¶

Under the Local Government Act unpaid rates and Fire Hazard Clearance Charges remain as a charge against the property and they must be paid first when a property is sold. Therefore, there are no doubtful debts or debt write offs in relation to Rates and Fire Hazard Clearance Charges.

**Deleted:** <#>Matter referred to Supreme Court – if required.¶ Debt Collection is an expensive process and

Once a Magistrates Court judgement has been obtained against a debtor, Council officers will ensure the relevant credit reference authority is notified once the judgement is complied with to enable the debtors credit file to be updated accordingly.

Council will not support applications by debtors to the Magistrates Courts to have judgements set aside. Having said that, it will also not oppose such applications, thereby leaving the decision to the discretion of the Court.

Council has a Policy in relation to the Sale of Land to Recover Unpaid Rates & Charges in accordance with Section 181 of the *Local Government Act*.

Where Council has lodged a Complaint with the Magistrates Court and obtained judgement against the debtor, which has not resulted in the debt being paid or a payment arrangement that is acceptable to Council's Revenue Co-ordinator being made, Council may consider initiating one of the following actions to recover the debt:-

- rates recovery sale of the property in accordance with section 181 of the Local Government Act 1989, or
- having the debtor declared bankrupt in accordance with the Bankruptcy Act 1966.

The decision as to which course of action to take will be at the discretion of the Chief Executive after considering the circumstances of the case. The final decision to initiate formal bankruptcy proceedings will remain with Council.

**Deleted:** Where a ratepayer is deemed to no longer have the capacity to pay their debts, the Chief Executive is able to approve proceedings under the Bankruptcy Act 1986.

## 5.2 AGED AND DISABILITY FEES

There are various regulations in place in relation to the provision of Aged & Disability Services, some of which are included in funding agreements. Penalty interest cannot be applied, final notices cannot be sent and debts cannot be referred to debt collection agencies.

## 5.3 INFRINGEMENT NOTICES

Local Laws are governed by Part 5 of the *Local Government Act*.

The Local Laws Unit is also responsible for managing a number of function for which there exists statutory requirements, such as some parking and animal control issues. All debt management relating to these areas shall be undertaken within the scope of the relevant legislation.

Reminder notices shall be sent if the debt is unpaid 28 days after the due date. An administration fee may be added to the penalty if payment has not been made.

If payment is not received within 14 days of the reminder notice, debts may be referred to a debt collection agency.

The Local Laws Unit shall manage the referral of unpaid fines to a debt collection agency but shall advise Finance of the debts that have been referred to the agency.

## 5.4 LEASES

There may be terms in the lease agreement that vary from the principles outlined in Section 4.



## 5.5 GRANTS

Final Notices, interest penalties and debt collection processes shall not be invoked for unpaid grants.

## 5.6 EMPLOYEE DEBTORS

An employee may become a debtor to Council in various circumstances – as a ratepayer or user of a service for example.

Employee debtors shall be subject to all credit checks and debt management processes as any other debtor would. Under no circumstances shall Council show any favouritism or leniency in any way to an employee debtor or engage in any activity where an employee debtor may gain advantageous treatment over any other debtor.

## 6 ROLES AND RESPONSIBILITIES

### 6.1 DEBT OWNER

The Manager of the Department or Unit with responsibility for the income stream is known as the Debt Owner. The Debt Owner has overall responsibility for the management of the related debt.

The Debt Owner is responsible for:

- Ensuring that invoiced amounts are correct
- Providing assistance to Finance in follow up on overdue debts
- Liaising with Finance in terms of the status of debts (e.g. whether it is likely to be recovered)
- Documenting any discussions with Debtors in relation to outstanding monies and providing the documentation to Finance
- Ensuring further credit is not given to the Debtor with overdue debts unless there is a specific regulation (such as Home and Community Care)
- Gaining approval from the relevant General Manager (and in some cases the Executive) for any debt write off and advising Finance accordingly

Deleted: Director

It is recognised that in the case of employee debtors the debt owner and employee debtor may both be placed in an uncomfortable position in regard to debt management.

The debt owner must bring any debt management issues concerning employee debtors to the attention of senior management. The debt owner will under no circumstances contact the employee debtor directly without liaising with senior management before contact is made.

### 6.2 FINANCE

In relation to debt collection, Finance is responsible for:

- Sending out Invoices
- Recording debts in the financial system
- Sending out reminder letters on overdue debt (except for Fines and Infringement Notices)
- Follow up on overdue debt (with assistance from the Debt Owner)
- Determining level of doubtful debts (with assistance from the Debt Owner)
- Referring Debts to a debt collection agency after advice from the Debt Owner
- Advising Departments on the status of outstanding debts and making recommendations on debt recovery/write off



- Writing off debts in the financial systems after written approval has been received from the Debt Owner.

## 7 DEFINITIONS

<b>Rates</b>	Includes any and/or rates and charges on rateable land as described under Part 8 of the Local Government Act. "Rates" also includes any government imposed charge or levy that Council is required to collect on behalf of the Government.
<b>Debts and Sundry Debts</b>	Includes all debts (other than rates) for Council fees and charges
<b>Debt Owner</b>	The <b>Manager of the</b> Department or Unit with overall responsibility for the debt. This is generally the Department or Unit which receives the Income.
<b>Local Laws Unit</b>	The Local Laws Unit is part of the Environment and Community Safety Department and is responsible for the enforcement of local laws.
<b>Penalty interest on unpaid debts</b>	Interest that may be charged on unpaid rates and charges in accordance with section 172 of the Local Government Act.
<b>Special Scheme</b>	Construction works such as roads, footpaths or drainage which increases the amenity of the area and, therefore the property value. A Special Scheme can also include Private Works such as connection to the Natural Gas Pipeline.  As the property owner receives a financial benefit from the Scheme they contribute towards the cost of the Scheme, which may be paid off over a number of years in quarterly instalments.

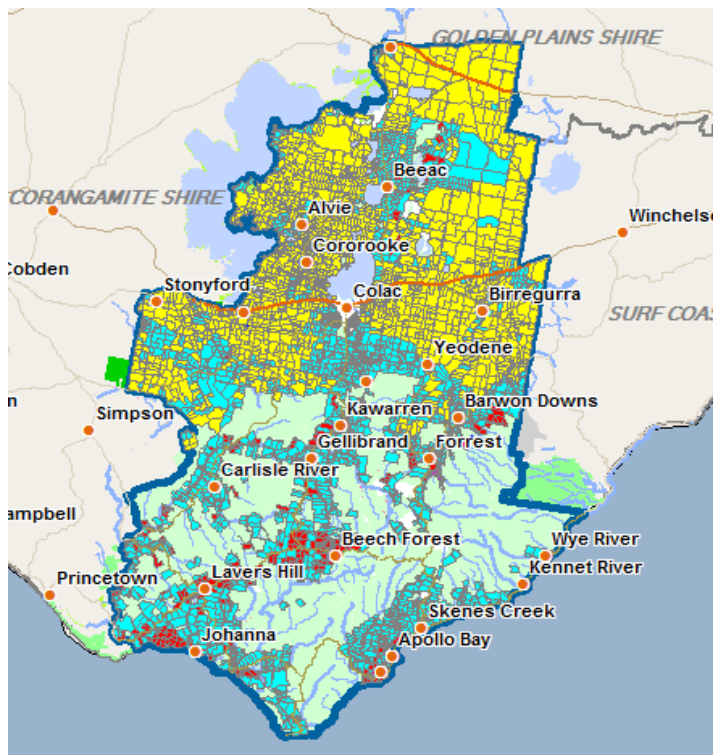
## ADOPTED/AMENDMENT OF POLICY

Policy Review Date	Reason for Amendment
28 January 2015	Adopted by Council

ORDINARY COUNCIL MEETING  
**REVIEW OF COUNCIL POLICY**  
**16.3 - INVESTMENT**  
OM192702-6

<b>LOCATION / ADDRESS</b>	Whole of municipality	<b>GENERAL MANAGER</b>	Errol Lawrence
<b>OFFICER</b>	Jason Clissold	<b>DIVISION</b>	Corporate Services
<b>TRIM FILE</b>	F18/6814	<b>CONFIDENTIAL</b>	No
<b>ATTACHMENTS</b>	1. 16.3 Investment Policy - Review February 2019		
<b>PURPOSE</b>	To present the amended Investment Policy to Council for adoption.		

## 1. LOCATION PLAN / AERIAL PHOTO



## 2. EXECUTIVE SUMMARY

Council Policy 16.3 – Investment is due for review and a number of amendments are proposed, none of which alter the intent of the policy, which is to ensure funds are invested to maximise returns, whilst considering any associated investment risk.

A summary of the proposed changes relate to:

1. Update officer titles.
2. Additional requirement that funds can only be invested with Authorised Deposit Taking Institutions (ADI's) who meet the Minimum Credit Rating specified.
3. Enable Council to take advantage of any deposit guarantee, such as the Financial Claims Scheme (FCS).
4. General Manager, Corporate Services or Chief Executive are required to approve investments greater than 12 months.
5. Removing the option for officers to apply surplus funds to debt reduction without obtaining approval from Council, either via the annual budget process or Council resolution.
6. Removal of the requirement to prepare an annual report summarising the performance of the investment portfolio.
7. The target minimum margin above cash rate has been changed from 0.5% to 0.35%.

These changes will allow officers to manage investment funds with greater agility and efficiency, while meeting both the financial and risk goals of Council.

The attached policy has been amended to reflect feedback received at both an Audit Committee Meeting and a Council Briefing.

## 3. RECOMMENDATION

***That Council adopt the amended Council Policy 16.3 – Investment, as presented.***

## 4. BACKGROUND / KEY INFORMATION

### BACKGROUND

Council Policy 16.3 - Investment was first adopted by Council on 27 July 2011, last reviewed by Council on 24 July 2013 and is now due for review. The policy is operational in nature and has operated well to date.

The purpose of this policy is to ensure that:

- Council funds are preserved;
- Council maximises the return on surplus funds, taking into consideration the level of risk; and
- Council funds are invested in accordance with its legislative and common law responsibilities.

## KEY INFORMATION

Feedback from both the Audit Committee on 5 December 2018 and Council Briefing on 30 January 2019 has been considered upon preparation of this amended policy.

The intent of the policy has not altered and the proposed amendments to the policy are consistent with sound financial management principles and Section 143 – Investments, of the Local Government Act.

The proposed amendments and explanation are as follows

1. Title changes to ensure the policy reflects current organisational structure.
2. Only allowing investments in an Authorised Deposit Taking Institution (ADI) that is regulated by the Australian Prudential Regulatory Authority (APRA).

This clause is more reflective of the improved regulatory requirements that were made to the Australian banking sector following the GFC.

3. Removal of the need to meet minimum credit ratings where an ADI is guaranteed under a deposit guarantee, such as the Financial Claims Scheme (FCS). This provides Council with the opportunity to take advantage of attractive interest rates, without risk. It has been confirmed that the FCS applies to all eligible 'Account Holders', whether an individual or body corporate.
4. Investments of greater than 12 months are to be approved by the General Manager Corporate Services or Chief Executive rather than Council. This will ensure officers are able to implement Council strategy and budget more efficiently and effectively.

Council will have the comfort that all investments will be made according to the detailed controls and provisions contained in this policy and within the Local Government Act.

5. The provision allowing surplus funds to be applied to reduce debt now contains the following sentence, 'Any debt repayment, other than amounts specified in the adopted budget, must be approved by Council resolution'
6. Removal of the requirement to prepare an annual report summarising the performance of the investment portfolio. The quarterly report and other requirements of this policy would seem sufficient and should include this information anyway.

In addition, Council officers note that this information should be reported more clearly in the quarterly Financial Performance Report and will endeavour to rectify this in future reports.

7. The target minimum margin above cash rate has been changed from 0.5% to 0.35% to reflect the current market and yield curve.

Officers will also be guided by the Standing Direction 3.7.2.3 issued by the Minister for Finance under the *Financial Management Act 1994*, which states:

### 3.7.2.3 Borrowings, investments and financial arrangements

- (a) Subject to Direction 3.7.2.3(b), the Responsible Body must ensure that all borrowings, investments and financial arrangements are transacted with a financial institution that:
  - i. is a State owned entity; or
  - ii. has a credit rating, assigned by a reputable rating agency, that is the same as or better than the rating assigned by the same agency to the State of Victoria.
- (b) Direction 3.7.2.3(a) does not apply where:
  - i. the investment is cash on hand in a transactional bank account with an Authorised Deposit Taking Institution;

- ii. an Agency is operating a bank overdraft as part of its normal transactional banking operations;
- iii. amounts invested by an Agency with an Authorised Deposit Taking Institution, do not in aggregate exceed \$2 million, excluding cash on hand in a transactional bank account;
- iv. the investment is money, other than money held on trust for the State or a public body, invested pursuant to a statutory function to hold it on trust for a known beneficiary;
- v. the financial arrangement is a foreign currency hedging transaction of less than \$1 million undertaken with an Authorised Deposit Taking Institution; or
- vi. the Treasurer has provided a written statement under Direction 1.5(b).

## ***FURTHER SUPPORTING INFORMATION***

### **5. COMMUNITY CONSULTATION & ENGAGEMENT**

Not required

### **6. ANALYSIS**

#### **ALIGNMENT TO COUNCIL PLAN OR COUNCIL POLICY**

Reviewing current finance related policies aligns with the Strategic Theme of the Council Plan of “Our Leadership & Management” and Goal #1 ‘Effectively manage financial resources’, Goal #2 ‘Openness and accountability in decision making’ and Goal #4 ‘Provide value for money services for our community’. It is an essential part of our leadership and management for Council to review policies that provide guidance in financial management.

#### **ENVIRONMENTAL IMPLICATIONS**

No environmental implications of this report.

#### **SOCIAL & CULTURAL IMPLICATIONS**

No social & cultural implications of this report beyond the responsibility to exercise sound financial principles when dealing with the community finances.

#### **ECONOMIC IMPLICATIONS**

There are no Economic Implications of this Policy

#### **LEGAL & RISK IMPLICATIONS**

Legal/risk implications pertain to any legislative breaches as a result of non-compliance with policy.

#### **RESOURCE IMPLICATIONS (FINANCIAL ETC)**

The proposed amendments to this policy should lead to improved efficiencies in the use of community resources as it will reduce the amount of officer time in preparing unnecessary reports.

### **7. IMPLEMENTATION STRATEGY**

#### **DETAILS**

This is a current Council Policy and implementation will be limited to any amendments.

#### **COMMUNICATION**

The relevant internal stakeholders will be informed of any amendments to this policy once it has been adopted.

## **TIMELINE**

Any amendments to the policy will be implemented immediately upon adoption by Council.

## **8. OFFICER DIRECT OR INDIRECT INTEREST**

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

## COUNCIL POLICY

<b>Council Policy Title:</b>	<b>Investment</b>
<b>Council Policy ref. no:</b>	16.3
<b>Responsible Department:</b>	Corporate and Community Services
<b>Date of adoption/review:</b>	24 July 2013

### 1. INTRODUCTION

#### 1.1 Objectives

The purpose of this policy is to ensure that:

- Council funds are preserved;
- Council maximises the return on surplus funds, taking into consideration the level of risk; and
- Council funds are invested in accordance with its legislative and common law responsibilities.

#### 1.2 Legislative Power

Investment of Council funds is to be in accordance with Council's power of investment under the *Local Government Act 1989* – Section 143.

#### 1.3 Prudent Person of Business

All investments are to be made exercising care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons. When acting under the provisions of this policy Council staff should always maintain a professional balance of risk and return and act as a steward of Council funds.

#### 1.4 Delegation of Authority

The Chief Executive, the General Manager Corporate Services, the ~~Manager Financial Services~~ and the ~~Finance Co-ordinator~~ have the delegated authority to invest surplus funds.

Authority to undertake any investment must be obtained from a minimum of two (2) authorised officers.

**Deleted:** Officer

**Deleted:** and Community

**Deleted:** Manager Finance and Customer Service

**Deleted:** Financial Operations Coordinator



## 2. POLICY

### 2.1 Approved Investments

Without approval from Council investments are limited to:

- Interest bearing deposits with Australian owned banking institutions; and
- Government bonds issued by the Commonwealth of Australia or an Australian State subject to the following expenditure limits.

### 2.2 Investment Limits

Council will invest with an Australian Prudential Regulatory Authority (APRA) regulated Authorised Deposit Taking Institution (ADI) with credit ratings outlined in Table 1.

Investments shall not be made in building societies, credit unions, managed funds investing in equities, future markets, property or shares.

**Table 1**

Minimum Credit Rating						Maximum percentage of total funds held in a single institution*	Maximum term to maturity
Long Term			Short Term				
S&P	Moody's	Fitch	S&P	Moody's	Fitch		
AA-	Aa3	AA-	A-1+	P-1	F1+	75%	12 months
A-	A3	A-	A-1	P-1	F1	40%	12 months
*with the exception of the Council's primary transactional account holding institution (as per tender)							

\*with the exception of the Council's primary transactional account holding institution (as per tender)

Higher rated institutions represent a lower risk level. As such if at any point during an investment the institution's credit rating is downgraded below the acceptable level, funds should be divested as soon as practicable.

In the case where an ADI is covered by a deposit guarantee, such as the Financial Claims Scheme (FCS), it is not necessary for the ADI to meet the minimum credit ratings set out in Table 1, providing the investment does not exceed the the guarantee limit.

### 2.3 Calculation of Maximum Holding (refer table above)

The maximum holding is the amount of the investment, plus any other investments of the same type at the time of making the investment, as a percentage of the current total of council investments or the anticipated total of investments in 5 working days time.

### 2.4 Long Term Investments

Investments fixed for a period greater than 12 months are to be approved by the General Manager Corporate Services or Chief Executive.

Deleted: Council.

### 2.5 Money to be Invested

Date Adopted: 24/7/13

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The bank account balance of Council is to be kept at a level no greater than is required to meet Council's immediate working capital requirements, with any surplus funds being applied to either reduce debt or invest. Any debt repayment, other than amounts specified in the adopted budget, must be approved by Council resolution.

## 2.6 Quotations on Investments

No less than three quotations are to be obtained from authorised institutions whenever an investment is proposed. After taking into account all relevant factors, including the exposure limits set above, the quote which delivers the best value to Council shall be successful.

## 2.7 Valuation and Measurement

All reports are to account for investments in accordance with the provisions of Accounting Standard AAS33 Presentation and Disclosure of Financial Instruments.

Annual averages are to be calculated by using the weighted average of end of month balances.

## 2.8 Reports

A table will be included in the Quarterly Financial Performance Report for Council, which summarises the investment portfolio and compares year to date performance with budget and performance benchmark.

## 2.9 Register of Investments

A register of investments will be maintained together with an investment file containing all letters of advice from financial institutions.

For audit purposes, certificates must be obtained from the banks/fund managers confirming the amounts of investment held on Council's behalf at 30<sup>th</sup> June each year.

**Deleted:** Each year a report will be prepared which summarises the performance of the investment portfolio.

## 2.10 Performance Benchmarks

Investment	Performance Benchmark
Overall Portfolio	Average Return will aim to equal or exceed the Reserve Bank cash rate plus 0.35% over the year.
Cash/Direct Investments	Average 90 day Bank Bill index

## 3. COMPLIANCE

Date Adopted: 24/7/13

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The Finance Co-ordinator, is responsible for ensuring the requirements of this policy are met.

**Deleted:** Financial Operations Co-ordinator

Any breaches of this policy will be reported to the Audit Committee.

#### 4. RELATED LEGISLATION

*Local Government Act 1989 – Section 143.*

#### 5. IMPLEMENTATION AND REVIEW

This policy will be implemented by Council and is subject to review every 3 years.

#### ADOPTED/AMENDMENT OF POLICY

Policy Review Date	Reason for Amendment
27 July 2011	Adopted by Council
24 July 2013	Review
<u>27 February 2019</u>	<u>Review</u>

ORDINARY COUNCIL MEETING  
**CONTRACT 1928 – SHEEHANS RD /  
 KENNYS LANE INTERSECTION**  
 OM192702-7

<b>LOCATION / ADDRESS</b>	Sheehans Rd / Kennys Lane Intersection	<b>GENERAL MANAGER</b>	Tony McGann
<b>OFFICER</b>	Dale Barrow	<b>DIVISION</b>	Infrastructure & Leisure Services
<b>TRIM FILE</b>	F18/7487	<b>CONFIDENTIAL</b>	No
<b>ATTACHMENTS</b>	1. Con1928 Sheehans Road and Kennys Lane Layout and traffic sign arrangement 2. Rossmoyne Road-Sheehans Road-Kennys Lane Int - RSA		
<b>PURPOSE</b>	Council approval is required to award Contract 1928 – Sheehans Road and Kennys Lane Intersection Upgrade.		

## 1. LOCATION PLAN / AERIAL PHOTO



## 2. EXECUTIVE SUMMARY

Tenders have been received for works for upgrading Sheehans Road and Kennys Lane intersection. This project will regulate the unsafe traffic movement at this intersection by introducing a traffic island, new line marking and the installation of new traffic signage. Road safety will also be improved by introducing guard rails and upgrading the road pavement to an asphalt pavement. This will prolong the life span of the road pavement at the intersection.

The contract is a lump sum contract and the practical completion date has been set as 30 June 2019. This project will be funded by Council's Strategic Road Improvement Program.

The Tender was advertised in the Colac Herald on Friday 11th January 2019 and in the Geelong Advertiser on 12th January 2019. The tender was also advertised on the Council's website and via the eProcure (TenderSearch) website.

## 3. RECOMMENDATION

***That Council:***

- 1. Awards Contract 1928 – Sheehans Road and Kennys Lane Intersection Upgrade Works to Bitu-Mill (Civil) Pty Ltd, at the lump sum price referred to in the confidentially distributed document pertaining to this contract***
- 2. Authorises the Chief Executive to sign the contracts following award of Contract 1928.***
- 3. Requests that the Chief Executive ensures the contract price is listed on Council's website once steps listed in point 2 have been completed.***

## 4. BACKGROUND / KEY INFORMATION

### BACKGROUND

Sheehans Road and Kennys Lane intersection is one of the high traffic intersections outside the Colac CBD. Most of the traffic from the north west of Colac uses Kennys Lane, Sheehans Road and Rossmoyne Road to get in to the town. Currently much of the traffic entering Sheehan's Road/ Rossmoyne Road from Kennys Lane, corners the intersection without reducing speed to an acceptable level. The intersection is also notorious for poor visibility during periods when fog is prevalent. Councils Infrastructure and Leisure Services division carried out a Road Safety Audit (RSA) and the findings recommended the following:

- Improve control of traffic,
- Improve safer driving practices and
- Discourage dangerous driving behaviours

The pavement will be reconstructed with an asphalt wearing course and the kerb will be constructed to channel the water runoff. There will also be guard rail installed as recommended by the RSA for an extra safety measure.

## KEY INFORMATION

### Tender Submissions

Following the publicly advertised tender period, two (2) tender submissions were received prior to the tender closing time of 13 February 2019 at 2:00pm. The two tender submissions were received from;

1. Aquatech Civil and Plumbing Pty Ltd
2. Bitu-mill (Civil) Pty Ltd

### Evaluation of Tenders

Tenders were evaluated in accordance with Council's *Procurement Policy and Tenders/Quotations and Purchasing Procedure*, taking into accounts the following weighted selection criteria:

#### **Scoring Criteria**

<u>Criteria</u>	<u>Weight</u>
Price	50%
Resources and Capacity	20%
Experience and Track Record	25%
Local Content-Economic Contribution to Colac Otway Shire	5%

Bitu-Mill (Civil) Pty Ltd has demonstrated that they have resources and capacity to undertake this project. The staff profile of the company has demonstrated that they have a high level of experience in this type of work and that they have the required machinery and equipment available for this type of work. The company has also demonstrated a good understanding of the works and has relevant experience over many years.

In addition, Bitu-Mill (Civil) Pty Ltd has previous track records of delivering projects for Council. The most recent project completed by Bitu-Mill (Civil) Pty Ltd for Colac Otway Shire Council was Ferrier Drive, Marengo in 2015/16. Currently Bitu-Mill (Civil) Pty Ltd has been awarded the Binns Road Widening and Sealing works contract.

The Tender Evaluation Panel (TEP) recommends awarding the contract to Bitu-Mill (Civil) Pty Ltd. The tender submission received by Bitu-Mill (Civil) Pty Ltd resulted in to be the best valued submission in the TEP assessment.

## ***FURTHER SUPPORTING INFORMATION***

### **5. COMMUNITY CONSULTATION & ENGAGEMENT**

Road users of this intersection affected by this upgrade work will be notified prior to commencement of the work by making a media release.

### **6. ANALYSIS**

#### **ALIGNMENT TO COUNCIL PLAN OR COUNCIL POLICY**

Procuring services through a tender process aligns with Council's goal of providing value for money services for our community.

#### **ENVIRONMENTAL IMPLICATIONS**

Bitu-Mill (Civil) Pty Ltd provided a suitable environmental plan that will be actively managed by Council staff throughout the contract term.

#### **SOCIAL & CULTURAL IMPLICATIONS**

Not applicable and will be addressed and managed as required.

#### **ECONOMIC IMPLICATIONS**

Not applicable.

#### **LEGAL & RISK IMPLICATIONS**

In their tender submission the preferred tenderer, Bitu-Mill (Civil) Pvt Ltd, demonstrated a track record and plan of the management of risks and completion of contracts to specification.

Bitu-Mill is required to provide adequate documentation for occupational health and safety requirements including site specific potential hazard assessment and Safe Work Method Statements (SWMS). This documentation will be thoroughly checked by council staff prior to commencement and measures will be taken in to ensure it is adhered to throughout the work.

Bitu-Mill (Civil) Pty Ltd has the necessary Insurance to comply with Councils requirements.

Bitu-Mill (Civil) Pty Ltd did not declare any non-compliance items in their tender submission.

#### **RESOURCE IMPLICATIONS (FINANCIAL ETC)**

The preferred tender of Bitu-Mill (Civil) Pty Ltd is over the initial budget estimate of \$330,000. The extra funds are available through Council's Strategic Road Improvement Program.

## 7. IMPLEMENTATION STRATEGY

### DETAILS

Upon Council's approval, the contract will be awarded and works will be programmed to commence. Officers propose that the contracted works will commence mid-March 2019, subject to and conditional upon suitable weather.

### COMMUNICATION

Letters of acceptance and contracts will be issued to Bitu-Mill (Civil) Pty Ltd. The contracts shall be signed by both the contractor and Council prior to the commencement of works.

The awarded contract price will be published on Council's website.

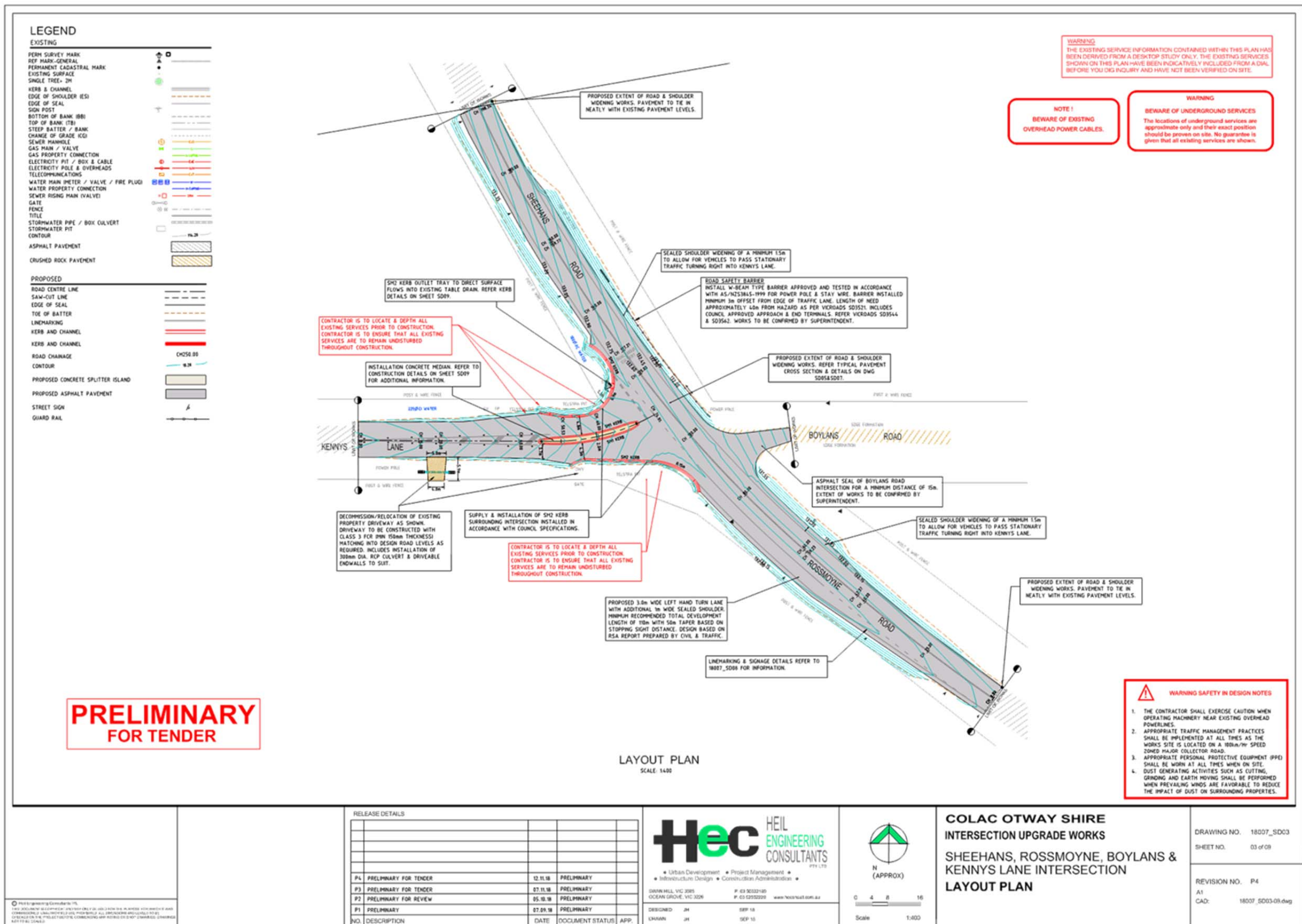
### TIMELINE

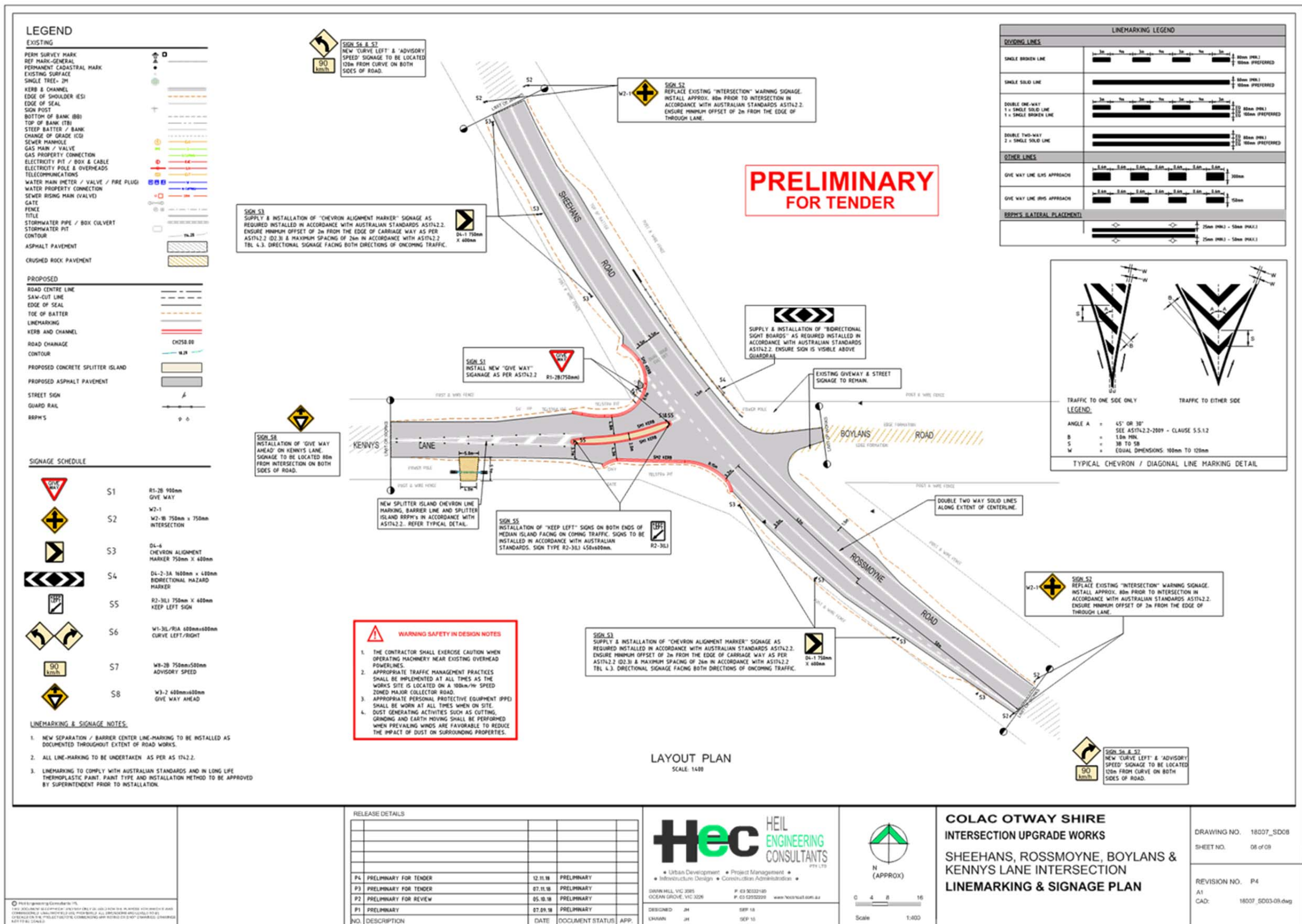
Works are planned to be completed before June 30, 2019 and the tender's work plan indicates that this is possible.

## 8. OFFICER DIRECT OR INDIRECT INTEREST

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





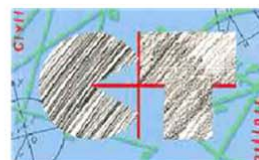




## Heil Engineering Consultants P/L

Existing Conditions Road Safety Audit

Rossmoyne Rd – Sheehans Rd – Kellys Lane  
and Boylans Rd Intersection – at Cororooke  
(near Colac)



## Heil Engineering Consultants P/L

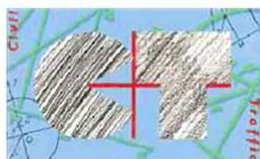
### Existing Conditions Road Safety Audit

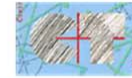
## Rossmoyne Rd – Sheehans Rd – Kellys Lane & Boylans Rd Intersection at Cororooke (near Colac)

*Auditor- Kevin J Flynn*

**Project: 10-2018**

**January 2018**





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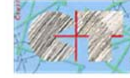
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 10 Baytown Close Barwon Heads Victoria 3227 Australia T 0409 542 915 AH 03 5254 2915

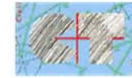
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# 1. Introduction

Civil and Traffic Consulting Pty Ltd has been engaged by Heil Engineering Consultants, to undertake an existing conditions road safety audit (RSA) of the intersection of Rossmoyne Road / Sheehans Road / Kellys Lane / Boylans Road at Cororooke (near Colac).

This report results from a road safety audit conducted in accordance with the Austroads *Guide to Road Safety Part 6: Road Safety Audit - 2009* and covers issues identified during a site visit undertaken on Wednesday 20<sup>th</sup> December 2017.

## 1.1 Auditors & Audit Process

The audit was carried out by:

- **Kevin Flynn** – Senior Road Safety Auditor;

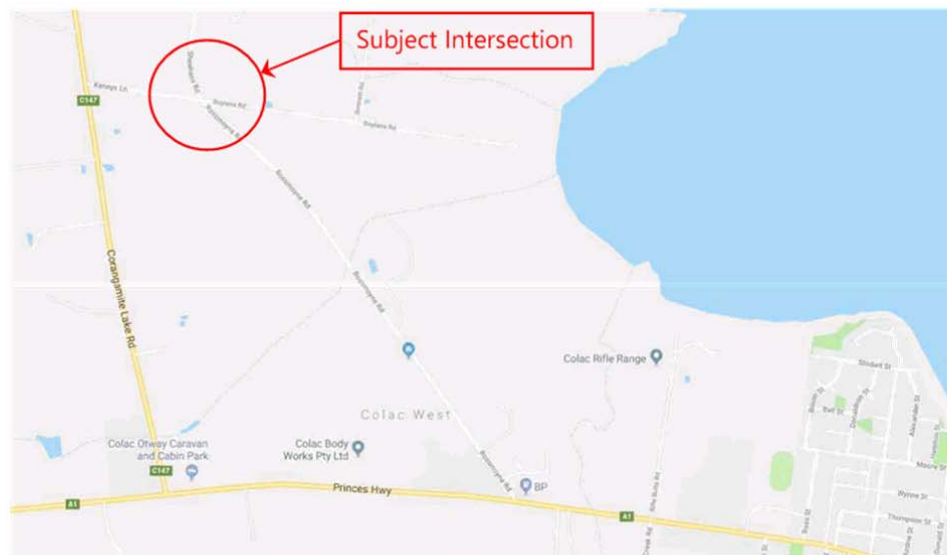
In accordance with the Austroads guide, the audit covers physical features of the existing intersection and approach roads that may affect road user safety and seeks to identify potential safety hazards. However, the auditor points out that no guarantee can be made that every deficiency has been identified.

Further, if all the recommendations in this report were to be followed, this would not guarantee that the intersection and local traffic environment is “safe”. Rather, adoption of the recommendations should improve the level of safety for the intersection.

## 1.2 Project Description

The Colac Otway Shire wishes to identify safety improvements for the subject intersection in the light of community road safety concerns.

Refer to locality plan below for intersection location on the road network.



**Figure 1: Locality Plan** (courtesy of Google Maps)

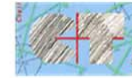
Civil and Traffic Consulting Pty Ltd ABN 32 008 761 517  
10 Baytown Close Barwon Heads Victoria 3227 Australia T 0409 542 915 AH 03 5254 2915

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The cross roads intersection in the rural fringe of Colac, and community road safety concerns have been raised with regard the speed at which vehicles negotiate the intersection, the alignment and sight lines which may contribute to the potential of serious crashes in the future.

The road surface and pavement are due for repair and Council wish to incorporate any road safety measures into the proposed works.

## **1.3 Traffic Environment & Clear Zone**

### **1.3.1 Rossmoyne Road and Sheehans Road**

Rossmoyne Road (south leg of intersection) and Sheehans Road (north leg) form a north south local rural access road principally providing access to local agricultural property. It extends from the Princes Highway in the south to Factory Road in the north. This route is a local road under the care and management of the Colac Otway Shire Council.

The sealed carriageway is approximately 6.5m wide through the intersection with no discernible shoulders. Grass verge up to edge of seal. There is a 350m radius curve on the alignment which coincides with the intersection of Kellys Lane / Boylans Road. Rossmoyne Road / Sheehans Road is subject to the rural default speed limit of 100km/h. A double barrier line along the centreline prevents overtaking through the curved alignment.

Council have provided traffic volumes, for Rossmoyne Road captured in December 2017. The average two-way daily weekday traffic volume is approximately 1,400 vehicles per day (vpd) with 120 vehicles per hour in the peak periods. The 85<sup>th</sup>ile operating speed was measured at 100.5km/h. The traffic volume on Sheehans Road was not measured however it would be lower than Rossmoyne Road as a significant proportion of Rossmoyne Road traffic is orientated towards Kellys Lane.

### **1.3.2 Kellys Lane and Boylans Road**

Kellys Lane (west leg of intersection) and Boylans Road (east leg) form a cross intersection with Rossmoyne Rd / Sheehans Road. Kellys Lane is a short length of rural access road linking Rossmoyne Road with Corangamite Lake Road (a VicRoads road). The Rossmoyne Road – Kellys Lane route provides an alternative for Colac traffic to access Corangamite Lake Road.

Boylans Road is an unmade local access lane to a few rural properties on the west edge of Lake Colac. Both these roads are local roads under the care and management of the Colac Otway Shire Council. The sealed carriageway of Kellys Lane is approximately 6.5m wide with no discernible shoulders. Boylans Road is an unmade track. Both these roads are subject to the rural default speed limit of 100km/h however it would be difficult to achieve this speed on Boylans Road.

Council have provided traffic volumes, for Kellys Lane captured in December 2017. The average two-way daily weekday traffic volume is approximately 775 vehicles per day (vpd) with 70 vehicles per hour in the peak periods. The 85<sup>th</sup>ile operating speed was measured at 83.7km/h. The traffic volume on Boylans Road is not available however it would be no more than 20 to 30 vehicles per day considering the number of properties serviced by the road.

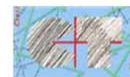
### **1.3.3 Intersection**

The intersection of Rossmoyne Rd / Sheehans Rd with Kellys Lane / Boylans Road forms an intersection angle of approximately 60°. Combined with the 350m radius curved alignment of Rossmoyne Rd / Sheehans Road, the characteristics of the intersection are not ideal in providing a safe environment for motorists. Sight distance at intersection is satisfactory however the 60° angle intersection makes it difficult for vehicles on Kellys Lane to observe approaching traffic from the north on Sheehans Road. Both Kellys Lane and Boylans Road are subject to Give Way sign control at the intersection.

### **1.3.4 Road Safety**

The usual method of assessing road safety is to investigate the VicRoads Crash Statistics for recent crashes relevant to the site. A search of the VicRoads CrashStats data base indicates that no crashes





have occurred in the vicinity of the intersection for the period between January 2012 and September 2017.

### 1.3.5 Clear Zone

With consideration to the traffic volumes and speed limit of the surrounding road network, the desirable minimum clear zone width is 6.0m, measured from the edge of the traffic lane. The clear zone width is derived from Figure V4.1 of the VicRoads Supplement to Austroads Guide to Road Design Part 6: "Roadside Design Safety and Barriers".

There is a 350m radius curve alignment through the intersection on the Rossmoyne Road / Sheehans Road legs which is subject to a curve correction factor indicated in Table 4.2 of the Austroads Guide. According to Table 4.2, the curve correction factor for a 350m radius curve on a 100km/h road shall be 1.5. Therefore the correct clear zone width for Rossmoyne Road / Sheehans Road is determined as 9m (6x1.5).

The clear zone width for Kellys Lane and Boylans Road shall remain at 6m as defined in Figure V4.1 of the VicRoads Supplement to the Austroads Guides.

Any comments on clear zone issues have adopted the above speed environment. The VicRoads Hazard Management Guidelines require hazards to traffic within this zone to be removed or protected.

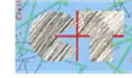
## 1.4 Classification of Concerns

In the Findings and Recommendations section of this report, the safety concerns identified and recommended actions from the audit are graded into four classes of suggested treatment responses and a further category of "Noted" requiring no response:

- **INTOLERABLE** – must be corrected;
- **HIGH** – should be corrected or the risk significantly reduced, even if the treatment cost is high.
- **MEDIUM** – Should be corrected or the risk significantly reduced, if the treatment cost is moderate, but not high.
- **LOW** – Should be corrected or the risk reduced, if the treatment cost is low.
- **NOTED** – Other items.

**These classifications are based on the following risk level matrix:**

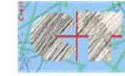
	Frequent (once or more a week)	Probable (once or more a year)	Occasional (once or more in 10 years)	Improbable (less often than every 10 years)
Catastrophic (Likely multiple deaths)	Intolerable	Intolerable	Intolerable	High
Serious (likely death or serious injury)	Intolerable	Intolerable	High	Medium
Minor (likely minor injury)	Intolerable	High	Medium	Low
Limited (property damage)	High	Medium	Low	Low



## 1.5 Responding to the Audit

As set out in the Austroads guide, responsibility for the road design always rests with the designer / project manager and not the audit team. A project manager is under no obligation to accept the audit recommendations. Also, it is not the role of the audit team to agree to or approve of the project manager's response to the audit.

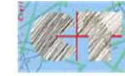
The audit provides the opportunity to highlight potential problems and have them formally considered by the project manager, in conjunction with all other project considerations. The table in Section 2 of this report provides a means for the project manager to document responses to each of the issues identified during the audit process.



## 2. Findings and Recommendations

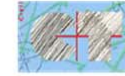
The layout of this section of the report is modelled on Checklist 6 of the Austroads Guide to Road Safety Part 6: Road Safety Audit – 2009 and the same sequence of issue identification has been adopted. The following references have been used in conducting the audit: The Austroads Guide to Road Design Part 3: "Geometric Design" (AGRD:3), The Austroads Guide to Road Design Part 4A: "Unsignalised and Signalised Intersections" (AGRD:4A), the VicRoads Supplements to the Austroads Guides, and VicRoads Traffic Engineering Manual Volumes 1 & 2 – (noted as TEM 1 and TEM 2 in the text).

Audit Findings	Recommendations	Priority	Project Manager	
			Accept Yes/No	Reasons/Comments
<b>2.1 General Topics</b>				
<b>2.1.1 Operating Speed</b>				
The traffic volume and speed data provided by the Colac Otway Shire indicates the 85th%ile operating speed for Rossmoyne Road is 100.5km/h and 83.7km/h for Kellys Lane. Although these speeds are considered satisfactory for the local roads, the true operating speed for through traffic on Rossmoyne Road is not known at this point.	No recommendation.	Noted		
<b>2.2 Alignment</b>				
<b>2.2.1 Alignment Curve</b>				
The road alignment contains a 350m radius curve on the transition from Rossmoyne Road to Sheehans Road through the intersection. Table 7.5 of AGRD: 3 shows the desirable minimum curve radii for 100km/h roads should be 437mR with an absolute minimum of 358mR. The Austroads Guide shows this alignment curve is on the fringe of acceptability. There are no W1-3 "Curve" warning signs on either approach and there are no D4-6 "Curve Alignment Markers" (CAMS) around the curve. The 350m radius curve best fits a 90km/h design speed.	Install W1-3 advance curve warning signs on both the north and south approaches to the intersection. Install W8-2 90km/h "Advisory Speed" supplementary plates on the W1-3 signs.  Install D4-6 "CAMS" signs around the curve in accordance with TEM 2. First CAM to be D4-V110 type with 90km/h advisory speed.	High		

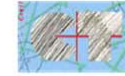


Audit Findings	Recommendations	Priority	Project Manager	
			Accept Yes/No	Reasons/Comments
<p><b>2.2.2 Intersecting Angle</b></p> <p>The Kellys Lane approach intersects Rossmoyne Road / Sheehans Road at approximately 60°. This intersection is considered sub-standard as the observation angle should not exceed 70°.</p> <p>Although sight distance at the intersection is satisfactory, the 60° angle approach makes it difficult for drivers on Kellys Lane to observe approaching traffic from the north on Sheehans Road.</p>	<p>Increase the angle of the Kellys Lane approach (square up) to the intersection with a short curved approach. An intersection angle of 70° to 90° is acceptable.</p> <p><i>Refer to concept sketch for ultimate design in Appendix B</i></p> <p>The new attitude angle should be reinforced with a splitter island to guide traffic. The new layout should cater for the swept paths of large vehicles up to B-Doubles.</p>	High		
<p><b>2.2.3 Left Turn into Kellys Lane</b></p> <p>The intersection angle of the Kellys Lane approach provides an undesirable fast left turn into Kellys Lane from Rossmoyne Road. The concept design realignment of Kellys Lane will slow left turn traffic, however may induce rear-end crashes if a separate left turn lane is not provided on Rossmoyne Road.</p>	<p>Install left turn lane on Rossmoyne Road to satisfy the warrants of AGRD: 4A.</p> <p><i>Refer to concept sketch for ultimate design in Appendix B</i></p>	High		
<p><b>2.2.4 Shoulder Widening</b></p> <p>There are no constructed shoulders on any of the legs of the intersection. Sealed shoulders will provide an opportunity for errant vehicles to recover from a run-off road incident.</p> <p>A wide sealed shoulder on the east side of Sheehans Road / Rossmoyne Road will provide an opportunity for southbound through vehicles to bypass any vehicles undertaking a right turn into Kellys Lane, reducing the risk of rear-end crashes. The pavement widening should take the form of an Austroads BAR type treatment.</p> <p><i>Refer to Photo's in Appendix A</i></p>	<p>In time, as traffic volume increases along Rossmoyne Road / Sheehans Road, the Colac Otway Shire should plan to construct sealed shoulders along the route.</p> <p>In the meantime, for the extent of the intersection works proposed, the pavement should be widened to accommodate sealed shoulders of 1m minimum width. The shoulder on the east side of Rossmoyne Road / Sheehans Road should be widened to provide a bypass of right turning vehicles in accordance with AGRD: 4A.</p> <p><i>Refer to concept design sketch in Appendix B</i></p>	High		





Audit Findings	Recommendations	Priority	Project Manager	
			Accept Yes/No	Reasons/Comments
<b>2.3 Signs &amp; Delineation</b>				
<b>2.3.1 Intersection Warning Sign</b>				
At the time of observation, there was no intersection warning sign on the north approach to the intersection (Sheehans Road). It is noted that this leg of the intersection has been recently re-sheeted and works may not be completed. <i>Refer to Photo 3 in Appendix A</i>	Install W2-1 "Cross Road" intersection warning sign on the Sheehans Road approach to the intersection, in accordance with TEM 2.	High		
<b>2.3.2 Duplicate Warning Signs</b>				
The existing W3-2 "Give Way Ahead" warning sign on Kellys Road and the proposed W2-1 "Cross Road" warning signs on Rossmoyne Road and Sheehans Road should be duplicated on the opposite side of the carriageway to enhance the conspicuity of the intersection ahead. <i>Refer to Photo's 1 &amp; 5 in Appendix A</i>	Due to the complexity of the intersection, consider duplicating the important intersection warning signs on the opposite side of the carriageway for the Kellys Lane, Sheehans Road and Rossmoyne Road approaches.	Medium		
<b>2.3.3 Linemarking – Sheehans Road</b>				
At the time of observation, there was no linemarking on the north approach to the intersection (Sheehans Road). It is noted that this leg of the intersection has been recently re-sheeted and works may not be completed. <i>Refer to Photo's 3 &amp; 4 in Appendix A</i>	Reinstate linemarking to Sheehans Road, in particular the double barrier line on the centreline.	High		
<b>2.3.4 T Junction Sightboard</b>				
The realigned intersection will allow placement of a T Junction Sight Board at the intersection, facing Kellys Lane.	Install Type 1, T Junction Sight Board in accordance with Chapter 22 of VicRoads TEM 2.	High		

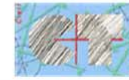


Audit Findings	Recommendations	Priority	Project Manager	
			Accept Yes/No	Reasons/Comments
<b>2.4 Roadside Hazards</b>				
<b>2.4.1 Power Pole</b>				
An existing power pole & stay is situated on the north-east corner of Boylans Road and Sheehans Road. The pole is offset approximately 4.5m from the traffic lane and is within the 9m clear zone width.  <i>Refer to Photo's 2, 4 &amp; 7 in Appendix A</i>	Relocate pole or alternatively protect with approved safety barrier and end terminals.	<b>High</b>		

Corrective Action Report:      Responsible Officer's Name: .....

Agency and Department: .....

Signed: ..... Date: .....



### 3. Conclusions

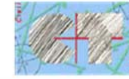
The Audit has identified a number of issues requiring attention, as outlined in Section 2 of this report, together with recommendations for action for each issue.

Under the Austroads Guide to Road Safety Part 6: Road Safety Audit the project manager is now required to respond to each recommendation. Where recommended modifications to the project cannot be made due to other factors, reasons for the decision should be documented.

Audit Report prepared by

Kevin Flynn

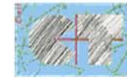
Senior Road Safety Auditor



## Appendix A

# Photographs





**Photo 1:** Looking north-west along Rossmoyne Road towards the Kellys Lane intersection.



**Photo 2:** Looking north along Rossmoyne Road over the intersection, Kellys Lane is at left of picture and Boylans Road is at right. Note the fast left turn into Kellys Lane.



**Photo 3:** Looking south along Sheehans Road towards the Kellys Lane / Boylans Road intersection. Note linemarking has not been reinstated following a recent surface re-sheet.



**Photo 4:** Looking south-east along Sheehans Road over the intersection. Kellys Lane is at right of picture and Boylans Road is at left. Note the hazardous power pole at left of carriageway.



**Photo 5:** Looking west along Kellys Lane towards the Rossmoyne Road / Sheehans Road intersection.



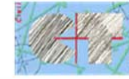
**Photo 6:** Looking west along Kellys Lane over the intersection. Rossmoyne Road is at right of picture and Sheehans Road at left.



**Photo 7:** Looking west along Kellys Lane over the Rossmoyne Road / Sheehans Road intersection. Boylans Road is opposite. Note hazardous power pole opposite and fast left turn from Rossmoyne Road at left of picture.



**Photo 8:** Looking west along Boylans Road over the intersection, showing typical conditions.



## Appendix B

# Concept Intersection Layout Plans

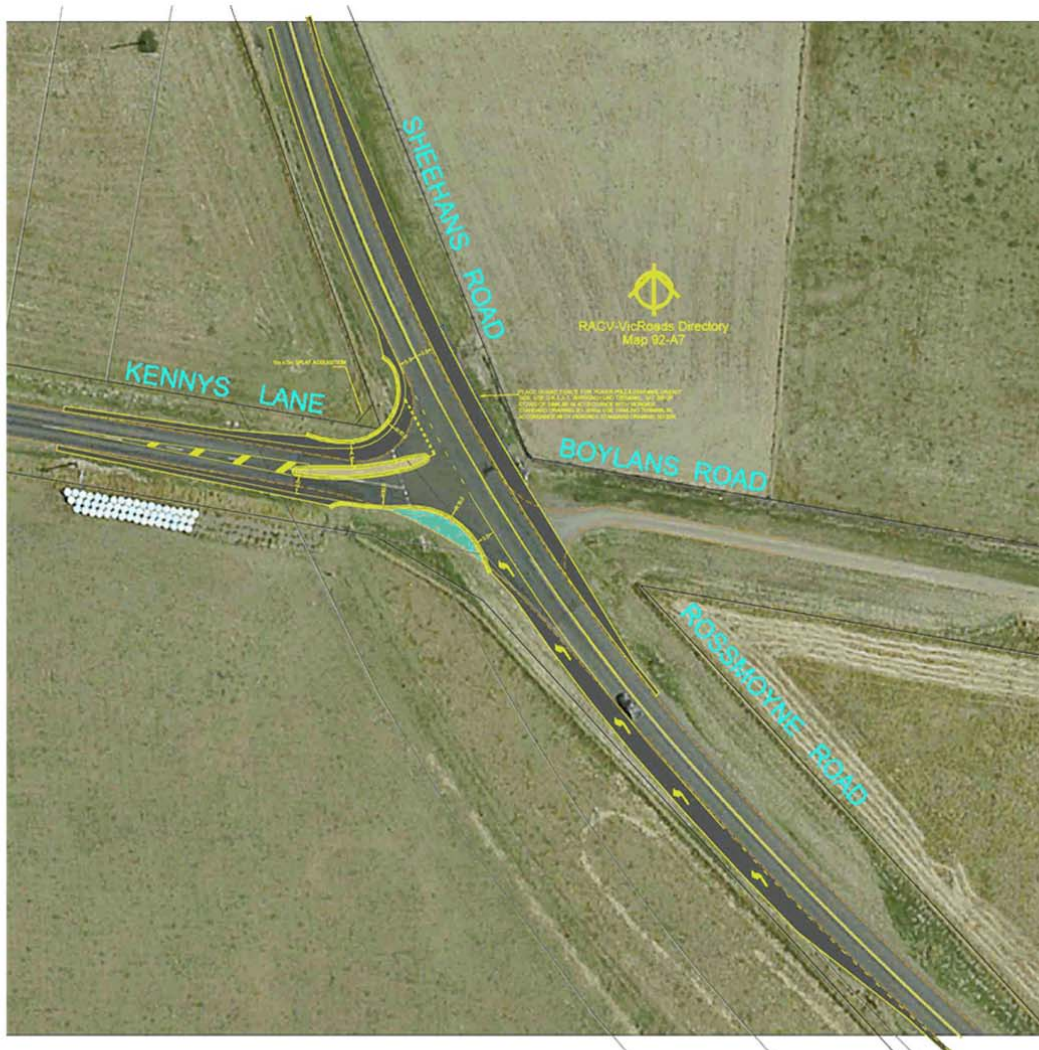


Figure B1 – Concept Intersection Layout Plan



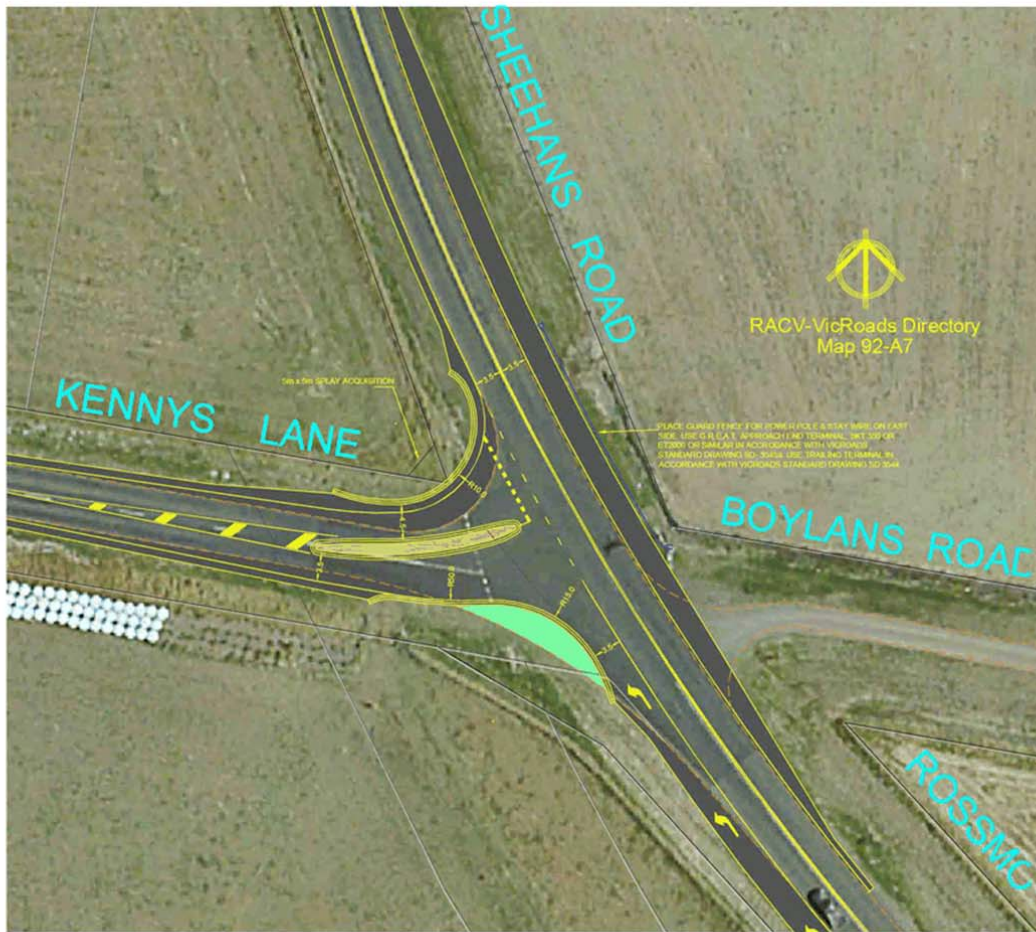
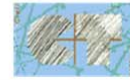


Figure B2 – Enlargement of Concept Intersection Plan

ORDINARY COUNCIL MEETING  
**NOTICE OF MOTION –  
COUNCILLOR CODE OF CONDUCT MATTER**  
OM192702-8

<b>COUNCILLOR</b>	Stephen Hart
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"><li>1. Notice of Motion No 291 - Cr Stephen Hart - Councillor Code of Conduct Matter</li><li>2. Extract from Ordinary Council Meeting Minutes, 28 November 2018</li><li>3. Extract, page 13, from the Councillor Code of Conduct adopted on 28 November 2018</li><li>4. Letter dated 21 December 2018 from the Victorian Local Governance Association (VLGA)</li><li>5. Letter dated 6 February 2019 from the Municipal Association of Victoria (MAV)</li></ol>

## 1. COUNCILLOR COMMENT (OPTIONAL)

At the Council meeting on 28 November 2018 Councillors adopted a new Councillor Code of Conduct.

The new Councillor Code of Conduct introduced a clause, on page 13, which gives the Mayor decision making power in relation to whether or not an applicant, the person lodging the complaint, has recourse to the Internal Independent Arbitration. Prior to the new Code being adopted the Mayor had no such decision making power.

Until recent times, the Mayor of the day was considered as a 'leader among equals'. Apart from the powers in the Local Government Act such as the responsibility to Chair and maintain order at Council meetings and to speak on behalf of Council, the Mayor didn't have special powers to have a decision making role in relation to Councillor Code of Conduct applications or to change Council's policies or priorities.

The difficulties created by the clause can easily be illustrated by referring to the most recent application under the Councillor Code of Conduct that was discussed in open Council on 24 January 2018. In that case, both the Mayor and Deputy Mayor were effectively opposing parties to the complaint. Had there been an application for 'Internal Independent Arbitration' for that complaint under the current Code, the Mayor would be excluded from the decision making role described on page 13. However, the Deputy Mayor would assume that role even though the Deputy Mayor was a party to the matter. No exclusion exists for the Deputy Mayor if he/she is the applicant, the subject of the allegation or otherwise involved.

Further, under the current Code, if the Mayor is the complainant, the Mayor still has the decision making role as he/she is only excluded from making the decision if he/she is the subject of the allegation. No such exclusion exists if the Mayor is the person making the application.

The clause goes on to say that the Mayor (or Deputy Mayor) ‘must take into account any opinion expressed by the Municipal Association of Victoria (MAV) or Victorian Local Governance Association (VLGA) and Council’s Solicitors before’ making a particular decision. This requirement is, presumably, an attempt to mitigate the problems that have been created by giving Councillors, namely the Mayor and/or Deputy Mayor, a decision making role in relation to applications made under the Councillor Code of Conduct. Any erosion of these safeguards further increases the power of the Mayor at the expense of Councillors in the minority.

The Code doesn’t contain any commitment to provide all relevant documents to the MAV or VLGA, as the case may be, to form their opinion. In fact, it is open to the Council to deny access to evidence on the basis it is ‘confidential’ whilst, at the same time, expecting the MAV or VLGA to form an opinion as to whether or not there is sufficient evidence. Hardly consistent with the principle of ‘natural justice’ that the Council can ask for an opinion as to whether there is sufficient evidence of a breach of the Code at the same time as the Council withholds crucial evidence by invoking its powers to declare information as ‘confidential’.

I have spoken separately to the MAV and VLGA. Both organisations have stated that they were not consulted by Council before being included in this role to give advice to the Mayor or Deputy Mayor. The VLGA have confirmed this lack of consultation in writing, in their letter dated 21 December 2018. The MAV have outlined in their letter the need for Council to provide the application and any attached documents.

Both the MAV and VLGA have raised concerns about how the process would work and what information will be provided. The VLGA have gone further, to ask that the reference to them be removed from the Councillor Code of Conduct.

Even in the absence of the MAV and VLGA letters, that section of the Code is poorly worded as the Mayor is excluded from making a decision when he/she is the subject of the complaint but may still make a decision if he/she is the applicant, or person who lodged the complaint. The Deputy Mayor is not restricted from making a decision in either case creating an absurd situation if both the Mayor and Deputy Mayor are parties to the dispute on opposite sides, similar to the situation which was reported in open Council on 24 January 2018.

The letters from the MAV and VLGA have served to highlight the difficulties that arise from the Mayor or Deputy Mayor having this decision making power. The lack of a commitment to principles of natural justice in this clause, when the Mayor or Deputy Mayor exercise their power exacerbates the situation and is likely to be the focus of future disputes.

The most effective way to resolve the issues that arise from the offending paragraph on page 13 of the Councillor Code of Conduct is to remove the second and third dot points and remove the power the Code seeks to give to the Mayor and Deputy Mayor. Prior to the new Code being adopted on 28 November 2018, no such power existed.

Attached documents

1. Extract from the Ordinary meeting Minutes, 28/11/18
2. Extract, page 13, from the Councillor Code of Conduct adopted on 28/11/18
3. Letter dated 21/12/18 from the Victorian Local Governance Association (VLGA)
4. Letter dated 6/2/19 from the Municipal Association of Victoria (MAV)

## 2. OFFICER COMMENT

### Chief Executive

The Chief Executive wishes to make two comments.

Firstly, it is the recommendation of officers that the Notice of Motion be broken into two distinct parts:

**Recommendation One** – Deal with a mistake made in drafting the Councillor Code of Conduct and remove reference to the VLGA.

**Recommendation Two** – Deal with the ‘substantial evidence’ or ‘contravention of a trivial nature’ issue of substance in the Councillor Code of Conduct that Council has determined.

These two distinct parts would eliminate any potential for confusion and that if Council wished to reconsider the matter, the matters could be determined separately by Councillors, which officers believe should be the case in the interests of fairness and good process.

Secondly, Colac Otway Shire received correspondence dated 21 December 2018 from the VLGA regarding the recently adopted Councillor Code of Conduct. Officers are of the opinion that the first part of this Notice of Motion is not necessary and that the Councillor Code of Conduct remains valid, as consultation with the VLGA is not specifically a requirement. Another consultation option exists via the MAV:

“The Mayor ... must take into account any opinion expressed by the Municipal Association of Victoria or the Victorian Local Governance Association and Council’s Solicitors before deciding...”

There is no doubt removing the reference to the VLGA is tidier, given that the VLGA has stated it will not offer an opinion. The Mayor can satisfy the Councillor Code of Conduct requirements by seeking an opinion from the MAV and Council’s Solicitors.

Attached is the letter from the VLGA, for reference.

### 3. NOTICE OF MOTION

I, Councillor Stephen Hart, give notice that I intend to move the resolution, below, at the February 2019 Council meeting.

***That Council:***

- 1. Notes that letters have been received from both the Victorian Local Governance Association (VLGA), dated 21 December 2018, and the Municipal Association of Victoria (MAV), dated 6 February 2019, in relation to Colac Otway Shire Council’s Councillor Code of Conduct which was adopted on 28 November 2018;***
- 2. Notes that the letters relate to the requirement in page 13 of the Councillor Code of Conduct that the Mayor ‘must take into account any opinion’ expressed by the MAV or VLGA when the Mayor decides whether a complaint is ‘trivial’ or lacks ‘substantial’ evidence;***
- 3. Notes that there is no commitment in the Councillor Code of Conduct that the Council will provide all relevant documents to the MAV and/or VLGA to assist with the formation of their opinion;***
- 4. Notes that there is no commitment in the Councillor Code of Conduct to uphold the principles of ‘natural justice’ to the applicant or respondent when this process is implemented and the Mayor makes his/her decision;***
- 5. Acknowledges that the particular clause on page 13 is problematic as it requires the Mayor to pre-judge a complaint by deciding whether it lacks evidence or is trivial without a clear process on how the MAV or VLGA will be consulted;***
- 6. Notes that the VLGA has said it will not participate in this process and has asked for all references to it to be removed from the document;***
- 7. Resolves to remove from the Councillor Code of Conduct words (which are currently in section 5.1.3 Phase 3 – Internal Independent Mediation on page 13), as follows:***

***Second dot point*** ‘• *there is substantial evidence of a contravention; and*’

***Third dot point*** ‘• *the contravention, if proven, would not be a contravention of a trivial nature.*’

*and*

*'The Mayor (or if the Mayor is the subject of the allegation then the Deputy Mayor) must take into account any opinion expressed by the Municipal Association of Victoria or Victorian Local Governance Association and Council's Solicitors before deciding that there is no substantial evidence or that a contravention of the Councillor Code of Conduct, if proven, would be a contravention of a trivial nature.'*

*So that after dot point ' . relates to an alleged contravention of the Councillor Code of Conduct' there will be no further words until the heading 5.1.4; and*

- 8. Requests that the Chief Executive write to the VLGA and MAV to inform them of the change and to send them a copy of the revised Councillor Code of Conduct.*



NOTICE OF MOTION

BY

COUNCILLOR Stephen Hart

I, Councillor Stephen Hart, give notice that I intend to move the resolution, below, at the February 2019 Council meeting.

*That Council:*

1. *Notes that letters have been received from both the Victorian Local Governance Association (VLGA), dated 21 December 2018, and the Municipal Association of Victoria (MAV), dated 6 February 2019, in relation to Colac Otway Shire Council's Councillor Code of Conduct which was adopted on 28 November 2018;*
2. *Notes that the letters relate to the requirement in page 13 of the Councillor Code of Conduct that the Mayor 'must take into account any opinion' expressed by the MAV or VLGA when the Mayor decides whether a complaint is 'trivial' or lacks 'substantial' evidence;*
3. *Notes that there is no commitment in the Councillor Code of Conduct that the Council will provide all relevant documents to the MAV and/or VLGA to assist with the formation of their opinion;*
4. *Notes that there is no commitment in the Councillor Code of Conduct to uphold the principles of 'natural justice' to the applicant or respondent when this process is implemented and the Mayor makes his/her decision;*
5. *Acknowledges that the particular clause on page 13 is problematic as it requires the Mayor to pre-judge a complaint by deciding whether it lacks evidence or is trivial without a clear process on how the MAV or VLGA will be consulted;*
6. *Notes that the VLGA has said it will not participate in this process and has asked for all references to it to be removed from the document;*
7. *Resolves to remove from the Councillor Code of Conduct words (which are currently in section 5.1.3 Phase 3 – Internal Independent Mediation on page 13), as follows:*

*Second dot point '• there is substantial evidence of a contravention; and'*

*Third dot point '• the contravention, if proven, would not be a contravention of a trivial nature.'*

*and*

*'The Mayor (or if the Mayor is the subject of the allegation then the Deputy Mayor) must take into account any opinion expressed by the Municipal Association of Victoria or Victorian Local Governance Association and Council's Solicitors before deciding that there is no substantial evidence or that a contravention of the Councillor Code of Conduct, if proven, would be a contravention of a trivial nature.'*

*So that after dot point ' . relates to an alleged contravention of the Councillor Code of Conduct' there will be no further words until the heading 5.1.4; and*

Ref: D19/17893

**8. Requests that the Chief Executive write to the VLGA and MAV to inform them of the change and to send them a copy of the revised Councillor Code of Conduct.**

**Councillor Comment (optional)**

At the Council meeting on 28 November 2018 Councillors adopted a new Councillor Code of Conduct.

The new Councillor Code of Conduct introduced a clause, on page 13, which gives the Mayor decision making power in relation to whether or not an applicant, the person lodging the complaint, has recourse to the Internal Independent Arbitration. Prior to the new Code being adopted the Mayor had no such decision making power.

Until recent times, the Mayor of the day was considered as a 'leader among equals'. Apart from the powers in the Local Government Act such as the responsibility to Chair and maintain order at Council meetings and to speak on behalf of Council, the Mayor didn't have special powers to have a decision making role in relation to Councillor Code of Conduct applications or to change Council's policies or priorities.

The difficulties created by the clause can easily be illustrated by referring to the most recent application under the Councillor Code of Conduct that was discussed in open Council on 24 January 2018. In that case, both the Mayor and Deputy Mayor were effectively opposing parties to the complaint. Had there been an application for 'Internal Independent Arbitration' for that complaint under the current Code, the Mayor would be excluded from the decision making role described on page 13. However, the Deputy Mayor would assume that role even though the Deputy Mayor was a party to the matter. No exclusion exists for the Deputy Mayor if he/she is the applicant, the subject of the allegation or otherwise involved.

Further, under the current Code, if the Mayor is the complainant, the Mayor still has the decision making role as he/she is only excluded from making the decision if he/she is the subject of the allegation. No such exclusion exists if the Mayor is the person making the application.

The clause goes on to say that the Mayor (or Deputy Mayor) 'must take into account any opinion expressed by the Municipal Association of Victoria (MAV) or Victorian Local Governance Association (VLGA) and Council's Solicitors before' making a particular decision. This requirement is, presumably, an attempt to mitigate the problems that have been created by giving Councillors, namely the Mayor and/or Deputy Mayor, a decision making role in relation to applications made under the Councillor Code of Conduct. Any erosion of these safeguards further increases the power of the Mayor at the expense of Councillors in the minority.

The Code doesn't contain any commitment to provide all relevant documents to the MAV or VLGA, as the case may be, to form their opinion. In fact, it is open to the Council to deny access to evidence on the basis it is 'confidential' whilst, at the same time, expecting the MAV or VLGA to form an opinion as to whether or not there is sufficient evidence. Hardly consistent with the principle of 'natural justice' that the Council can ask for an opinion as to whether there is sufficient evidence of a breach of the Code at the same time as the Council withholds crucial evidence by invoking its powers to declare information as 'confidential'.

I have spoken separately to the MAV and VLGA. Both organisations have stated that they were not consulted by Council before being included in this role to give advice to the Mayor or Deputy Mayor. The VLGA have confirmed this lack of consultation in writing, in their letter dated 21 December 2018. The MAV have outlined in their letter the need for Council to provide the application and any attached documents.

Ref: D19/17893

Both the MAV and VLGA have raised concerns about how the process would work and what information will be provided. The VLGA have gone further, to ask that the reference to them be removed from the Councillor Code of Conduct.

Even in the absence of the MAV and VLGA letters, that section of the Code is poorly worded as the Mayor is excluded from making a decision when he/she is the subject of the complaint but may still make a decision if he/she is the applicant, or person who lodged the complaint. The Deputy Mayor is not restricted from making a decision in either case creating an absurd situation if both the Mayor and Deputy Mayor are parties to the dispute on opposite sides, similar to the situation which was reported in open Council on 24 January 2018.

The letters from the MAV and VLGA have served to highlight the difficulties that arise from the Mayor or Deputy Mayor having this decision making power. The lack of a commitment to principles of natural justice in this clause, when the Mayor or Deputy Mayor exercise their power exacerbates the situation and is likely to be the focus of future disputes.

The most effective way to resolve the issues that arise from the offending paragraph on page 13 of the Councillor Code of Conduct is to remove the second and third dot points and remove the power the Code seeks to give to the Mayor and Deputy Mayor. Prior to the new Code being adopted on 28 November 2018, no such power existed.

Attached documents

1. Extract from the Ordinary meeting Minutes, 28/11/18
2. Extract, page 13, from the Councillor Code of Conduct adopted on 28/11/18
3. Letter dated 21/12/18 from the Victorian Local Governance Association (VLGA)
4. Letter dated 6/2/19 from the Municipal Association of Victoria (MAV)

Ref: D19/17893

## ORDINARY COUNCIL MEETING

**REVIEW OF THE COUNCILLOR CODE OF CONDUCT**

OM182811-18

LOCATION / ADDRESS	Whole of municipality	GENERAL MANAGER	Errol Lawrence
OFFICER	Sarah McKew	DIVISION	Corporate Services
TRIM FILE	F18/7487	CONFIDENTIAL	No
ATTACHMENTS	<ol style="list-style-type: none"> <li>1. Councillor Code of Conduct - Tracked changes - November 2018</li> <li>2. Councillor Code of Conduct - Clean copy of proposed changes - November 2018</li> <li>3. Councillor Code of Conduct_Signed version_2 - 16 November 2018</li> </ol>		
PURPOSE	To review the Councillor Code of Conduct		

**RECOMMENDATION**

*That Council adopt the revised Councillor Code of Conduct.*

**ALTERNATIVE MOTION**

*MOVED Cr Joe McCracken seconded Cr Chris Smith*

*That Council adopt the revised Councillor Code of Conduct with the following changes to 2.2. EMAILS AND TELECOMMUNICATIONS EQUIPMENT:*

**2.2.1 EMAILS AND CALENDARS**

*Immediately after being elected, all Councillors are issued with a Colac Otway Shire email address (email inbox and calendar).*

*Councillors are encouraged to use the official email address provided to them by the Shire when conducting their duties as a Councillor. This allows all communication to be documented and stored on the Council electronic document management system should it be required for future use.*

*Correspondence pertaining to operational matters should be forwarded to governance@colacotway.vic.gov.au at the earliest possible time to allow prompt action by staff.*



**2.2.2 TELECOMMUNICATIONS – MOBILE PHONES (SMART PHONES) AND IPADS (TABLET DEVICES)**

*Immediately after being elected, all Councillors are issued with a Colac Otway Shire mobile phone (smartphone) and iPad (tablet device).*

*Unless it is impractical to do so, Councillors are encouraged to use the official Council mobile phone number and iPad (tablet device) provided to them by the Shire when conducting their duties as a Councillor.*

**CARRIED 4 : 3**

**DIVISION**

**For the motion: Cr Chris Smith, Cr Joe McCracken, Cr Kate Hanson, Cr Jason Schram**

**Against the motion: Cr Stephen Hart, Cr Chris Potter, Cr Brian Crook**

When the other party declines to participate in an independent mediation, this does not constitute a contravention of this Councillor Code of Conduct.

If the other party agrees to participate in an Independent Mediation, the Principal Conduct Officer is to advise the applicant, the Mayor and Chief Executive Officer forthwith.

The Chief Executive Officer (or delegate) is to engage the services of an independent mediator to conduct the mediation at the earliest practicable opportunity.

The mediator is to document any agreement reached at the meeting. Copies of the agreement are to be provided to both parties. Where one party does not comply with the agreement, the other party has recourse to the Internal Independent Arbitration procedure where the matter relates to an alleged contravention of the Councillor Code of Conduct.

If the parties cannot resolve the dispute at the meeting, a further meeting may be convened with the consent of both parties. Where the dispute remains unresolved, the applicant has recourse to the Internal Independent Arbitration procedure if the dispute:

- relates to an alleged contravention of the Councillor Code of Conduct;
- there is substantial evidence of a contravention; and
- the contravention, if proven, would not be a contravention of a trivial nature.

WORDS  
TO  
ANSWER

The Mayor (or if the Mayor is the subject of the allegation then the Deputy Mayor) must take into account any opinion expressed by the Municipal Association of Victoria or Victorian Local Governance Association and Council's Solicitors before deciding that there is no substantial evidence or that a contravention of the Councillor Code of Conduct, if proven, would be a contravention of a trivial nature.

#### 5.1.4 PHASE 4 - INTERNAL INDEPENDENT ARBITRATION

An application cannot be made for an Internal Independent Arbitration procedure during the election period for a general election. Any Internal Independent Arbitration procedure that is in progress is to be suspended during the election period for a general election.

If the respondent to an application for an Internal Independent Arbitration procedure is not returned to office as a Councillor in the election, the application lapses. If the respondent is returned to office in the election, the application may resume if:

- the application was made by Council and Council so resolves; or
- the application was made by a group of Councillors and any one (or more) of those Councillors who has been returned to office wishes to proceed with the application; or
- the applicant (individual Councillor) is returned to office and wishes to proceed with the application.

A Councillor or a group of Councillors may make an application alleging that a Councillor has contravened this Councillor Code of Conduct. The application must:

- specify the name of the Councillor alleged to have contravened the Code;
- specify the provision(s) of the Code that is alleged to have been contravened;
- include evidence in support of the allegation;
- name the Councillor appointed to be their representative where the application is made by a group of Councillors; and
- be signed and dated by the applicant or the applicant's representative.

The application must be submitted to Council's Principal Conduct Officer.

An applicant may withdraw an application for an Internal Independent Arbitration procedure. Once an application has been withdrawn, the same or a similar application relating to the same instance in relation to the respondent Councillor cannot be resubmitted by the applicant for a period of 3 months.

21 December 2018

Mr Peter Brown  
Chief Executive Officer  
Colac Otway Shire Council

Dear Peter

**Re: Colac Otway Shire Council Councillor Code of Conduct**

Recently I was contacted by a Colac Otway councillor to advise that the council has adopted a revised Councillor Code of Conduct during its ordinary council meeting on 28 November 2018.

Reading through the Councillor Code of Conduct, I was surprised to find the following section on page 13.

*The Mayor (or if the Mayor is the subject of the allegation then the Deputy Mayor) must take into account any opinion expressed by the Municipal Association of Victoria or Victorian Local Governance Association and Council's Solicitors before deciding that there is no substantial evidence or that a contravention of the Councillor Code of Conduct, if proven, would be a contravention of a trivial nature.*

There are a number of issues with this particular clause, namely:

- The VLGA was never consulted regarding this clause in the drafting of the Councillor Code of Conduct.
- The words "must take into account any opinion" create an obligation for the Mayor to act. However, it is unclear in what form the Mayor would seek that information and in what format such opinion(s) should be provided.
- The VLGA is not a regulator of councils or councillors, nor does the VLGA have any delegated authority in assisting with councillor code of conduct complaints.
- The VLGA is therefore not in a position to provide opinions sought by the Mayor as outlined in the adopted Councillor Code of Conduct.

Unfortunately, Colac Otway Shire Council is currently not a member of the VLGA and is therefore not entitled to receive services or advice from the VLGA. However, as previously discussed, the VLGA would welcome the opportunity to address council on membership benefits, which include providing support and professional development for councils and councillors in effective governance practices.

The VLGA kindly requests that Colac Otway Shire Council amend its adopted Councillor Code of Conduct to remove references to the VLGA.

Please do not hesitate to contact to clarify any issue raised in this letter.

Yours sincerely



Kathryn Arndt  
Chief Executive Officer

ATTACHMENT : 4

LEVEL 12 60 COLLINS STREET MELBOURNE  
GPO BOX 4326 MELBOURNE 3001  
T 03] 9667 5555 F 03] 9667 5550  
www.mav.asn.au

MUNICIPAL ASSOCIATION OF VICTORIA

6 February 2019

Cr Stephen Hart  
Colac Otway Shire council  
[Councillor.hart@colacotway.vic.gov.au](mailto:Councillor.hart@colacotway.vic.gov.au)

Dear Cr Hart

Thank you for your correspondence and our recent discussion regarding your Council's revised *Councillor Code of Conduct*.

The relevant part of Section 5.1.3 of the Councillor Code of Conduct relates to a dispute which has not been resolved at Independent Mediation and where the applicant wishes the dispute to be the subject of Independent Arbitration. In this circumstance, a Mayor (or Deputy Mayor) *must take into account any opinion expressed by the MAV, VLGA and Council's Solicitors before deciding that there is no substantial evidence or that a contravention of the Councillor Code of Conduct, if proven, would be a contravention of a trivial nature.*

In response to your question regarding the manner in which the MAV would ensure it was properly informed prior to expressing an opinion, it would be necessary for the Mayor (or Deputy Mayor) to provide to the MAV the *application* made under 5.1.3, together with any attached documentation.

It is clear that there remains some concern regarding aspects of the practical implementation of the new Code of Conduct and I wish you and the Council all the best in finding a way forward.

Yours sincerely



KERRY THOMPSON  
Chief Executive Officer





ORDINARY COUNCIL MEETING  
**NOTICE OF MOTION -  
PROPOSED ROUNDABOUT - APOLLO BAY**  
OM192702-9

**COUNCILLOR** Joe McCracken

**ATTACHMENTS** 1. Notice of Motion No 292 - Cr Joe McCracken - Proposed Roundabout, Apollo Bay

## 1. COUNCILLOR COMMENT

It is clear that the proposed roundabout at the intersection of Nelson Street and Great Ocean Road, Apollo Bay, known as 'Option 1', has caused concern in the Apollo Bay community.

This Notice of Motions seeks place legitimate community concerns on the public record whilst also requesting important information and assurances, which will allow council to come to a more fully considered position on the matter.

There are two separate issues in play here:

1. The traffic management issues relating to this intersection; and,
2. The relocation of the WW1 War Memorial.

VicRoads have fused the two issues together by offering to relocate the WW1 war memorial to a location on the Apollo Bay foreshore, in an attempt to facilitate the construction of a large roundabout.

There is no doubt that the intersection is confusing, especially to visitors to Apollo Bay. But that doesn't mean that a roundabout is necessarily the right solution. To jump to a 'preferred option' of a large roundabout seems premature, especially considering:

- The \$3.5mil cost of the project;
- Less invasive, less costly options haven't been fully explored;
- Community members haven't had a full opportunity to put their options forward;
- The cultural heritage and social significant of the War Memorial; and,
- Colac Otway Shire are undertaking a tourism and parking strategy for Apollo Bay, and this proposal hasn't even seen the results of the study.

VicRoads have conducted some community consultation sessions, namely in October 2018 and February 2019 (the later as a result of community pressure). They have also consulted with other key organisations, such as the local RSL. But the wider community deserve to have their voice heard when this sort of proposal will have a significant impact on the local streetscape and community - and if the proposal is pushed through, it's irreversible.

Given that Nelson Street is a council road, the War Memorial is a place of significant local heritage, and members of the community are raising concerns - Council has a role in this debate.

It's unfortunate that many locals weren't even aware of this proposed roundabout until frustrated locals raised it with councillors and other representatives. Adjacent property owners were not notified of the proposal, either by postage or electronic means. Many local businesses were unaware. A proposal cannot be pushed through when it's suggested impact is significant and relatively few locals are full at aware of its impacts.

We know that change is inevitable. However it has to be the right change, appropriate to our coastal township. We cannot have a situation where a government organisation pushes a preferred option onto us without our community being given a full opportunity to have our say and shape the outcome that best suits us.

## 2. OFFICER COMMENT

### General Manager, Infrastructure & Leisure Services

This proposed project and the way it is designed is very important to the community given the:

1. Need for roads to be as safe as possible;
2. Growth of tourism in the Great Ocean Road system;
3. Character of the town;
4. Iconic nature of the Great Ocean Road;
5. Importance of the War memorial; and,
6. Importance of open space to the town and the foreshore in particular.

Council is currently calling for community feedback on the draft *Colac Otway Shire Tourism, Parking and Traffic Strategy*.

Regional Roads Victoria (RRV) participated in the Government and Agency workshops held as part of our consultation for the draft strategy.

As part of those workshops, RRV presented concepts for the roundabout at a post-workshop meeting. The various concepts under development within the strategy were then discussed. Council officers advised RRV that it was important to allow flexibility in the intersection design to accommodate any change to the alignment of the Great Ocean Road and also the possibility of pedestrianisation of Collingwood Street. Council officers also informed them of the forthcoming Apollo Bay Community Infrastructure Plan which would develop designs for the foreshore and Collingwood Street.

The draft Strategy contains a copy of a version of the roundabout design at the back of the document for information only. It does raise different options for the way Collingwood Street would function, which would potentially impact on the intersection design of Nelson Street.

Council has written to RRV stating that its view is that further consultation on the roundabout proposal is required.

The Notice of Motion calls for further consultation with the community and the Council and, in the opinion of officers, this consultation would be very useful.

### 3. NOTICE OF MOTION

*That Council:*

- 1. Expresses an absence of support until determined otherwise for the current VicRoads plan of a roundabout (known as Option 1), which is proposed to be situated on the intersection of Nelson St & Great Ocean Rd, Apollo Bay;*
- 2. Expresses concern relating to the following matters regarding the proposed roundabout, Option 1, for the following reasons:*
  - 2.1 A lack of community consultation, in particular with adjacent property owners, but also more broadly with the wider Apollo Bay community.*
  - 2.2 Concern over the significant amount of Foreshore the proposed roundabout would take up.*
  - 2.3 The possibility of negative amenity impacts on the streetscape and adjacent property owners.*
  - 2.4 Problems relating to accessibility for adjacent property owners.*
  - 2.5 The significant cost of the project, when less costly alternatives haven't been fully explored.*
  - 2.6 The lack of opportunity for community members to provide alternatives.*
  - 2.7 Concerns over the potential impact of parking and traffic flow.*
- 3. Will consider its position on the matter in the future, but the official position will be an 'absence of support' until determined otherwise.*
- 4. Requests the following matters are attended to in order to come to a future position on the proposal:*
  - 4.1 Councillors have been fully briefed by VicRoads, at a briefing session of Councillors.*
  - 4.2 All four drafted options produced by VicRoads have been presented at community consultation sessions and to Councillors.*
  - 4.3 A program of community consultations have been established by VicRoads which are accessible to community members.*
  - 4.4 Community consultation must allow members of the community to provide alternative solutions to the intersection, rather than just comment on existing plans.*
  - 4.5 Once these above mentioned matters have been resolved, a report will be presented to a councillor briefing session for consideration.*
- 5. Authorises the Chief Executive to send this motion, with an accompanying letter, to:*
  - 5.1 VicRoads regional director.*
  - 5.2 The Minister for Roads, The Minister for Regional Development, The Minister for Public Transport, The Minister for Environment and Heritage and the equivalent shadow ministers in the State Parliament;*
  - 5.3 The State Member for Polwarth, all state members for Western Victoria Region, and the Federal Members for Corangamite and Wannon.*
- 6. Notes that some community consultation has been undertaken with some key stakeholders, namely Apollo Bay RSL.*

NOTICE OF MOTION

BY

COUNCILLOR Joe McCracken

TAKE NOTICE that it is my intention to move at the Ordinary Council Meeting of the Colac Otway Shire to be held on 27 February 2019.

*That Council:*

1. *Expresses an absence of support until determined otherwise for the current VicRoads plan of a roundabout (known as Option 1), which is proposed to be situated on the intersection of Nelson St & Great Ocean Rd, Apollo Bay.*
2. *Expresses concern relating to the following matters regarding the proposed roundabout, Option 1, for the following reasons:*
  - 2.1. *A lack of community consultation, in particular with adjacent property owners, but also more broadly with the wider Apollo Bay community.*
  - 2.2. *Concern over the significant amount of Foreshore the proposed roundabout would take up.*
  - 2.3. *The possibility of negative amenity impacts on the streetscape and adjacent property owners.*
  - 2.4. *Problems relating to accessibility for adjacent property owners.*
  - 2.5. *The significant cost of the project, when less costly alternatives haven't been fully explored.*
  - 2.6. *The lack of opportunity for community members to provide alternatives.*
  - 2.7. *Concerns over the potential impact of parking and traffic flow.*
3. *Will consider its position on the matter in the future, but the official position will be an 'absence of support' until determined otherwise.*
4. *Requests the following matters are attended to in order to come to a future position on the proposal:*
  - 4.1. *Councillors have been fully briefed by VicRoads, at a briefing session of Councillors.*
  - 4.2. *All four drafted options produced by VicRoads have been presented at community consultation sessions and to Councillors.*
  - 4.3. *A program of community consultations have been established by VicRoads which are accessible to community members.*

Ref: D19/20711

- 4.4 *Community consultation must allow members of the community to provide alternative solutions to the intersection, rather than just comment on existing plans.*
- 4.5 *Once these above mentioned matters have been resolved, a report will be presented to a councillor briefing session for consideration.*
- 5. *Authorises the Chief Executive to send this motion, with an accompanying letter, to:*
  - 5.1 *VicRoads regional director.*
  - 5.2 *The Minister for Roads, The Minister for Regional Development, The Minister for Public Transport, The Minister for Environment and Heritage and the equivalent shadow ministers in the State Parliament.*
  - 5.3 *The State Member for Polwarth, all state members for Western Victoria Region, and the Federal Members for Corangamite and Wannon.*
- 6. *Notes that some community consultation has been undertaken with some key stakeholders, namely Apollo Bay RSL.*

Ref: D19/20711

#### Councillor Comment (optional)

It is clear that the proposed roundabout at the intersection of Nelson Street and Great Ocean Road, Apollo Bay, known as 'Option 1', has caused concern in the Apollo Bay community.

This Notice of Motions seeks place legitimate community concerns on the public record whilst also requesting important information and assurances, which will allow council to come to a more fully considered position on the matter.

There are two separate issues in play here:

1. The traffic management issues relating to this intersection; and,
2. The relocation of the WW1 War Memorial.

VicRoads have fused the two issues together by offering to relocate the WW1 war memorial to a location on the Apollo Bay foreshore, in an attempt to facilitate the construction of a large roundabout.

There is no doubt that the intersection is confusing, especially to visitors to Apollo Bay. But that doesn't mean that a roundabout is necessarily the right solution. To jump to a 'preferred option' of a large roundabout seems premature, especially considering:

- The \$3.5mil cost of the project;
- Less invasive, less costly options haven't been fully explored;
- Community members haven't had a full opportunity to put their options forward;
- The cultural heritage and social significant of the War Memorial; and,
- Colac Otway Shire are undertaking a tourism and parking strategy for Apollo Bay, and this proposal hasn't even seen the results of the study.

VicRoads have conducted some community consultation sessions, namely in October 2018 and February 2019 (the later as a result of community pressure). They have also consulted with other key organisations, such as the local RSL. But the wider community deserve to have their voice heard when this sort of proposal will have a significant impact on the local streetscape and community - and if the proposal is pushed through, it's irreversible.

Given that Nelson Street is a council road, the War Memorial is a place of significant local heritage, and members of the community are raising concerns - Council has a role in this debate.

It's unfortunate that many locals weren't even aware of this proposed roundabout until frustrated locals raised it with councillors and other representatives. Adjacent property owners were not notified of the proposal, either by postage or electronic means. Many local businesses were unaware. A proposal cannot be pushed through when it's suggested impact is significant and relatively few locals are full at aware of its impacts.

We know that change is inevitable. However it has to be the right change, appropriate to our coastal township. We cannot have a situation where a government organisation pushes a preferred option onto us without our community being given a full opportunity to have our say and shape the outcome that best suits us.

Ref: D19/20711

ORDINARY COUNCIL MEETING

# NOTICE OF MOTION – COUNCIL'S MEMBERSHIP OF CORANGAMITE REGIONAL LIBRARY SERVICE

OM192702-10

<b>COUNCILLOR</b>	Stephen Hart
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"><li>1. Notice of Motion No 293 - Cr Stephen Hart - Council's membership of Corangamite Regional Library Corporation</li><li>2. Extract from Corangamite Regional Library Corporation's first annual report</li><li>3. Page 19, Revised Council Plan, 2017-2021</li><li>4. Page 27, Creative Colac Otway Arts and Culture Strategy 2018-2022</li></ol>

## 1. COUNCILLOR COMMENT (OPTIONAL)

The Corangamite Regional Library Service was initially formed in 1967 and grew to serve 13 local government areas. Following Council amalgamations in 1994, the Service became the Corangamite Regional Library Corporation (CRLC) effective 1 January 1996. Since 1996 CRLC has provided the library services for four municipalities, Colac Otway, Corangamite, Moyne and Warrnambool. An extract from the CRLC's first annual report is attached as it outlines some of the history of the organisation.

Modern library services have changed significantly since 1996 with internet use, digital books, provision of programs across all age groups including homework clubs and computer games being some of the services that different libraries provide.

The review of the provision of library services has been identified as an action in the Council Plan 2017 – 2021 and the Creative Colac Otway Arts and Culture strategy 2018-2022.

Warrnambool Council has been pursuing a joint use library arrangement with TAFE since around 2010, possibly earlier. That issue prompted Council to consider the ongoing viability of CRLC and led to discussion as to whether Council might become a member of Geelong Regional Library Corporation (GRLC). Whilst this was an initial prompt to consider the issue, Council now needs to consider whether there are advantages to move to GRLC regardless of what Warrnambool Council does with the management of their library service.

Colac Otway Shire Council have made some initial enquires with Geelong Regional Library Corporation. The collection size of GRLC is about 421,670 compared to CRLC with about 142,221. GRLC has specialist staff in the areas of children & youth, events & programs and marketing within its structure. It is understandable that the smaller organisation of CRLC isn't able to have such a diversity.



Initial enquiries have resulted in Geelong Regional Library Corporation saying, in effect, that they are open to the discussion of Colac Otway Shire becoming a member so that library services are managed by that Corporation rather than CRLC. Council has also made some initial cost estimates and they indicate there will be extra costs in terms of moving from CRLC to Geelong Regional Library Corporation. However, until there is more of a clear proposal it is difficult to assess precise costs.

The suggestion in this resolution is that there needs to be a more detailed investigation of the various issues that would be involved in Colac Otway Shire Council moving from Corangamite Regional Library Service to Geelong Regional Library Service and a process of public consultation will need to occur. The proposal is that the Council Chief Executive arrange for this investigation, with a view to initially bringing it back to a Council briefing.

There will need to be a process of public consultation. This resolution calls for a consultation plan which will need to provide guidance on the timing and way that should occur.

Under the current Agreement, Colac Otway Shire Council has to give Corangamite Regional Library Corporation twelve months' notice that it is leaving the Corporation. If, after public consultation, Council does eventually decide to leave and join Geelong Regional Library Corporation, the commencement date is likely to be more than a year away.

Nothing in this resolution is a decision to actually leave Corangamite Regional Library Corporation. Any such decision would need to be made at a future Council meeting.

Attachment 1: Extract from Corangamite Regional Library Corporation's first annual report

Attachment 2: Page 19, Revised Council Plan, 2017-2021

Attachment 3: Page 27, Creative Colac Otway Arts and Culture Strategy 2018-2022

## 2. OFFICER COMMENT

### **General Manager, Infrastructure & Leisure Services**

The Corangamite Regional Library Corporation (CRLC) currently operates library services in the Colac Otway Shire, Corangamite Shire, Moyne Shire and Warrnambool City Council. Within the Colac Otway Shire their services include the Colac and Apollo Bay libraries and mobile services to eight rural sites across the municipality.

The corporation is currently undertaking a sustainability review considers the future shape and direction for the service within the region and the corporation's capacity to meet community needs for a modern library service. It is anticipated that this review will be completed within the coming months.

Colac Otway Shire has library services noted specifically in a number of strategy documents noted below.

### **Colac Otway Arts and Culture strategy**

- Goal three - library services are accessible and respond to our communities needs and interests

### **Council Plan 2017-2021**

- **Theme - Our community**
  - **Goal** - Opportunities for the community to participate in lifelong learning
    - Measure - Completion of the review of the structure for provision of library services for the Shire.

The strategic actions noted above are consistent with the notice of motion in that they seek to review the current service and deliver the best service for the Colac Otway community

### 3. NOTICE OF MOTION

*That Council:*

- 1. Notes that a review of the provision of library services is identified in Council Plan 2017 – 2021 and the Creative Colac Otway Arts and Culture strategy 2018 – 2022,*
- 2. Notes that initial enquires have been made by Council about the possibility of Council changing its membership from Corangamite Regional Library Corporation to Geelong Regional Library Corporation,*
- 3. Notes that Geelong Regional Library Corporation has indicated that it is prepared to enter into a discussion as to whether Colac Otway Shire Council could become a member of Geelong Regional Library Corporation,*
- 4. Endorse the commencement of a more detailed investigation of the financial, governance, human resource and legal and service implications of such an arrangement.*
- 5. Requests that the Chief Executive brief Council on the outcome of the investigation*
- 6. Requests that the Chief Executive prepare a consultation plan giving consideration to the outcomes of 4 and 5.*
- 7. Requests that the Chief Executive brief Council on the outcome of all activities including negotiations with Geelong Regional Library Corporation and consultation with the community, with recommendations for next steps.*

NOTICE OF MOTION No. 293 - 18/19  
Notion of Motion – Council's membership of Corangamite Regional Library Service

NOTICE OF MOTION

BY

COUNCILLOR Stephen Hart

Please note that I intend to move the following resolution at the February 2019 Council meeting.

*That Council:*

1. *Notes that a review of the provision of library services is identified in Council Plan 2017 – 2021 and the Creative Colac Otway Arts and Culture strategy 2018 – 2022,*
2. *Notes that initial enquires have been made by Council about the possibility of Council changing its membership from Corangamite Regional Library Corporation to Geelong Regional Library Corporation,*
3. *Notes that Geelong Regional Library Corporation has indicated that it is prepared to enter into a discussion as to whether Colac Otway Shire Council could become a member of Geelong Regional Library Corporation,*
4. *Endorse the commencement of a more detailed investigation of the financial, governance, human resource and legal and service implications of such an arrangement.*
5. *Requests that the Chief Executive brief Council on the outcome of the investigation*
6. *Requests that the Chief Executive prepare a consultation plan giving consideration to the outcomes of 4 and 5.*
7. *Requests that the Chief Executive brief Council on the outcome of all activities including negotiations with Geelong Regional Library Corporation and consultation with the community, with recommendations for next steps.*

Ref: D19/18250

#### Councillor Comment (optional)

The Corangamite Regional Library Service was initially formed in 1967 and grew to serve 13 local government areas. Following Council amalgamations in 1994, the Service became the Corangamite Regional Library Corporation (CRLC) effective 1 January 1996. Since 1996 CRLC has provided the library services for four municipalities, Colac Otway, Corangamite, Moyne and Warrnambool. An extract from the CRLC's first annual report is attached as it outlines some of the history of the organisation.

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Warrnambool Council has been pursuing a joint use library arrangement with TAFE since around 2010, possibly earlier. That issue prompted Council to consider the ongoing viability of CRLC and led to discussion as to whether Council might become a member of Geelong Regional Library Corporation (GRLC). Whilst this was an initial prompt to consider the issue, Council now needs to consider whether there are advantages to move to GRLC regardless of what Warrnambool Council does with the management of their library service.

Colac Otway Shire Council have made some initial enquires with Geelong Regional Library Corporation. The collection size of GRLC is about 421,670 compared to CRLC with about 142,221. GRLC has specialist staff in the areas of children & youth, events & programs and marketing within its structure. It is understandable that the smaller organisation of CRLC isn't able to have such a diversity.

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The suggestion in this resolution is that there needs to be a more detailed investigation of the various issues that would be involved in Colac Otway Shire Council moving from Corangamite Regional Library Service to Geelong Regional Library Service and a process of public consultation will need to occur. The proposal is that the Council Chief Executive arrange for this investigation, with a view to initially bringing it back to a Council briefing.

There will need to be a process of public consultation. This resolution calls for a consultation plan which will need to provide guidance on the timing and way that should occur.

Under the current Agreement, Colac Otway Shire Council has to give Corangamite Regional Library Corporation twelve months' notice that it is leaving the Corporation. If, after public consultation, Council does eventually decide to leave and join Geelong Regional Library Corporation, the commencement date is likely to be more than a year away.

Nothing in this resolution is a decision to actually leave Corangamite Regional Library Corporation. Any such decision would need to be made at a future Council meeting.

Ref: D19/18250

- Attachment 1: Extract from Corangamite Regional Library Corporation's first annual report  
Attachment 2: Page 19, Revised Council Plan, 2017-2021  
Attachment 3: Page 27, Creative Colac Otway Arts and Culture Strategy 2018-2022

Ref: D19/18250

## ATTACHMENT : 1

### INTRODUCTION

The Corangamite Regional Library Service was formed on October 1, 1967, and grew over the years to represent 13 local government areas. Following Victorian municipal restructuring the Library Service became a Corporation on January 1, 1996. The Board comprises one Councillor and one Director from each of the member Councils - Colac Otway, Corangamite, Moyne and Warrnambool.

The first year of the Corporation has been one of strategic planning with the development and adoption of a 3 year Corporate Plan and Business Plan. Particular emphasis in the Corporate Plan has been placed on the quality of service delivered by the Corporation and the investment in new technology.

The Service operates through 10 libraries, a mobile library which travels to outlying areas, and 2 home service vans which provide library service to the elderly, house-bound and disabled residents.

The wide range of resources available within the Region are supplemented by the Australia-wide inter-library loan system and the State Library of Victoria reference support service for public libraries, VISioN. Reciprocal use and lending agreements exist between all Victorian public libraries.

Plans are well developed to provide access to the Internet through public libraries using VICNET and Access One.

During the accounting period, the subject of this report, the library financial statement shows a cash deficit of approximately \$9,000. This result was due to a settlement of equity to the Surf Coast Shire when Winchelsea and Lorne residents transferred to the Surf Coast Shire.

The year ahead provides many challenges as the new Corporation complies with the provisions of the Local Government Act 1989.

CR. PETER MERCER  
Chairman



Our Community - What we want to see by 2021

What is our Goal?	Actions – how will we get there?	Role Council	Measures – how will you measure our progress?
1. Increase social connection opportunities and community safety.	1. Support community organisations through the community grants program.	Partner	• Number of groups supported to provide inclusive initiatives.
2. Connect people through events and activities.	2. Support community clubs, groups and associations to provide welcoming and inclusive environments for all members of our community within council facilities.	Service provider	
	3. Provide grant programs to involve local people in activities that facilitate their health, wellbeing and enjoyment.	Facilitator	• Number of community activities and numbers of people who attend.
	4. Supports community activities through information dissemination and planning information.	Facilitator	
3. Opportunities for the community to participate in lifelong learning.	5. Provide opportunities for lifelong learning and community connections through library programs.	Service provider	• Library program attendances.
	6. Support for community groups.		• Grants and in-kind support awarded to groups involved in lifelong learning.
4. Provision of resources to support physical activity by the community.	7. Deliver programs through the Bluewater Centre that promote physical activity in the Shire.	Partner	• Completion of the review of the structure for provision of library services for the Shire.
	8. Build capacity of local sports groups in promoting healthy eating and physical activity.	Service provider	• Ongoing and effective implementation of the Municipal Public Health and Wellbeing Plan.
	9. Encourage more people to participate and be inclusive of others.	Facilitator	• Review the Colac-Otway Shire Physical Activity Strategy.
	10. Participate in the G21 Healthy Eating and Active Living regional priority project.		• Participation rate at Bluewater Centre.
	11. Consider health of the community when formulating policy for Council's Property Strategy.		• Increased membership in local sporting groups with increased diversity of membership.
5. Foster an inclusive community.	12. Increase advocacy in partnership with our community to enhance cultural awareness, inclusiveness, safety and health, community, family and education.	Partner	• Increase in healthy food options in Council facilities.
		Facilitator	• Increase in healthy food options in local sporting groups.
			• Review social issues such as availability of alcohol and gambling machines when considering policy for Council property.
			• Access, Equity and Inclusion Action Plan prepared and implemented.
			• Council services are inclusive and accessibility barriers are addressed.



GOAL 3: LIBRARY SERVICES ARE ACCESSIBLE AND RESPOND TO OUR COMMUNITIES NEEDS AND INTERESTS		
Strategies		Role of Council
2.3.1	Review best practice & service delivery models for libraries, ensuring leadership and governance works collaboratively with Council	Service Provider
2.3.2	Ensure library services integrate a broad range of technology and delivery methods	Leader
2.3.3	Support library services to deliver public programs	Service Provider



ORDINARY COUNCIL MEETING  
**NOTICE OF MOTION –**  
**PERMANENCY AND REUNION RIGHTS FOR REFUGEES**  
**LIVING AND WORKING IN OUR COMMUNITY**  
OM192702-11

<b>COUNCILLOR</b>	Brian Crook
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"><li>1. Notice of Motion No 294 - Cr Brian Crook - Permanency and Reunion Rights for Refugees Living and Working in our Community</li><li>2. Notice of Motion - Cr Crook - Khadim Hussain - Support Letter from ALC - Attachment</li></ol>

## 1. COUNCILLOR COMMENT (OPTIONAL)

Colac Otway Shire is a Refugee Welcome Zone (since June 2014)

Colac Otway Shire is a dedicated area for SHEV's (Safe Haven Enterprise Visas)

Colac Otway Shire has recently been declared part of DAMA (Designated Area for Migration Agreement)

Colac Otway is a small community and is very fortunate to have the diversity of 3 major industries, namely, Bulla, AKD and ALC. The big challenge for this community is to attract, retain and house employees to service these industries, especially ALC. A key to this as far as refugees are concerned is the uncertainty around different visa conditions and the facilitation of the family unit, which by extension goes to permanency and re-unification of refugee families. It is a costly exercise for ALC to have a high turnover of staff. It is estimated that it costs \$3,000 per employee, so high turnover is a significant strain on the bottom line.

Khadim Hussain has worked at ALC for 5 years and has a wife and 3 children living in Pakistan. Khadim is an Hazara man and as such, is part of a persecuted ethnic group by the Taliban and others in both his native country of Afghanistan and the family's place of exile in Quetta, Pakistan. This, in short, is why he had to flee and eventually made his way to Australia, arriving on Christmas Is on May 19th 2012.

Many refugees who arrived by boat before August 13th, 2012 have achieved permanency and family reunion rights. This opportunity was closed in December 2014 when the Federal Government barred all people who arrived by boat, irrespective of timing, from gaining access to permanency and family reunion rights.

Khadim was occupied with returning to Pakistan, at great risk, to visit his family and missed the opportunity to gain permanency and family reunion rights. He was granted a Temporary Protection Visa on 8th September, 2016, a year after he was declared a genuine refugee. This Visa expires on 8th September 2019 with the condition "no further stay". This situation is creating much insecurity and uncertainty.

It is difficult to understand this condition on his visa given the Administrative Appeals Tribunal finding on the 10th September 2015 that Khadim ...”has a real chance of serious harm both now and in the reasonably foreseeable future....The Tribunal is satisfied that the applicant is a person in respect of whom Australia has protection obligations under the Refugees Convention.”

Australian Lamb Company have written a very supportive reference for Khadim. ALC wish to retain Khadim as a valued employee and know the best way for this to occur is through permanency and the reunification with his family. Now that Colac Otway Shire is part of the Designated Area Migration Agreement and as Colac Otway has been a declared Refugee Welcome Zone, it is appropriate for this Council to support Khadim in his quest to gain permanency and family reunion rights.

Khadim is an example of why we need a DAMA. The SouthWest Coast Shires and Colac Otway are only the second declared DAMA region in Australia. This was established largely because of labour shortages in certain industries with the challenge of how best to attract and retain employees, especially the meat processing industry. A DAMA seeks flexibility to respond to a region’s local economic and labour market needs and conditions. DAMA’s seek to also provide pathways to permanent residence as major incentives to attract and retain overseas workers in the region. It is surely simple to make the case that many workers are here. The challenge is to fix their visas so that they can stay, especially those who have been here for a number of years.

This Council should be supportive of ALC whose business is dependent on immigrants, refugees and other employees on special working visa classifications. Khadim has earned respect as a potential worthy citizen of this country and naturally wants to be with his family, in Colac. He has been a leader of and advocate for his fellow countrymen living in Colac. He has paid his taxes, upwards of \$100,000 in the last five years. He has initiated the formation of a soccer team with the Otway Rovers soccer club and attends meetings of Colac’s Multicultural Network.

Khadim has demonstrated his worthiness. The question is how long must he be punished through the harshness of his visa, denying him permanency and reunification with his family? How long must companies like ALC be punished with high turnover due to the short comings of short term temporary protection visas?

Khadim Hussain adds value to our diversity and is worthy of the Colac Otway Shire’s support/advocacy for permanency and to be reunited with his family in Colac.

This Notice of Motion is also consistent with the aim of the Review into Integration, Employment and Settlement Outcomes for Refugees and Humanitarian Entrants commissioned in December 2018 by the Department of Prime Minister and Cabinet. The stated aim of this review....”will provide advice to the Government on how to better support refugees and humanitarian entrants to make valuable contributions to our social fabric and our economy. In addition the review should look at the significant barriers to success.” Submissions closed 15th January, 2019 with the report to Government by February, 2019.

Khadim Hussain is an example of why we need to make some changes to existing policies, conditions of visas and attitudes to permanency and family reunion rights, especially for those who have lived here for some time. These changes will only be a positive for our economy, community and for the long serving and suffering refugees who, it must be remembered, have committed no crime.

## 2. OFFICER COMMENT

### Chief Executive

From time to time, a request is made of Colac Otway Shire Council for a letter in support of an individual’s bid to gain permanent residency in Australia. No two requests or sets of circumstances are the same. Such a request, when received by Council administration, is brought to the attention of the Mayor.

A council's consideration of a request of this nature must be careful to take into account the privacy of the individual and his/her family members' privacy. A decision must be made by the Chief Executive about whether the item is considered in an open council meeting, or in closed session. In this instance, Cr Crook has stated that Khadim Hussain is comfortable to have Cr Crook's Notice of Motion considered in open council. Should any Councillor wish for the matter to be considered in closed session, a motion may be put to this effect during the meeting in accordance with Governance Local Law 4.

### 3. NOTICE OF MOTION

***That Council:***

- 1. Authorises the Chief Executive to write to the following Politicians, including the background information provided in the Councillor Comment of this report and the letter of support from ALC, referencing points 2 – 7 of this motion and seeking permanency and family reunion rights for Khadim Hussain and his family.***
  - 1.1 Scott Morrison – PM***
  - 1.2 Bill Shorten - Opposition Leader***
  - 1.3 Dan Tehan MP - Member for Wannon***
  - 1.4 Sarah Henderson MP - Member for Corangamite***
  - 1.5 David Coleman MP - Minister for Immigration, Citizenship and Multicultural Affairs***
  - 1.6 Peter Dutton MP - Minister for Home Affairs***
  - 1.7 Shayne Neumann MP - Shadow Minister for Immigration and Border Protection***
  - 1.8 Libby Coker - Labor Candidate for Corangamite***
  - 1.9 Maurice Billi – Labor Candidate for Wannon***
- 2. Notes the consistency of this motion with the aims of the Prime Minister and Cabinet's latest review into Integration, Employment, and Settlement Outcomes for Refugees and Humanitarian Entrants by improving supports for refugees to improve employment outcomes which will benefit individuals, communities and strengthen the economy.***
- 3. Notes the consistency of this motion with the aims of the South West DAMA (Designated Area for Migration Agreement).***
- 4. Notes that Khadim Hussain has lived in Australia for almost 7 years and lived and worked in Colac for 5 years.***
- 5. Notes the Administrative Appeals Tribunal finding in 2015 that Khadim Hussain is worthy of protection in Australia as it is too dangerous for him to return to Afghanistan or Pakistan.***
- 6. Notes ALC's support for Khadim Hussain's claim for permanency and family reunion rights and supports ALC in its pursuit of more security and sustainability for its workforce.***
- 7. Understands the significance of the expiry of Khadim Hussain's visa in September this year and the associated concern regarding the "no further stay" clause. This is contrary to points 2, 3, 5 and 6 and contrary to humane treatment of refugees.***

NOTICE OF MOTION

BY

COUNCILLOR Brian Crook

TAKE NOTICE that it is my intention to move at the Ordinary Council Meeting of the Colac Otway Shire to be held on 27 February 2019.

***That Council:***

1. *Authorises the Chief Executive to write to the following Politicians, including the background information provided in the Councillor Comment of this report and the letter of support from ALC, referencing points 2 – 7 of this motion and seeking permanency and family reunion rights for Khadim Hussain and his family.*
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  - 1.9 *Maurice Billi – Labor candidate for Wannon*
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6. *Notes ALC's support for Khadim Hussain's claim for permanency and family reunion rights and supports ALC in its pursuit of more security and sustainability for its workforce.*
7. *Understands the significance of the expiry of Khadim Hussain's visa in September this year and the associated concern regarding the "no further stay" clause. This is contrary to points 2, 3, 5 and 6 and contrary to humane treatment of refugees.*

Ref: D19/18131



**Councillor Comment (optional)**

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It is difficult to understand this condition on his visa given the Administrative Appeals Tribunal finding on the 10th September 2015 that Khadim ... "has a real chance of serious harm both now and in the reasonably foreseeable future....The Tribunal is satisfied that the applicant is a person in respect of whom Australia has protection obligations under the Refugees Convention."

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Khadim is an example of why we need a DAMA. The SouthWest Coast Shires and Colac Otway are only the second declared DAMA region in Australia. This was established largely because of labour shortages in certain industries with the challenge of how best to attract and retain employees, especially the meat processing industry. A DAMA seeks flexibility to respond to a region's local economic and labour market needs and conditions. DAMA's seek to also provide pathways to permanent residence as major incentives to attract and retain overseas workers in the region. It is surely simple to make the case that many workers are here. The challenge is to fix their visas so that they can stay, especially those who have been here for a number of years.

Ref: D19/18131



This Council should be supportive of ALC whose business is dependent on immigrants, refugees and other employees on special working visa classifications. Khadim has earned respect as a potential worthy citizen of this country and naturally wants to be with his family, in Colac. He has been a leader of and advocate for his fellow countrymen living in Colac. He has paid his taxes, upwards of \$100,000 in the last five years. He has initiated the formation of a soccer team with the Otway Rovers soccer club and attends meetings of Colac's Multicultural Network.

Khadim has demonstrated his worthiness. The question is how long must he be punished through the harshness of his visa, denying him permanency and reunification with his family? How long must companies like ALC be punished with high turnover due to the short comings of short term temporary protection visas?

Khadim Hussain adds value to our diversity and is worthy of the Colac Otway Shire's support/advocacy for permanency and to be reunited with his family in Colac.

This Notice of Motion is also consistent with the aim of the Review into Integration, Employment and Settlement Outcomes for Refugees and Humanitarian Entrants commissioned in December 2018 by the Department of Prime Minister and Cabinet. The stated aim of this review...."will provide advice to the Government on how to better support refugees and humanitarian entrants to make valuable contributions to our social fabric and our economy. In addition the review should look at the significant barriers to success." Submissions closed 15th January, 2019 with the report to Government by February, 2019.

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Ref: D19/18131



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Australia 3250 Web: www.austlambco.com.au

27.12.2018

To The Hon Dan Tehan MP,

Re: Khadim Hussain

I Jo McMahon, the Human Resources Manager at Australian Lamb Colac (ALC), am writing to you on behalf of ALC to express our support for Khadim Hussain to assist him to get permanency and family reunion rights. I have worked with Khadim since 2013.

Throughout Khadim's time working at ALC he has shown a strong work ethic, has gained the respect of others and demonstrated an ability to lead. Khadim's display of these skills early on lead him to excel and be offered a position as a Team Leader in 2015, managing the evening shift in the Skins Department.

The Team Leader role involves Khadim to manage the day to running of the team in a complexed, fast pace environment. He requires good time management, an understanding of quality and most importantly always promotes a safe work environment. These requirements can be demanding and requires a person with good values that can gain and give respect. Khadim meets these requirements.

Khadim plays a large part in the local community assisting with soccer coaching, supporting the local neighborhood house activities and being recognised as a leader in the local Afghani community. It is not every day that you come across such a community minded person and a dedicated worker.

ALC finds it extremely difficult to continue to meet its staffing requirements which is currently at 800 people. The plant is situated in regional Victoria and is heavily reliant of temporary Visa's to meet the manning requirements. ALC has played a large part in many recruitment projects that have be supported by local, state and federal governments, including campaigning for gaining access to the Designated Area Migration Agreement (DAMA).

Stated in the press release for the DAMA on the 10<sup>th</sup> of December 2018, Minister for Immigration, Citizenship and Multicultural Affairs David Coleman said the Government is committed to supporting the skills needs of regional Australia where Australian workers are not available to fill those jobs. ALC will utilise the DAMA to fill our manning gaps and reduce the reliance on temporary Visa's but is frustrated that we currently have good people like Khadim that work for us, that find in difficult to cope with continued pressures and uncertainty around permanency and family reunion. I cannot imagine how distressing this would be.



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PO Box 583 Mobile +61 044 889 6666  
Colac, Victoria Email: jomcmahon@alcolac.com.au  
Australia 3250 Web: www.austlambco.com.au

Khadim is a dedicated, respected member of ALC and I cannot express the injustice it would be should such a hardworking gentleman be denied access to his family when he has been a model citizen. When regional Victoria is working so hard on gaining skilled employees, it does not seem just to lose someone like Khadim. If you would like any further information on Khadim's employment history, please contact myself and I hope that the support shown to Khadim can only have a positive outcome.

Regards,

Jo McMahon  
Human Resources Manager  
Australian Lamb Colac

ORDINARY COUNCIL MEETING  
**NOTICE OF MOTION –  
LIBRARY ANNEXE**  
OM192702-12

**COUNCILLOR** Brian Crook

**ATTACHMENTS** 1. Notice of Motion No 295 - Cr Brian Crook - Library Annexe

### 1. COUNCILLOR COMMENT (OPTIONAL)

Council at its May 23rd 2018 meeting moved the motion below with the expressed intent that the Library Annexe be used for community purposes in the first instance.

Resolution from 23 May 2018 Ordinary Council Meeting:

1. *That the Council continue with the refurbishment of the Library Annexe.*
2. *That Council officers develop a policy for consideration by the Council, relating to the future of the Library Annexe and incorporating the following principles:*
  - a. *Priority use of the Library Annexe be for community purposes free of charge.*
  - b. *The Library Annexe may be used for Council purposes provided that such use is booked no more than one month in advance.*
  - c. *That a booking system be maintained.*
  - d. *That the Council retains the ability to rent the Library Annexe on a commercial basis, subject to (a) and (b) above.*
  - e. *That Council may in the future consider the Library Annexe to be incorporated into an extension of COPACC.*

Recently the Creative Colac Otways Inc were given access to 139 Murray St, Sarah Henderson's former electoral office. However, as of 28th February, they must vacate the premises.

With the success of their recent activities, Creative Colac Otways Inc are seeking a home to further develop their offerings which is consistent with Colac Otway's Arts and Culture Strategy 1.1.6 "Identify solutions to provide appropriate visual arts programming and exhibitions."

In the short time they were based at the Murray St shop, Creative Colac Otways Inc recruited 16 new members.

The group has expressed a desire to find a space to continue the work started at 139 Murray St. The space would require a level of exclusivity, given the need to protect art works and equipment. Their view is that the Library Annexe would create this opportunity and they would be keen to explore the option of a 12 month trial period.

## 2. OFFICER COMMENT

### General Manager, Infrastructure & Leisure Services

At its December 2015 meeting, Council resolved to close the library annexe as of 1 July 2016. This closure was followed up by a subsequent motion on the 28 June meeting 2017 to seek public feedback on how to best use the now vacant space. Council at its May 23 meeting 2018 considered the community feedback which included 33 submissions and resolved to undertake the following:

1. *That the council continue with the refurbishment of the Library Annexe*
2. *That council officers develop a policy for consideration by the council, relating to the future of the library Annex and incorporating the following principles:*
  - a. *Priority use of the Library Annexe be for community purposes free of charge.*
  - b. *The Library Annexe may be used for Council purposes provided that such use is booked no more than one month in advance.*
  - c. *That a booking system is maintained.*
  - d. *That the Council retains the ability to rent the Library Annexe on a commercial basis subject to (a) and (b) above.*
  - e. *That council may in the future consider the Library Annexe to be incorporated into an extension of COPACC.*

The refurbishment works for the Annexe are due to commence in the coming months with designs now being confirmed with a projected opening prior to the end of the financial year.

Creative Otways Inc. have sought exclusive access to the space following the success of a recent pop up exhibition at the former electoral office of Sarah Henderson MP's at 139 Murray St, unfortunately the group have been advised that the shopfront has been leased out and must now move. In addition to the space provided by Sarah Henderson MP, the Colac Otway Shire has provided Creative Otways Inc. a grant of \$7600 in the 18/19 financial year which was largely to support the rental of a pop up gallery / artist studio trial which has now been achieved.

Following the success the group are now seeking a sustainable venue to continue their work and have identified the library annex. Consultation with the group has indicated that due to the nature of the artwork and equipment security exclusive usage will be required the majority of the time.

The lack of a dedicated visual arts exhibition spaces was identified in the Creative Colac Otway Arts Strategy 2018 – 2022 and the provision of the Library Annexe on a year trial will provide this opportunity whilst not committing the organisation to a capital or ongoing recurrent expenditure.

It is suggested that the group should be invited to a Councillor Briefing to outline this proposal.

### 3. NOTICE OF MOTION

*That Council:*

- 1. Rescind the 23rd May Notice of Motion.*
- 2. Continue with the refurbishment of the former Library Annexe.*
- 3. Enter into an agreement with Creative Colac Otways Inc for the exclusive use of the former Library Annexe for a trial period of 12 months.*
- 4. Apply a rental charge that is consistent with Council's leasing policy for community service groups.*
- 5. Create in partnership with Creative Colac Otways Inc a plan that captures community usage of the space and a record of activities with numbers of people attending.*
- 6. Register any other interest in the space during the trial period.*
- 7. Receive a report 2 months prior to the agreement conclusion outlining the group's initiatives and an evaluation of the trial period.*
- 8. Contact Creative Colac Otways Inc within a week of this NOM to make arrangements for the commencement of the 12 months trial.*



NOTICE OF MOTION

BY

COUNCILLOR Brian Crook

TAKE NOTICE that it is my intention to move at the Ordinary Council Meeting of the Colac Otway Shire to be held on 27 February 2019.

*That Council:*

- 1. Rescind the 23rd May Notice of Motion.*
- 2. Continue with the refurbishment of the former Library Annexe.*
- 3. Enter into an agreement with Creative Colac Otways Inc for the exclusive use of the former Library Annexe for a trial period of 12 months.*
- 4. Apply a rental charge that is consistent with Council's leasing policy for community service groups.*
- 5. Create in partnership with Creative Colac Otways Inc a plan that captures community usage of the space and a record of activities with numbers of people attending.*
- 6. Register any other interest in the space during the trial period.*
- 7. Receive a report 2 months prior to the agreement conclusion outlining the group's initiatives and an evaluation of the trial period.*
- 8. Contact Creative Colac Otways Inc within a week of this NOM to make arrangements for the commencement of the 12 months trial.*

Ref: D19/20176

**Councillor Comment (optional)**

Council at its May 23rd 2018 meeting moved the motion below with the expressed intent that the Library Annexe be used for community purposes in the first instance.

Resolution from 23 May 2018 Ordinary Council Meeting:

1. *That the Council continue with the refurbishment of the Library Annexe.*
2. *That Council officers develop a policy for consideration by the Council, relating to the future of the Library Annexe and incorporating the following principles:*
  - a. *Priority use of the Library Annexe be for community purposes free of charge.*
  - b. *The Library Annexe may be used for Council purposes provided that such use is booked no more than one month in advance.*
  - c. *That a booking system be maintained.*
  - d. *That the Council retains the ability to rent the Library Annexe on a commercial basis, subject to (a) and (b) above.*
  - e. *That Council may in the future consider the Library Annexe to be incorporated into an extension of COPACC.*

Recently the Creative Colac Otways Inc were given access to 139 Murray St, Sarah Henderson's former electoral office. However, as of 28th February, they must vacate the premises.

With the success of their recent activities, Creative Colac Otways Inc are seeking a home to further develop their offerings which is consistent with Colac Otway's Arts and Culture Strategy 1.1.6 "Identify solutions to provide appropriate visual arts programming and exhibitions."

In the short time they were based at the Murray St shop, Creative Colac Otways Inc recruited 16 new members.

The group has expressed a desire to find a space to continue the work started at 139 Murray St. The space would require a level of exclusivity, given the need to protect art works and equipment. Their view is that the Library Annexe would create this opportunity and they would be keen to explore the option of a 12 month trial period.

Ref: D19/20176

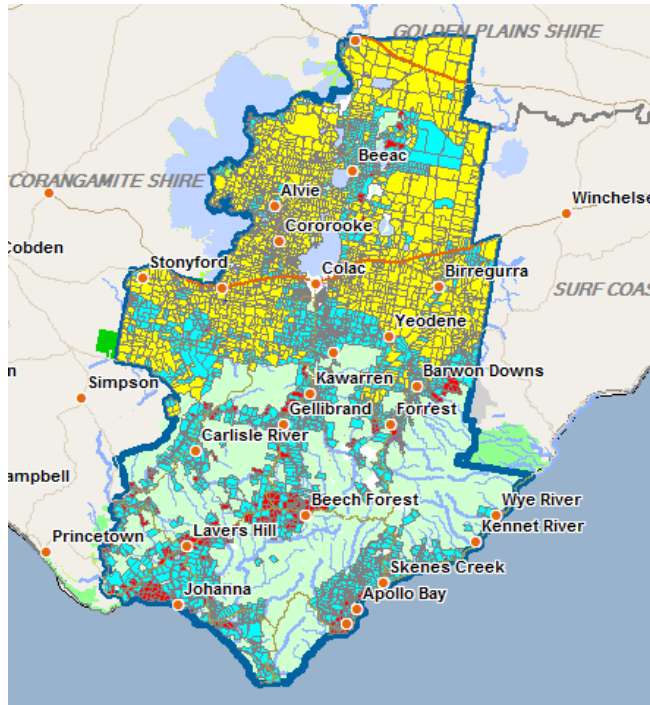
ORDINARY COUNCIL MEETING

# OLD BEECHY RAIL TRAIL MINUTES AND ASSEMBLY OF COUNCILLORS NOTES

OM192702-13

<b>LOCATION / ADDRESS</b>	Whole of municipality	<b>GENERAL MANAGER</b>	Errol Lawrence
<b>OFFICER</b>	Lyndal McLean	<b>DIVISION</b>	Corporate Services
<b>TRIM FILE</b>	F18/7487	<b>CONFIDENTIAL</b>	No
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"> <li>1. Assembly of Councillors - Councillor Briefing - 21 January 2019</li> <li>2. Assembly of Councillors - Colac Regional Saleyards Advisory Committee Meeting - 20190125</li> <li>3. Assembly of Councillors - Lake Colac Advisory Committee - 29 January 2019</li> <li>4. Assembly of Councillors - Councillor Briefing - 30 January 2019</li> <li>5. Assembly of Councillors - Ordinary Council Meeting Preparation - 30 January 2019</li> <li>6. Assembly of Councillors Record - Central Reserve Advisory Committee 20190206</li> <li>7. Assembly of Councillors - Councillor Briefing - 6 February 2019</li> <li>8. Assembly of Councillors - Councillor Briefing - 13 February 2019</li> <li>9. Meeting Minutes - Old Beechy Rail Trail Committee - 4 December 2018 - Confirmed</li> </ol>		
<b>PURPOSE</b>	To report the minutes of the Old Beechy Rail Trail and report the Assemblies of Councillors.		

## 1. LOCATION PLAN / AERIAL PHOTO



## 2. EXECUTIVE SUMMARY

### ASSEMBLIES OF COUNCILLORS

The *Local Government Act 1989* requires that records of meetings which constitute an Assembly of Councillors be reported at the next practicable meeting of Council and incorporated in the minutes of the Council meeting. All relevant meetings have been recorded, documented and will be kept by Council for 4 years. The attached documents provide details of those meetings held that are defined as an Assembly of Councillors.

### OLD BEECHY RAIL TRAIL COMMITTEE MINUTES

Colac Otway Shire formed the Old Beechy Rail Trail Committee (OBRTC) on 26 September 2001. The OBRTC was conferred as a Section 86 Committee under the *Local Government Act 1989* and delegated the functions, duties and powers set forth in the schedule titled Old Beechy Rail Trail Committee Charter. The Charter was developed as the basis of the Instrument of Delegation to be used by the Old Beechy Rail Trail Committee.

The Old Beechy Rail Trail Committee Charter states that:

- “Minutes of the Old Beechy Rail Trail Committee should be included in the Council agenda once any confidential items have been identified and the minutes have been confirmed by the Committee” (Item 6.1.1).
- “Confidential minutes of the Old Beechy Rail Trail Committee are to be included in an In-Committee agenda of Council” (Item 6.1.2).

### 3. REPORTING

1. *The Assemblies of Councillors are reported herewith.*
2. *The minutes of the Old Beechy Rail Trail Committee for 4 December 2018 are reported herewith.*

*The Local Government Act 1989 does not require a Council decision.*

### 4. DETAILS

The following assemblies of Councillors have been held and are attached to this report:

Councillor Briefing	21 January 2019
Colac Regional Saleyards Advisory	25 January 2019
Lake Colac Advisory Committee	29 January 2019
Councillor Briefing	30 January 2019
Ordinary Council Meeting Preparation	30 January 2019
Central Reserve Advisory Committee	6 February 2019
Councillor Briefing	6 February 2019
Councillor Briefing	13 February 2019

The following minutes of the Old Beechy Rail Trail Committee are attached to this report:

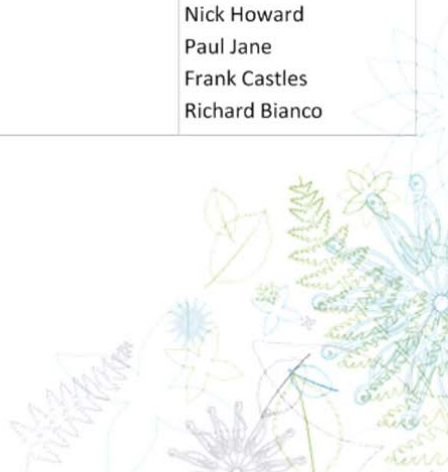
Old Beechy Rail Trail Committee	4 December 2018
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### 5. OFFICER DIRECT OR INDIRECT INTEREST

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

## Assembly of Councillors

<b>INVITEES:</b> Cr Smith, Cr Hanson, Cr Hart, Cr Schram, Cr Potter, Cr McCracken, Cr Crook, Peter Brown, Jeremy Rudd, Errol Lawrence, Peter Macdonald		
<b>ATTENDEES:</b> Cr Hart, Cr Schram, Cr Potter, Cr McCracken, Cr Crook, Peter Brown, Errol Lawrence, Jeremy Rudd, Peter Macdonald, Sarah McKew, Toni Saunders, Jason Clissold, Alison Martin, Melanie Duvé, Nick Howard, Nick Welsh, Frank Castles, Paul Jane, Richard Bianco, Paul Carmichael, Sarah Osborne		
<b>EXTERNAL ATTENDEES:</b> Nil		
<b>APOLOGIES:</b> Cr Hanson		
<b>ABSENT:</b> Cr Smith		
Meeting commenced at 9:05am		
Declarations of Interest	Item	Reason
Nil		
<b>Councillor Briefing</b>		
Time	Item	Attendees
9:05am – 10:35am	2019-20 Business Case Review  Cr Hart left the meeting at 9:34am; returned at 9:39am Cr McCracken left the meeting at 9:49am; returned at 9:51am Cr Potter left the meeting at 10:35am and did not return	Toni Saunders Jason Clissold Nick Welsh Nick Howard Paul Jane Frank Castles Richard Bianco





Councillor Briefing (continued)		
Time	Item	Attendees
10:35am – 10:57am	Break	
10:57am – 11:16am	Debt Management & Recovery Policy	Jason Clissold Paul Carmichael
11:16am – 11:33pm	Priority Projects Workshop  Cr Hart left the meeting at 11:27am; returned at 11:30am Cr Schram left the meeting at 11:30am; returned at 11:31am	Alison Martin
11:33am – 11:47am	Quarterly Performance Report 2018-2019  Cr Schram left the meeting at 11:41pm and did not return	Jason Clissold Melanie Duvé
11:47am – 12:05pm	2017-2021 Council Plan Review	Melanie Duvé
12:05pm – 12:17pm	Councillor Bulletin and Communications	Alison Martin Sarah Osborne
12:17pm – 12:29pm	General Business <ul style="list-style-type: none"> <li>• Letters for members of the community</li> <li>• Truck curfew</li> <li>• Community positions on G21 pillars</li> <li>• Passenger rail – Discussion with Transport For Victoria</li> </ul>	
12:29pm	Meeting closed	



## 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.

### Assembly Details: Colac Saleyards Advisory Committee

Date: Friday: 25/01/2019

Time: 8.30am – 10.00am

Assembly Location: Colac Regional Saleyards, Ballarat Road 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 Smith

Officer/s: Gary Warrener / Graeme Riches

Matter/s Discussed Saleyards operations

(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: ...../...../.....  
...../...../.....

Officer/s: ...../...../.....  
...../...../.....

Left meeting at: No conflict of interest declared

Completed by:  .....

## 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: 29 / 01 / 2019

Time: 1:00pm to 2:45pm

Assembly Location: COPACC

(some e.g's. COPACC, Colac Otway Shire Offices, 2 - 6 Rae Street, Colac, Shire Offices - Nelson Street, Apollo Bay)

### In Attendance:

Councillors: Cr. Chris Smith / Cr. Jason Schram

Officer/s: Stewart Anderson / Emma Cound

Matter/s Discussed: Lake Colac works, lake bacteria levels, member changes, Meredith Park

(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:

Officer/s:

Left meeting at: 2:45pm

Completed by: Stewart Anderson

## Assembly of Councillors

### INVITEES:

Cr Smith, Cr Hanson, Cr Hart, Cr Schram, Cr Potter, Cr McCracken, Cr Crook, Peter Brown, Tony McGann, Errol Lawrence, Ian Seuren

### ATTENDEES:

Cr Hart, Cr Schram, Cr Potter, Cr Crook, Cr Hanson, Cr McCracken, Peter Brown, Tony McGann, Errol Lawrence, Ian Seuren, Sarah McKew, Jason Clissold, Michael Swanson, Doug McNeill, Bláithín Butler, Paul Jane, Alison Martin, Nick Howard

### EXTERNAL ATTENDEES:

Nil

### APOLOGIES:

Nil

### ABSENT:

Cr Smith

Meeting commenced at 11:00am

Declarations of Interest	Item	Reason
Nil		

### Councillor Briefing

Time	Item	Attendees
11:00am – 11:28am	Review of Council Policy 16.3 - Investments	Jason Clissold Nick Howard
11:28am – 11:41am	Designated Area Migration Agreement (DAMA) Cr Hanson arrived at 11:37am	Michael Swanson
11:41am – 11:43am	Break	



Councillor Briefing (continued)		
Time	Item	Attendees
11:43am – 12:05pm	Apollo Bay Resort	Doug McNeill Bláithín Butler
12:05pm – 12:27pm	Central Reserve Renaming Consultation	Paul Jane
12:27pm – 12:35pm	Electronic Entrance Signs Cr Hanson left the meeting at 12:27pm; returned at 12:38pm	
12:35pm – 12:55pm	Priority Projects Cr Hanson left at 12:55pm and did not return	Alison Martin Sarah McKew
12:55pm – 1:30pm	Break	
1:30pm – 1:55pm	Review of Governance Local Law 4 Cr Schram left the meeting at 1:46pm; returned at 1:48pm Cr McCracken arrived at 1:54pm	Sarah McKew
1:55pm	Meeting closed	



## Assembly of Councillors

<b>INVITEES:</b> Cr Hanson, Cr Hart, Cr Schram, Cr Potter, Cr McCracken, Cr Crook, Cr Smith, Peter Brown, Tony McGann, Errol Lawrence, Ian Seuren		
<b>ATTENDEES:</b> Cr Hart, Cr Schram, Cr Potter, Cr McCracken, Cr Crook, Peter Brown, Tony McGann, Errol Lawrence, Ian Seuren, Sarah McKew, Lyndal McLean, Jeremy Rudd, Paul Jane		
<b>EXTERNAL ATTENDEES:</b> Nil		
<b>APOLOGIES:</b> Cr Hanson		
<b>ABSENT:</b> Cr Smith		
Meeting commenced at 2:15pm		
Declarations of Interest	Item	Reason
Nil		
Time	Item	Attendees
2:15pm – 2:52pm	Ordinary Council Meeting Preparation Cr Hanson arrived at 2:35pm	Sarah McKew Paul Jane Jeremy Rudd Lyndal McLean
	Meeting closed at 2:52pm	







## Assembly of Councillors

<b>INVITEES:</b> Cr Smith, Cr Hanson, Cr Hart, Cr Schram, Cr Potter, Cr McCracken, Cr Crook, Peter Brown, Tony McGann, Errol Lawrence, Ian Seuren, Sarah McKew		
<b>ATTENDEES:</b> Cr Smith, Cr Hanson, Cr Hart, Cr Schram, Cr Potter, Cr McCracken, Cr Crook, Peter Brown, Tony McGann, Errol Lawrence, Ian Seuren, Toni Saunders, Jason Clissold, Doug McNeill, Simon Clarke, Jeremy Rudd, Frank Castles, Nick Howard, Nicholas Welsh		
<b>EXTERNAL ATTENDEES:</b> Brendan Reidy, Ross Higgins and John Callahan (Colac Aero Club)		
<b>APOLOGIES:</b> Nil		
<b>ABSENT:</b> Nil		
Meeting commenced at 9:03am		
Declarations of Interest	Item	Reason
Nil		
<b>Councillor Briefing</b>		
Time	Item	Attendees
9:03am – 10:34am	2019-20 Business Case Priorities  Cr Crook left the meeting at 9:10am; returned at 9:13am	Jason Clissold Toni Saunders Nick Howard Nick Welsh Jeremy Rudd Frank Castles
10:34am – 10:50am	Break	



Councillor Briefing (continued)		
Time	Item	Attendees
10:50am – 11:04am	Princes Highway West and Entry Signs	Jeremy Rudd
11:04am – 11:12am	Priority Projects	Alison Martin
11:12am – 11:52am	Colac Municipal Aerodrome Cr McCracken arrived at 11:15am Cr Smith arrived at 11:15am; left at 11:52am and did not return	Brendan Reidy Ross Higgins John Callahan
11:52am – 12:00pm	Break	
12:00pm – 12:45pm	Colac CBD & Entrances Project Implementation Update	Doug McNeill Simon Clarke
12:45pm – 1:35pm	Break	
1:35pm – 2:35pm	General Business <ul style="list-style-type: none"> <li>• Legal opinion on penalty interest</li> <li>• Otway Heath amalgamation</li> <li>• Proposed roundabout at intersection of Great Ocean Road and Nelson Street, Apollo Bay</li> <li>• Botanic Café lease</li> <li>• Hard waste</li> <li>• Change of road name – Malhoff Road</li> <li>• Support of immigrant</li> <li>• Genetically modified crops</li> </ul> <p>Cr Hanson left the meeting at 2:24pm; returned at 2:26pm</p>	
2:35pm	Meeting closed	



## Assembly of Councillors

### INVITEES:

Cr Smith, Cr Hanson, Cr Hart, Cr Schram, Cr Potter, Cr McCracken, Cr Crook, Peter Brown, Tony McGann, Errol Lawrence, Ian Seuren

### ATTENDEES:

Cr Crook, Cr Hanson, Cr Hart, Cr McCracken, Cr Potter, Cr Schram, Peter Brown, Errol Lawrence, Tony McGann, Ian Seuren, Sarah McKew, Doug McNeill, Stewart Anderson, Suzanne Barker, Simon Clarke, Mark McLennan, James Myatt, Jason Clissold, Paul Jane, Nicole Frampton, Alison Martin, Buddhima Edi, Kristy Cochrane, Jade Thomas, Frank Castles, Tim Brain, Nick Howard

### EXTERNAL ATTENDEES:

David D'Aprano (Chief Executive Officer, Assetic), Ashay Prabhu (Managing Director, Assetic), Tracey Slatter (Managing Director, Barwon Water)

### APOLOGIES:

Nil

### ABSENT:

Cr Smith

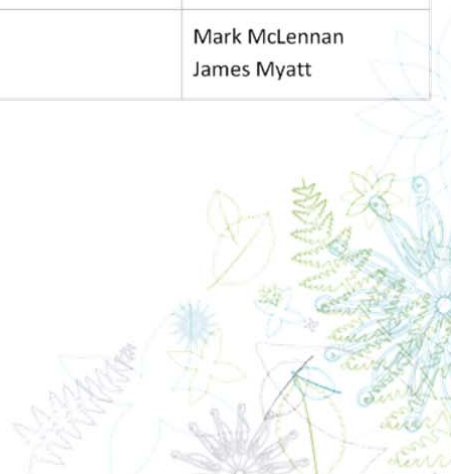
Meeting commenced at 9:45am

Declarations of Interest	Item	Reason
Nil		

### Councillor Briefing

Time	Item	Attendees
9:45am – 10:44am	<p>Asset Management Plans - Transport Assets &amp; Building Assets</p> <p>Cr Hanson arrived at 10:02am</p> <p>Cr Schram arrived at 10:37am</p>	<p>Buddhima Edi</p> <p>Kristy Cochrane</p> <p>Jade Thomas</p> <p>Frank Castles</p> <p>David D'Aprano</p> <p>Ashay Prabhu</p>

Councillor Briefing (continued)		
Time	Item	Attendees
10:44am – 11:00am	Break	
11:00am – 12:11pm	Barwon Water  Cr McCracken arrived at 11:04am Cr Hart left the meeting at 11:52am Cr Schram left the meeting at 12:02pm; returned at 12:11pm	Sarah McKew Doug McNeill Stewart Anderson  Tracey Slatter
12:11pm – 1:08pm	Break	
1:08pm – 2:31pm	Amendment C97 - Colac 2050 Growth Plan Submissions  Cr Hart returned at 1:08pm Cr Schram returned at 1:10pm Cr McCracken left the meeting at 2:01pm; returned at 2:11pm	Doug McNeill Suzanne Barker Simon Clarke Tim Brain
2:31pm – 2:39pm	Colac Stormwater Development Strategy Submissions  Chief Executive Peter Brown asked that it be noted in the Minutes of the Assembly that Cr Crook removed his email regarding this item to clarify that he (Cr Crook) does not have a conflict of interest with this item. His conflict of interest is only with <i>Amendment C97 - Colac 2050 Growth Plan Submissions</i> .  Cr Schram left the meeting at 2:32pm; returned at 2:51pm Peter Brown left the meeting at 2:32pm; returned 2:35pm	Suzanne Barker Simon Clarke Tim Brain
2:39pm – 2:51pm	Break	
2:51pm – 3:14pm	Sale of Council Owned Land - Stage 1	Mark McLennan James Myatt



Councillor Briefing (continued)		
Time	Item	Attendees
3:14pm – 3:46pm	2018/19 Mid-Year Budget Review and Recurrent Savings Update  Cr Potter left the meeting at 3:15pm; returned at 3:45pm	Jason Clissold Nick Howard
3:46pm – 4:04pm	Library Services  Cr McCracken left the meeting at 4:03pm	Paul Jane
4:04pm – 4:20pm	Proposed Council Policy - Borrowing	Jason Clissold Nick Howard
4:20pm – 4:33pm	Old Beechy Rail Trail Condition Audit	Paul Jane Nicole Frampton
4:33pm – 4:41pm	Break	
4:41pm – 5:10pm	Priority Projects	Alison Martin
5:10pm – 5:20pm	General Business <ul style="list-style-type: none"> <li>• Inclusion of recycling into Colac Otway Shire procurement</li> <li>• Shared Services Transformation Program</li> </ul>	
5:20pm	Meeting closed	





## MEETING MINUTES

	ITEMS & ACTIONS	RESPONSIBLE OFFICER	ACTION DUE DATE
1.	<p><b>ATTENDEES</b></p> <p>Cr Chris Smith (COS Councillor – Chair),  Tricia Jukes (Land Owner representative),  Noel Barry (Friends of the OBRT representative),  Sue Thomas (Gellibrand/Kawarren representative),  Bernard Jordan (Bushwalking Victoria representative),  Craig Clifford (DELWP representative),  Nicole Frampton (COS Recreation and Open Space Coordinator – Minutes)</p> <p>Non-voting attendees:  Tony Grogan, Philip Dandy, Paul Jane.</p> <p>Special Guests/Invitees: Sarah McKew (COS Manager Governance &amp; Communications), Peter MacDonald (COS Acting Manager Community Services).</p>		
2.	<p><b>APOLOGIES</b></p> <p>Cyril Marriner, Philippa Bailey, Bob Atkins, Virginia Atkins, Jessica Reid (Parks Victoria), Nathan Swain (resigned from Committee on 29/11/2018), Andrew Daffy.</p> <p><b>ABSENT</b></p> <p>Rotary Club of Colac representative (Geoff De La Rue/Wayne Knight), Otway Country to Coast (no current representative),</p>		
3.	<p><b>CONFIRMATION OF MINUTES FROM PREVIOUS MEETING –</b></p> <ul style="list-style-type: none"> <li>Meeting Minutes 9 October 2018</li> <li>Meeting Notes 13 November 2018</li> </ul> <p><b>Moved – Bernard Jordan</b>  <b>Seconded – Noel Barry</b>  <b>Carried.</b></p>		
4.	<p><b>BUSINESS ARISING from previous minutes.</b></p> <ul style="list-style-type: none"> <li>Coram Station Sign replacement. Update: works are still progressing.</li> <li>Committee appointments/membership update. See General Business – Item 12 for discussion</li> <li>Beech Forest to Ferguson maintenance/condition update. See Item 6</li> <li>Outstanding maintenance items – See Item 6</li> <li>Broken trail sign in Gellibrand. Update: This still needs to be fixed, will complete once Coram sign is replaced.</li> <li>OBRT Committee recommended closures. Update: See Item 12 for meeting discussion.</li> </ul>	<p>Noel Barry</p> <p>NF</p> <p>NF</p> <p>NF</p> <p>Noel Barry</p> <p>NF</p>	

5.	<p><b>CORRESPONDENCE – IN</b></p> <ul style="list-style-type: none"> <li>9/10/2018 – Email from Andrew Stoddart – Re Midway Plantations works along the OBRT – works have commenced and will be completed within 4-6 weeks – this section of the trail to remain open.</li> <li>11/10/2018 – Email from JLT – OBRT Risk Assessment Report for Dinmont Ditchley section.</li> <li>30/10/2018 – Email from JLT – OBRT signage feedback.</li> <li>30/10/2018 – Email from Parks Victoria – Re Parks Victoria representative appointment to the OBRT</li> <li>1/11/2018 – Various emails to committee members re Dinmont Ditchley OBRT closure.</li> <li>2/11/2018 – COS Events department – information re discussion for event donation to OBRT maintenance.</li> </ul> <p><b><i>Committee discussion – perhaps the committee needs to consider a motion to suggest that event organisers consider giving a donation to the committee for the use of the trail for events. The donation would be used by the committee for ongoing maintenance of the trail. Committee notes this discussion and will consider stating for future requests to use the OBRT for events.</i></b></p> <ul style="list-style-type: none"> <li>6/11/2018 – Rail Trails Australia Spring 2018 Magazine. Magazine sent out to committee members.</li> <li>7/11/2018 – Email from Bernard Jordan – Re: MAV Risk Assessment report and the road sections assessment; and notification that he has sent his resignation to Bushwalking Victoria.</li> <li>13/11/2018 – Email from Tricia Jukes – Apology for today's meeting and copy of bank statement.</li> <li>13/11/2018 – Email from Bernard Jordan – Re: MAV Risk Assessment seeking clarification on Figure 3.1.</li> <li>19/11/2018 – Email from Bushwalking Victoria – Response to request for OBRT Committee Bushwalking Victoria representative</li> <li>19/11/2018 – Email from Bernard Jordan – Re: update/feedback from recent Geelong Bushwalking Club walk along OBRT from Dinmont to Kwarren.</li> <li>19/11/2018 – Email from Andrew Stoddart – Re: Midway update on completed proposed works along the OBRT (email forwarded to the OBRT Committee).</li> <li>29/11/2018 – Email from Nathan Swain – resigning from OBRT Committee. Committee noted Nathan's resignation.</li> <li>30/11/2018 – Email from recent user of the OBRT – Feedback of trail from a recent ride. Email read to the Committee.</li> </ul>		
6.	<p><b>CORRESPONDENCE – OUT</b></p> <ul style="list-style-type: none"> <li>29/10/2018 – Email to JLT – Review of proposed OBRT signage for Dinmont Ditchley areas.</li> <li>30/10/2018 – Email to Parks Victoria – request to nominate a representative to the OBRT.</li> <li>30/10/2018 – Email to Committee Re OBRT Risk Assessment Report findings.</li> <li>31/10/2018 – Email to C &amp; M Smith – Risk Assessment for Beechy Train.</li> <li>2/11/2018 – Email to COS Events department – Re 2019 Otway Trail Run approval – request for additional information re event donation to the</li> </ul>		

	<p>OBRT maintenance.</p> <ul style="list-style-type: none"> <li>6/11/2018 – Email to Committee – Rail Trails Australia Spring 2018 Magazine.</li> <li>19/11/2018 – Email to Bushwalking Victoria – Re: OBRT Committee Bushwalking Victoria representative</li> <li>19/11/2018 – Email to Bernard Jordan – Re update/feedback from recent Geelong Bushwalking Club walk along OBRT from Dinmont to Kawarren – clarification/requests.</li> <li>27/11/2018 – Email to Bernard Jordan – Response to request for clarification of Fig. 3.1 of MAV Risk Assessment.</li> </ul>		
7.	<p><b>WORKS REPORT – Presented by Nicole Frampton</b>  <b><u>Works Report – to be provided by COS Gellibrand Depot</u></b></p> <p>Old Beechy Rail Trail works since the 9 October 2018 meeting.</p> <ul style="list-style-type: none"> <li>Outstanding maintenance items update</li> <li>Works recently completed along the trail</li> </ul> <p>A lot of work has been occurring along the trail recently – a significant amount of work has been completed and is also scheduled to be completed.</p> <p>A defects summary report was viewed onscreen by the committee members present at the meeting. This report listed the:</p> <ul style="list-style-type: none"> <li>Defects by Type</li> <li>Defects by Section</li> <li>Defects Actioned.</li> </ul> <p>A completed report example submitted from the works crew was shown. The audit of the trail undertaken in late September identified 189 defects. 75 of those defects have been addressed with programed works to address the remaining defects.</p> <p>Those who could attend the pre-meeting prior to today's meeting discussed the future presentation of maintenance reports to the committee – A maintenance information report template was presented to the Committee for discussion. The intent would be to send the committee this report every month to keep them updated with works occurring along the trail.</p> <p>Chris flagged the idea of a drive/inspection along the trail prior to the next meeting in February. The committee is keen to do this. Chris to inform the committee members of the proposed date.</p>	Nicole Frampton	
8.	<p><b>FRIENDS REPORT</b></p> <ul style="list-style-type: none"> <li>Nothing further to report.</li> <li>Friends group – no newsletter has been put out since January 2018. Nothing has been completed which could be reported. Philip Dandy asked if anyone has any news or project updates, can they please send them through to him for the Friends of the OBRT Newsletter. Tricia and Sue to provide updates to be included in the newsletter; eg. market exhibitions, grants, events, etc.</li> </ul>	Noel Barry  Tricia, Sue, Philip.	

9.

EXECUTIVE OFFICER REPORT

Nicole Frampton

Pedestrian Tracker Counters – December 2018

	Reading	Ped Count	No of Days	Peds/day
Colac	14828	353	28	13
Coram	5476	241	28	9
Maggio's Rd.	37973	950	55	17
Maxwell Rd.	94715	353	28	13
Fry's Rd.	Not Provided			
Larson's Gate	Not Provided			
Zappelli's	38790	690	83	8
Ditchley	16041	1605	93	17
Beech Forest	9209	492	83	6
Fairyland	128987	310	83	4

Event Applications

- Nil received.

Upcoming Events

- Rotary Club of Colac – 2019 Otway Trail Run – 31/03/2019.

OBRT Maintenance Budget Report

Hard copy report distributed to committee members.

Month	2018/19 Budget	2017/18 Budget	2016/17 Budget
July	\$1,253 <i>(plus \$26 for bridge works from other budget lines)</i>	\$1,170	\$1,723
August	\$12,296	\$2,269 <i>(plus \$1,963 for bridge works from other budget lines)</i>	\$6,972
September	\$1,567	\$5,572	\$1,702
October	\$1,198	\$1,508 <i>(plus \$631 for bridge works from other budget lines)</i>	\$2,995
November	\$2,376 <i>(plus \$1,152 for bridge works from other budget lines) (costs allocated as at 8/11/2018)</i>	\$859 <i>(plus \$573 for bridge works from other budget lines)</i>	\$4,293
December		\$171	\$6,162
January		\$8,561	\$4,520
February		\$2,527	\$5,378
March		\$4,487	\$5,722
April		\$7,025	\$10,334
May		\$910	\$2,012
June		\$22,079 <i>(plus \$512 for bridge and culvert works from other budget lines)</i>	\$1,926
<b>TOTAL EXPENDITURE FOR OBRT MAINTENANCE BUDGET</b>	<b>\$18,691</b> <i>(as @ 8/11) Budget Allocated \$60,000</i>	<b>\$55,421</b> <i>Budget Allocated \$45,000</i>	<b>\$53,737</b> <i>Budget Allocated \$45,000</i>
<b>TOTAL EXPENDITURE FOR OBRT INCLUDING OTHER BUDGET LINES (Bridges and Culverts)</b>	<b>\$19,869</b>	<b>\$59,100</b>	

- There is no updated budget report for the December meeting - finance figures were not available at the time of the meeting due to the finance



	system upgrades.		
10.	<b>TREASURER'S REPORT</b> <ul style="list-style-type: none"> <li>• Latest bank statement was not available at time of meeting.</li> <li>• As reported at the November 2018 meeting: The bank statement balance as at 31/10/2018 was \$8,291.61. A number of outstanding cheques need to be paid from the recent Hunt for the Golden Gumboot event. Taking these payments into account, the estimated revised balance is \$6,919.70.</li> </ul>	Tricia Jukes	
11.	<b>WORKING GROUPS</b> <u>Marketing/Governance/Promotions/Events Working Group</u> <ul style="list-style-type: none"> <li>• No members in attendance at time of discussion – no update provided.</li> </ul> <u>Maintenance and Future Planning Working Group</u> <ul style="list-style-type: none"> <li>• No meeting held.</li> </ul>		
12.	<b>GENERAL BUSINESS</b> <ul style="list-style-type: none"> <li>• <u>Committee membership/charter update discussion</u> The Committee welcomed Sarah McKew (Manager Governance and Communications) and Peter MacDonald (Acting Manager Community Services) to the meeting.  The chair discussed the current governance situation, and then the committee and governance staff discussed a possible proposed restructure for the committee's membership. There was discussion around the number of community representatives proposed at 4 – committee discussed whether 5-6 would be more appropriate.  The agreed to new proposed committee membership following discussion is: (10 members) <ul style="list-style-type: none"> <li>○ Council (one Councillor and one member of Council staff) – (2)</li> <li>○ 5 x Community Representatives – (5)</li> <li>○ DELWP representative – (1)</li> <li>○ Landowner – (1)</li> <li>○ Friends of OBRT – (1)</li> </ul> </li> </ul> <p>Governance and Committee discussion around the process of re-writing of the current charter. Any amendments to the current committee charter would need to be approved by Council. If endorsed by Council, Council would need to advise those organisations who will be invited to have people represented on the committee and would also need to advise those organisations who will no longer be invited to have representatives on the committee. Those organisations/individuals that will no longer be represented on the committee would still be invited to and welcome to attend meetings but they won't be included in the quorum (the process to attend: the representative(s) would need to notify the chair/secretary of their intention to attend the meeting). The committee can still invite interested parties to attend meetings as required, but they won't be included in the quorum.</p>		



	<p>Frequency of meetings – current charter states “The Committee must meet at least 4 times each year”. Recommended change to the charter by the committee: <b>“meet at least 4 times per year and more often as required as called by the chair”</b>.</p> <p>Governance discussed the future structure of the committee with State Government proposed legislative changes – a proposed new bill will no longer have provision for Section 86 committee’s. Moving forward there will be an opportunity to review the type of committee for the OBRT Committee.</p> <ul style="list-style-type: none"> <li>One proposal would be to become an Advisory Committee to Council. This would require officers to complete an “Assemblies of Council” report for the meeting. Committee Discussion: Committee members are concerned that they will lose their power if they become an Advisory Committee – they want to continue as a Section 86 Committee.</li> </ul> <p>The Committee discussed and agreed that they only want to focus on the review of the charter’s committee membership at this point in time. The committee will look at the type of committee in the future. This is a unique committee structure which is acting as both an advisory committee as well as a “doing” committee. The committee wants to ensure that the committee members continue to be covered under Council’s insurance.</p> <p><b>Motion:</b> “That the Old Beechy Rail Trail Committee request that Council officers work towards, as soon as possible, seeking Council approval to amend the Old Beechy Rail Trail Committee Charter by changing the committee membership to reflect the Committee’s proposal of: two (2) Council representatives (one Councillor and one member of Council staff); five (5) Community representatives; one (1) DELWP representative (Department of Environment, Land, Water and Planning); one (1) Landowner representative; and one (1) Friends of the Old Beechy Rail Trail representative; and amend Section 3.3 of the current charter to include “more often as required as called by the chair”.</p> <p><b>Moved: Tricia Jukes</b> Second: Noel Barry Carried.</p> <ul style="list-style-type: none"> <li>With Bernard’s resignation from the Committee, the Chair on behalf of the Committee, thanked Bernard for his contribution on the committee and wished him all the best for the future.</li> <li><u>OBRT Risk Assessment Report – Dinmont to Ditchley Closure</u> Committee Discussion – around the report’s recommendations. <ul style="list-style-type: none"> <li>There was discussion around the Risk Assessment matrix to which this section has been assessed against. Cyclists – the committee feels this section of the trail is not suitable for cyclists (even if works were to occur for it to re-open). There is a need to put signage on the road to inform road and trail users that cyclists may be using the road. Based on the report better permanent signage will be required on the road. Walkers – the committee is of the opinion that this section is appropriate</li> </ul> </li> </ul>	Nicole Frampton	
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only for advanced walkers. This section is not suitable for families. Better signage needs to be installed to warn users of the difficult section of the trail – whilst this is noted in the trails brochure, there is nothing onsite to pre-warn users prior to entering the Ditchley gully section. During the construction of the trail, this section was problematic with the need to address environmental sensitivities, cultural heritage, flora and fauna.

Committee discussion around forming an opinion as to whether the Dinmont to Ditchley section of the trail should re-open or whether it should stay closed and continue to divert users onto the road.

**Committee's Opinion** – until the land tenure is resolved and re-aligned the trail should not be re-opened.

**Motion:** "That the Old Beechy Rail Trail Committee reinforces its position that the rail trail section through Humphris (Dinmont to Ditchley) remain closed due to risk factors and until such time as the steep section and the cattle crossing section are rectified in line with the committees expectations, and that the committee request that Council do the appropriate work on the road section to mitigate our risks as identified in the MAV Insurance Risk Assessment Report."

**Moved: Tricia Jukes**

Seconded: Noel Barry

Carried.

- OBRT Audit – Management Update  
This is still being completed.
- Old Beechy “Train” rides (by C & M Smith) along the Old Beechy Rail Trail for the 2018/19 season
  - C. Smith advised that the train will operate again if the committee votes for it to go ahead.
  - The train is expected to operate from Gellibrand to Dinmont from now until May 2019. The train rides will operate the same as previous years (approximately 10 train rides conducted per year).
  - A Risk Assessment must be provided to Council and reviewed prior to conducting any train rides along the trail on behalf of the committee. The train will be required to operate in accordance with the completed Risk Assessment.
  - The dates of use must be provided to Council prior to using the train along the trail. All bookings will be entered into the OBRT calendar bookings system. This is required to ensure maintenance works can be scheduled around the train’s use of the trail.
  - A report will need to be provided to the committee at the conclusion of the trains operating season.

C. Smith left the room whilst the matter was discussed.

Sue Thomas took over the role of chair whilst the committee members discussed the operation of the "train" for the 2018/19 season.

Nicole Frampton

Chris Smith

Chris Smith

Chris Smith

<p><b>Motion:</b> "That the Old Beechy Rail Trail Committee members agree to C &amp; M Smith operating the "train" on behalf of the Old Beechy Rail Trail Committee from December 2018 until the end of May 2019 as detailed above and as per the Risk Assessment and dates of use being provided to Colac Otway Shire prior to the "trains" use of the trail".</p> <p><b>Moved: Tricia Jukes</b>  Seconded: Noel Barry  Carried.</p> <p>C. Smith re-entered the room and was advised of the outcome of the decision.</p> <ul style="list-style-type: none"> <li>• <u>Colac Station Section of the OBRT</u>  No meeting has been organised. Nicole to organise a meeting with Chris, Tricia, Sue and Philippa once the OBRT Audit and Management Plan have been completed. To be discussed at the Committee level once a meeting has occurred.</li> <li>• <u>Humphris land titles – Humphris property/land transfer update.</u>  Cr Smith provided the committee members with an update following recent discussions with the landowner.  The landowner whilst frustrated that this has taken so long, is happier now with the way things are progressing.  Nicole and the property department will continue to work with the landowner to get the land transfer completed.</li> <li>• <u>Long Term Leases/List of Landholders (including map)/Harris Road property/Kawarren Station Photo</u>  Items carried over to February 2019 meeting.</li> <li>• <u>Midway Plantations – current and scheduled works</u>  Works have recently been completed with the trail re-opened for the holiday period. Midway have changed the dates of their works so the trail can remain open over the peak holiday period. Scheduled works will now commence at the end of the January school holidays.</li> <li>• <u>2019 Meeting Frequency and Dates</u>  As per the November meeting discussion – No meeting is scheduled for January. The next meeting will be 5th February with 2019 meetings to be scheduled at that meeting.</li> <li>• <u>Beech Forest Aqua Duct</u>  A local resident is undertaking some works on the aqua duct. Upon inspection of the site, the works are quite significant and being carried out on Council owned land. Council will be following this up with the local resident.  The committee has no issue with preserving what is there, however is opposed to any works which alter or cause destruction of the trail.</li> <li>• <u>Crowes Buffer Stop</u>  A recent inspection of this area was undertaken and the committee</li> </ul>	<p>Chris Smith</p> <p>Nicole Frampton</p> <p>Nicole Frampton</p>
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	<p>member was pleasantly surprised with condition. The buffer stop itself will need some work in the future. Sleepers are way past their used by date, but you would leave. Access from the carpark was a bit overgrown. However area generally acceptable.</p> <ul style="list-style-type: none"> <li>Timber trolley/OBRT information building at Rex Norman Park, Gellibrand Works are required. If Council is going to undertake any works on this building, the Committee would like to know what is going to happen prior to any works occurring. Noted.</li> </ul>		
13.	<p>Meeting closed 11:52am.</p> <p><b>Next Committee meeting:</b>  <b>Tuesday 5 February 2018 – 10:00am to 11:30am</b>  <b>Venue – COPACC Meeting Room 2</b>  Working Group meetings: 9:00am to 10:00am – TBC.</p> <p><b>2019 Committee Meeting Dates:</b></p> <ul style="list-style-type: none"> <li>Remaining 2019 meeting dates to be determined at February 2019 meeting.</li> </ul> <p><b>2018/2019 Meeting Times:</b></p> <ul style="list-style-type: none"> <li>9:00 – 10:00am – working group meetings (TBA) – contact Nicole if meetings are going to be held so that emails can be forwarded to all members to attend if they are interested.</li> <li>10:00 – 11:30am – Old Beechy Rail Trail Committee Meeting</li> </ul>		